



46th Parliament

Senate Journals

No. 65: Wednesday, 2 September 2020

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1 Meeting of Senate

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

2 Documents

The 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.]

Autonomous Sanctions Act 2011—Autonomous Sanctions Regulations 2011—Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Ukraine) Continuing Effect Declaration 2020 (No 2) [F2020L01089].

Bankruptcy Act 1966—Bankruptcy (Registered Debt Agreement Administrator Conditions) Determination 2020 [F2020L01098].

Competition and Consumer Act 2010—Competition and Consumer (Price Inquiry—Perishable Agricultural Goods) Direction 2020 [F2020L01103].

Defence Act 1903—Defence Determination, Conditions of service Amendment Determination 2020 (No. 17) [F2020L01106].

Excise Act 1901—Excise (Spirit blending exemptions) Determination 2020 (No. 1) [F2020L01108].

Food Standards Australia New Zealand Act 1991—

Food Standards (Application A1184 – Glucoamylase from GM *Aspergillus niger* (donor *Trametes cingulata*)) Variation [F2020L01111].

Food Standards (Application A1185 – Alpha-amylase from GM *Aspergillus niger* as a processing aid (enzyme)) Variation [F2020L01113].

Higher Education Support Act 2003—Higher Education Support (University College London) Higher Education Provider Approval Revocation 2020 [F2020L01099].

Industry Research and Development Act 1986—Industry Research and Development (Eat Seafood Australia Program) Instrument 2020 [F2020L01101].

National Health Act 1953—

National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2020 (No. 7)—PB 83 of 2020 [F2020L01091].

National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2020 (No. 7)—PB 82 of 2020 [F2020L01090].

National Health (Immunisation Program – Designated Vaccines) Amendment Determination (No. 3) 2020 [F2020L01097].

National Health (Listed drugs on F1 or F2) Amendment Determination 2020 (No. 8)—PB 84 of 2020 [F2020L01087].

National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2020 (No. 4)—PB 33 of 2020 [F2020L00523]—Replacement explanatory statement.

National Health (Originator Brand) Amendment Determination 2020 (No. 5)—PB 85 of 2020 [F2020L01086].

National Health (Price and Special Patient Contribution) Amendment Determination 2020 (No. 7)—PB 86 of 2020 [F2020L01092].

Seat of Government (Administration) Act 1910—National Land (Road Transport) Ordinance 2014—Pay Parking Fees Rule 2020 [F2020L01059].

Social Security Act 1991 and *Coronavirus Economic Response Package Omnibus Act 2020*—Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020 [F2020L01093].

Therapeutic Goods Act 1989—Therapeutic Goods Legislation Amendment (Fees and Other Measures) Regulations 2020 [F2020L00720]—Replacement explanatory statement.

Veterans' Entitlements Act 1986—

Statement of Principles concerning aplastic anaemia (Balance of Probabilities)—No. 59 of 2020 [F2020L01088].

Statement of Principles concerning aplastic anaemia (Reasonable Hypothesis)—No. 58 of 2020 [F2020L01085].

Statement of Principles concerning carotid artery disease (Balance of Probabilities)—No. 55 of 2020 [F2020L01100].

Statement of Principles concerning carotid artery disease (Reasonable Hypothesis)—No. 54 of 2020 [F2020L01096].

Statement of Principles concerning chloracne (Balance of Probabilities)—No. 63 of 2020 [F2020L01107].

Statement of Principles concerning chloracne (Reasonable Hypothesis)—No. 62 of 2020 [F2020L01104].

Statement of Principles concerning chronic pancreatitis (Balance of Probabilities)—No. 65 of 2020 [F2020L01105].

Statement of Principles concerning chronic pancreatitis (Reasonable Hypothesis)—No. 64 of 2020 [F2020L01102].

Statement of Principles concerning malignant neoplasm of bone and articular cartilage (Balance of Probabilities)—No. 67 of 2020 [F2020L01112].

Statement of Principles concerning malignant neoplasm of bone and articular cartilage (Reasonable Hypothesis)—No. 66 of 2020 [F2020L01110].

Statement of Principles concerning renal artery atherosclerotic disease (Balance of Probabilities)—No. 57 of 2020 [F2020L01095].

Statement of Principles concerning renal artery atherosclerotic disease (Reasonable Hypothesis)—No. 56 of 2020 [F2020L01094].

Veterans' Entitlements (Provisional Access to Medical Treatment) Amendment Determination No. 2 2020—Instrument 2020 No. R28 [F2020L01109].

The Clerk tabled the following document pursuant to the order of the Senate of 20 June 2001, as amended:

Entity contracts for 2019-20—Letter of advice—Education, Skills and Employment portfolio.

3 **Committee—Leave to meet during sitting**

The Finance and Public Administration Legislation Committee was authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 10.55 am.

4 **Fair Work Amendment (COVID-19) Bill 2020—Proposed consideration**

Leave refused: Senator Faruqi sought leave to move a motion relating to the consideration of the Fair Work Amendment (COVID-19) Bill 2020. An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Faruqi, at the request of the Leader of the Australian Greens in the Senate (Senator Waters) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent her moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the consideration of the Fair Work Amendment (COVID-19) Bill 2020.

Debate ensued.

Question put.

The Senate divided—

AYES, 22

Senators—

Ayres	Green	McKim	Siewert
Bilyk	Hanson-Young	O'Neill	Urquhart*
Carr	Lambie	Polley	Walsh
Farrell	Lines	Pratt	Watt
Faruqi	McAllister	Sheldon	Wong
Gallagher	McCarthy		

NOES, 25

Senators—

Antic	Colbeck	Hume	Ruston
Askew	Cormann	McGrath	Ryan
Birmingham	Davey	McLachlan	Seselja
Bragg	Duniam	O'Sullivan	Smith, Dean*
Brockman	Fawcett	Paterson	Stoker
Cash	Henderson	Reynolds	Van
Chandler			

* Tellers

Question negated.

5 **Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020**

Order of the day read for the adjourned debate on the motion of the Minister for Finance (Senator Cormann)—That this bill be now read a second time.

Debate resumed.

Senator Farrell moved the following amendment:

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

- (a) is of the opinion that Australia’s electoral system would be strengthened by:
 - (i) lowering the disclosure threshold for political donations from the current \$14,300 to \$1,000,
 - (ii) removing the indexation of the political donation disclosure threshold, and
 - (iii) requiring recipients of political donations to disclose those donations within seven days;
- (b) notes that the Opposition has introduced the Commonwealth Electoral Amendment (Transparency Measures—Lowering the Disclosure Threshold) Bill 2019 and the Commonwealth Electoral Amendment (Transparency Measures—Real Time Disclosure) Bill 2019, which, if enacted, would achieve these outcomes;
- (c) calls on the Government to support these bills; and
- (d) is also of the opinion that Australia’s electoral system would be further strengthened by:
 - (i) implementing caps on political donations and electoral expenditure,
 - (ii) increasing the rate of public funding concurrently with the implementation of these caps, to reduce the reliance of participants in the political process on political fundraising, and
 - (iii) introducing administrative funding for parties and elected independents to cover administrative and operating expenses”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 24

Senators—

Ayres	Gallagher	McAllister	Pratt
Bilyk	Green	McCarthy*	Sheldon
Carr	Griff	McKim	Siewert
Chisholm	Hanson-Young	O’Neill	Urquhart
Farrell	Lambie	Patrick	Walsh
Faruqi	Lines	Polley	Watt

NOES, 24

Senators—

Antic	Cormann	McLachlan	Ruston
Bragg	Fierravanti-Wells	O’Sullivan	Ryan
Brockman*	Henderson	Paterson	Seselja
Cash	Hume	Payne	Smith, Dean
Chandler	McGrath	Rennick	Stoker
Colbeck	McKenzie	Reynolds	Van

* Tellers

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

Main question put.

The Senate divided—

AYES, 42

Senators—

Antic	Farrell	McGrath	Reynolds
Ayres	Fierravanti-Wells	McKenzie	Ruston
Bilyk	Gallagher	McLachlan	Ryan
Birmingham	Green	O'Neill	Seselja
Bragg	Griff	O'Sullivan	Sheldon
Brockman*	Henderson	Paterson	Smith, Dean
Carr	Hume	Patrick	Stoker
Cash	Lambie	Payne	Urquhart
Chandler	Lines	Polley	Van
Colbeck	McAllister	Rennick	Walsh
Cormann	McCarthy		

NOES, 4

Senators—

Faruqi	Hanson-Young	McKim	Siewert*
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* Tellers

Question agreed to.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

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

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

Schedule 1, item 2, page 3 (before line 11), before the definition of *federal purpose*, insert:

federal account means an account where:

- (a) the only amounts deposited into the account are amounts to be used only for a federal purpose; and
- (b) the only amounts withdrawn or transferred from the account are amounts:
 - (i) withdrawn or transferred for a federal purpose; or
 - (ii) transferred to another federal account.

Example: A federal account of a federal party may be established by the federal party or a State branch of the federal party.

Schedule 1, page 3 (after line 29), after item 2, insert:

2A Subsection 287(1) (definition of *State or Territory electoral law*)

After “means a law”, insert “(including a part of a law)”.

Schedule 1, item 25, page 8 (lines 14 to 30), omit subsections 302CA(4) to (8), substitute:

Receiving or keeping gifts—money

- (4) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may receive a gift of money if:
 - (a) the money is deposited into a federal account as soon as practicable after the money is received; and
 - (b) the money is not transferred or withdrawn out of the account except:
 - (i) to use the money for federal purposes; or
 - (ii) to transfer the money to another federal account.
- (4A) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may keep a gift of money if:
 - (a) the money is kept in a federal account; and
 - (b) the money is not transferred or withdrawn out of the account except:
 - (i) to use the money for federal purposes; or
 - (ii) to transfer the money to another federal account.
- (4B) To avoid doubt, subsections (4) and (4A) are taken never to have applied if, at any time, the money is transferred or withdrawn out of the account, or any other federal account, except as provided by subparagraph (4)(b)(i) or (ii) or (4A)(b)(i) or (ii).

Receiving or keeping gifts—gifts other than money

- (5) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may receive or keep a gift that is not money unless the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal purposes.
- (5A) To avoid doubt, subsection (5) is taken never to have applied if, at any time, the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal purposes.

Receiving or keeping gifts—additional operation

- (6) Subsections (4), (4A) and (5) also have the effect they would have if a reference to a gift were confined to a gift expressly given for federal purposes.

Using gifts—money

- (7) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift of money for federal purposes if the gift has been continuously kept in a federal account since it was deposited in that account, or any other federal account, in accordance with subsection (4).

Using gifts—gifts other than money

- (7A) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift, that is not money, for federal purposes if the gift has been continuously kept for federal purposes since it was received.

Using gifts—relationship with State or Territory electoral laws

- (8) To avoid doubt, the fact that, as a result of subsection (7) or (7A), a State or Territory electoral law does not prohibit the use of a gift does not prevent that law from prohibiting the offering, seeking, giving, receiving or keeping of the gift.

Schedule 1, item 25, page 9 (after line 3), at the end of section 302CA, add:

Parts of gifts

- (10) For the purposes of this section, if a part of a gift is offered, sought, given, received, kept or used for a particular purpose, and that same action is taken in relation to another part of the gift for a different purpose, each part of the gift is taken to be a separate gift.

Schedule 1, item 27, page 9 (lines 10 to 28), omit subsections 314B(1) to (4), substitute:

Disclosure of amounts and benefits given etc.

- (1) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) if the person or entity expressly gives the amount to, or for the benefit of, a regulated entity for federal purposes.
- (1A) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, if the person or entity expressly provides the benefit to, or for the benefit of, a regulated entity for federal purposes.

Note: For the definition of **non-monetary benefit**, see subsection (8).

Disclosure of amounts and other benefits received

- (1B) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) that is received by or on behalf of the regulated entity if:
- (a) the amount is deposited into a federal account as soon as practicable after the amount is received; and
 - (b) the amount is not transferred or withdrawn out of the account except:
 - (i) to use the amount for federal purposes; or
 - (ii) to transfer the amount to another federal account.
- (1C) To avoid doubt, subsection (1B) is taken never to have applied if, at any time, the amount is transferred or withdrawn out of the account, or any other federal account, except as provided by subparagraph (1B)(b)(i) or (ii).
- (2) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, that is received by or on behalf of the regulated entity unless the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal purposes.
- (3) To avoid doubt, subsection (2) is taken never to have applied if, at any time, the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal purposes.
- (4) Subsections (1B) and (2) also have the effect they would have if a reference to an amount or benefit were confined to an amount or benefit expressly given or provided for federal purposes.

Schedule 1, item 27, page 10 (lines 8 to 18), omit subsection 314B(7), substitute:

Interpretation

- (7) Despite any State or Territory electoral law, if, as a result of this section, a person or entity is not required to disclose under that law an amount, information or value referred to in this section (the **federal information**), then:
- (a) it is immaterial whether the federal information is required to be included in a return provided under this Part; and

- (b) a total amount, or information relating to a total amount, that is required to be disclosed under that law is not required to include the federal information.
- (8) A ***non-monetary benefit*** is a gift, or a good or service that is lent, that is not money.
- (9) For the purposes of this section, if an action (such as, giving or using) is taken in relation to a part of an amount or non-monetary benefit for a particular purpose, and that same action is taken in relation to another part of the amount or benefit for a different purpose, each part of the amount or benefit is taken to be a separate amount or benefit.

Compulsory production provisions excluded

- (10) This section does not apply in relation to any compulsory production provision in a State or Territory electoral law.
- (11) A ***compulsory production provision*** in a State or Territory electoral law is a provision that confers a power on a person or body (the ***regulator***) to compel a particular person to disclose information (including an amount or value) for the purposes of the regulator investigating a potential contravention of that or any other law.

Note: A provision that confers a power for a person or body to give a notice to produce to a regulated entity is an example of a compulsory production provision.

Schedule 1, page 10 (after line 18), after item 27, insert:

27A After subsection 317(1)

Insert:

- (1A) A person or entity (the ***record keeper***) must keep records in accordance with subsections (2) and (3) for the purposes of allowing a person, court or other body to determine whether section 302CA or 314B applies in relation to the record keeper.

Example: A statement of all transactions into and out of a federal account is example of a record that must be kept for the purposes of this subsection.

Civil penalty: 200 penalty units.

27B Subsection 317(2)

After “A record”, insert “kept under subsection (1) or (1A)”.

27C At the end of subsection 317(2)

Add:

- ; and (e) if the record relates to the application of section 302CA or 314B—5 years after the day the relevant gift, amount or benefit is offered, sought, given, provided, received or used, or the relevant expenditure or debt is incurred.

27D Subsection 317(3)

Omit “A record”, substitute “The record”.

Schedule 1, item 34, page 11 (line 30), after “amounts given,”, insert “non-monetary benefits provided,”.

At 12.45 pm: The committee reported progress.

6 Senators' statements

Senators made statements.

7 Questions

Questions without notice were answered.

8 Motions to take note of answers

Senator Gallagher moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Wong) today relating to the economy.

Debate ensued.

Question put and passed.

Senator Faruqi moved—That the Senate take note of the answers given by the Minister for Trade, Tourism and Investment (Senator Birmingham) to questions without notice asked by Senators Faruqi and Whish-Wilson today relating to early childhood education and to offshore oil and gas drilling.

Debate ensued.

Question put and passed.

9 Notices

Senator Steele-John: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Royal Commissions Act 1902*, and for related purposes. ***Royal Commissions Amendment (Confidentiality Protections) Bill 2020.*** (*general business notice of motion no. 780*)

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

(a) notes that:

- (i) Australia's Collins Class submarines provide vital capability for the Australian Defence Force, yet in June 2011 not one could go to sea,
- (ii) over half a decade later and after significant investment, the current sustainment model, with short term maintenance activities in Western Australia (WA) and full-cycle dockings in South Australia (SA), is achieving world benchmarks,
- (iii) ASC South Australia sends experts to WA to resolve complex maintenance issues,
- (iv) there is a proposal before Government to move full-cycle dockings from SA to WA, which would result in:
 - (A) a loss of corporate knowledge,
 - (B) negative impact on the sustainment model, and potential reduction of submarine availability, and
 - (C) at best, only similar outcomes would be achieved, thus the cost of the move cannot represent value for money, and
- (v) the response to COVID-19 has:
 - (A) introduced levels of concern and stress on Australian workers, and
 - (B) is disrupting state economies; and

(b) calls on the Federal Government to:

- (i) recognise the success of the current sustainment model, and
- (ii) provide stability for the employees of ASC and the South Australian economy by retaining all Collins Class submarine full-cycle docking activities in SA. (*general business notice of motion no. 781*)

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

- (a) notes that:
 - (i) the Prime Minister has established a ‘National Cabinet’ comprising of the Prime Minister, state Premiers, and territory Chief Ministers,
 - (ii) the Prime Minister has claimed that National Cabinet is to be part of the Federal Government’s Cabinet system and subject to requirements of Cabinet secrecy, and
 - (iii) the Department of the Prime Minister and Cabinet has claimed National Cabinet’s records and deliberations are exempt completely from release under the *Freedom of Information Act 1982*, and Cabinet secrecy has also been applied to the deliberations of other bodies including the National COVID-19 Advisory Commission and the Australian Health Protection Principal Committee;
- (b) considers:
 - (i) the creation of National Cabinet as a part of the Federal Cabinet system to be inconsistent with long-established principles of responsible Cabinet Government in Australia, and
 - (ii) that the assertion of Cabinet secrecy in relation to National Cabinet and the deliberations of associated bodies is excessive, impedes the proper scrutiny of Executive Government, and is not supported by the law; and
- (c) urges consideration be given to the introduction of legislation that would place key aspects of long-established and accepted Cabinet convention and practice on a statutory basis. (*general business notice of motion no. 782*)

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

- (a) notes that:
 - (i) in 1999, the first National Packaging Covenant was developed under the National Environment Protection (Used Packaging Materials) Measure,
 - (ii) in 2005, the second National Packaging Covenant set a recycling target of 30% to 35% of plastic packaging to be achieved by 2010,
 - (iii) in 2010, the Action Plan for the third Australian Packaging Covenant did not include a specific recycling target for plastic packaging,
 - (iv) in 2018, the fourth Australian Packaging Covenant included a recycling target of 70% of plastic packaging to be achieved by 2025, and
 - (v) the current rate of recycling for plastic packaging is 16%, which is only 50% of the 2005 target; and
- (b) acknowledges that:
 - (i) packaging is a significant source of problematic single-use plastic in the waste stream and the marine environment,
 - (ii) the Australian community is demanding federal leadership on solving the current waste crisis,
 - (iii) voluntary targets for plastic packaging recycling have never been met, and

- (iv) in twenty years, no enforcement action has been taken or penalties levied on the Australian Packaging Covenant Organisation or any other organisation by state or federal authorities over failure to meet recycling targets. (*general business notice of motion no. 783*)

Senators Chisholm, Watt and Green : To move on the next day of sitting—That the Senate notes—

- (a) the decision by the Liberal National Party in Queensland to preference the Greens in the state seat of South Brisbane; and
- (b) with concern:
 - (i) that this decision increases the chances of a minority government in Queensland, and
 - (ii) the Greens policies would do great economic damage to Queensland at a time when every job is vital as we look to recover from COVID-19. (*general business notice of motion no. 784*)

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

- (a) notes that:
 - (i) 3 September is Merchant Navy Day, and
 - (ii) the Merchant Navy was comprised of mostly civilian crews and was responsible for ensuring that valuable cargo reached the personnel who needed it most; the merchant navy ships and their crew – merchant mariners – often served in very challenging and dangerous circumstances – many did so without defences as they were often unarmed, and merchant vessels were attacked in distant waters and within sight of the Australian coastline, while crossing common trade routes;
- (b) acknowledges the invaluable role the Merchant Navy has played in the more than 100 years since it first served our nation, especially in both world wars; and
- (c) pays tribute to the bravery and sacrifices of our merchant mariners, who have served our nation with distinction. (*general business notice of motion no. 785*)

The Chair of the Economics References Committee (Senator Gallacher): To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) the Economics References Committee has repeatedly requested information relevant to its inquiry into Australia's sovereign naval shipbuilding capacity from the Department of Defence, and
 - (ii) in response to requests for information made on 24 February, 5 May, 3 June and 18 June 2020, the Department of Defence either failed to respond or failed to raise a public interest immunity claim when declining to provide the information;
- (b) considers that, as a matter of parliamentary oversight, it is vital that the committee obtain the requested information so that it is not impeded in its inquiry;
- (c) reaffirms the principle that information may only be withheld following consideration by the Senate of a properly founded claim of public interest immunity, as laid out in the order of the Senate of 13 May 2009 and reaffirmed multiple times since; and

- (d) orders the Secretary of the Department of Defence to provide complete copies of the following documents to the Economics References Committee by no later than 5 pm on 16 September 2020:
- (i) Naval Group's:
 - (A) Australian Industry Capability (AIC) plan submitted under the competitive evaluation process from the then DCNS (November 2015) for the SEA1000 Project, and
 - (B) draft AIC plan and AIC strategy for the Australian Future Submarine Program (May 2018)
 - (ii) in relation to the SEA1000 project:
 - (A) the draft AIC plan (including AIC schedules) submitted as part of the response by Naval Group,
 - (B) the draft AIC plan (including AIC schedules) submitted as part of the response by Lockheed Martin, and
 - (C) the AIC plans delivered to the Commonwealth by Naval Group and Lockheed Martin under their respective contracts,
 - (iii) in relation to the SEA1180 project:
 - (A) the draft AIC plan (including AIC schedules) submitted as part of the response by Luerksen, and
 - (B) the AIC plan included in the contract at effective date,
 - (iv) in relation to the SEA3036 project:
 - (A) the draft AIC plan (including AIC schedules) submitted as part of the response by Austal, and
 - (B) the AIC plan included in the contract at effective date, and
 - (v) in relation to the SEA5000 project:
 - (A) the draft AIC plan (including AIC schedules) submitted as part of the response by BAE Systems,
 - (B) the overarching AIC strategy included in the head contract (at effective date),
 - (C) the AIC plan included in the head contract at effective date, and
 - (D) the AIC plan, which the department has previously advised was to be publicly released in the first quarter of 2020. (*general business notice of motion no. 786*)

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

- (1) The Senate notes that:
 - (a) on 19 August 2020, the Prime Minister and Minister for Health claimed to have signed a COVID-19 vaccine supply deal with AstraZeneca;
 - (b) when the Minister for Health quoted AstraZeneca in the House of Representatives on 1 September 2020, he omitted the company's clarification that it had only signed a 'letter of intent', and that 'there are still many details to be confirmed'; and

- (c) in contrast to Australia's one letter of intent, at least 17 countries have signed at least 49 supply agreements, covering at least six billion doses of potential COVID-19 vaccines.
- (2) There be laid on the table, by the Minister representing the Minister for Health, by no later than 3.30 pm on 3 September 2020, the so-called 'deal' with AstraZeneca referred to by the Minister for Health. (*general business notice of motion no. 787*)

Senators McKenzie, Davey, Canavan and McMahon: To move on the next day of sitting—That the Senate—

- (a) notes that border travel restrictions imposed by state and territory governments have negatively impacted the lives and livelihoods of hundreds of thousands of regional Australians who live and work across border communities;
- (b) further notes that many regional communities are being impacted despite having no local cases;
- (c) expresses concern where restrictions prevent or delay travel for:
 - (i) health purposes,
 - (ii) employment, particularly within the agricultural supply chain,
 - (iii) education:
 - (A) particularly for year 11 and 12 students, and
 - (B) boarding students returning to and from school term; and
- (d) urgently calls on state and territory governments to adopt:
 - (i) a clear national definition of a COVID-19 hotspot,
 - (ii) fair, expeditious and proportionate protocols for essential travel within low-risk regional border communities based on medical advice,
 - (iii) an Agricultural Worker Movement code,
 - (iv) a consistent protocol for boarding students, especially for rural, regional and remote students, and
 - (v) a consistent protocol for people requiring medical treatment regardless of the accessibility of the service in their home state. (*general business notice of motion no. 788*)

Senators Ciccone and Sterle: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) on 21 August 2020, the Prime Minister said that,
 - (A) National Cabinet noted that discussions had commenced on an Agriculture Workers Code and agreed further work be undertaken by agriculture ministers so that a paper could be considered by National Cabinet at its next meeting, and
 - (B) the code will provide for a nationally-consistent approach that would be enforced by relevant states and territories,
 - (ii) on 25 August 2020, National Cabinet agreed to develop a code and expected the code to be presented to state premiers within two weeks, and
 - (iii) on 1 September 2020, Senator McKenzie said the state and federal government must act immediately to get a national agricultural workers code in place;

- (b) further notes, the Minister for Agriculture, Drought and Emergency Management (the Honourable David Littleproud MP) has failed to prioritise the development of the code;
- (c) recognises that the Morrison Government does not understand the urgency of the agricultural worker shortages; and
- (d) calls on the Government to explain:
 - (i) how the code will address the critical workforce shortages in the sector, and
 - (ii) when it will deliver the code. (*general business notice of motion no. 789*)

Senators Wong and Keneally: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) the Australian Government is responsible for borders, quarantine, and assisting Australians in jeopardy and stranded overseas,
 - (ii) the Prime Minister agreed to cap international passenger arrivals on 13 July 2020,
 - (iii) since then, the number of stranded Australians overseas has risen dramatically, with 23,000 Australians unable to get home,
 - (iv) some 15% of these Australians are classified as vulnerable by the Morrison Government, including many with health and financial concerns requiring urgent attention,
 - (v) the United Kingdom Government says Australia is the only country in the world to have actively restricted its citizens returning, and
 - (vi) the Government has made no announcements to indicate it has a plan to lift flight caps or increase quarantine capacity, including identifying new quarantine facilities and training quarantine personnel; and
- (b) calls on the Government to take urgent steps to help every stranded Australian return home by:
 - (i) increasing the number of permitted arrivals under international flight caps through using Commonwealth resources to increase quarantine capacity,
 - (ii) stopping price gouging by airlines flying into Australia, and
 - (iii) putting all options on the table to return stranded Australians, especially from places like the United Kingdom, India, Philippines and Lebanon – including charter flights. (*general business notice of motion no. 790*)

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

- (1) That a select committee, to be known as the Select Committee on Tobacco Harm Reduction, be established to inquire into tobacco reduction strategies, with particular reference to:
 - (a) the treatment of nicotine vaping products (electronic cigarettes and smokeless tobacco) in developed countries similar to Australia (such as the United Kingdom, New Zealand, the European Union and United States), including but not limited to legislative and regulatory frameworks;

- (b) examine the impact nicotine vaping products have had on smoking rates in these countries, and the aggregate population health impacts of these changes in nicotine consumption;
 - (c) the established evidence on the effectiveness of e-cigarettes as a smoking cessation treatment;
 - (d) the established evidence on the uptake of e-cigarettes amongst non-smokers and the potential gateway effect onto traditional tobacco products;
 - (e) evidence of the impact of legalising nicotine vaping products on youth smoking and vaping rates and measures that Australia could adopt to minimise youth smoking and vaping;
 - (f) access to e-cigarette products under Australia's current regulatory frameworks;
 - (g) tobacco industry involvement in the selling and marketing of e-cigarettes; and
 - (h) any other related matter.
- (2) That the committee present its final report on or before 1 December 2020.
 - (3) That the committee consist of six senators, three nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, and one to be nominated by any minor party or independent senator.
 - (4) That:
 - (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minor party or independent senator;
 - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
 - (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee.
 - (5) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
 - (6) That the committee elect as chair one of the members nominated by the Leader of the Government in the Senate and as deputy chair a member nominated by the Leader of the Opposition in the Senate.
 - (7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
 - (8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.
 - (9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

- (10) That the committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.
- (11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 791*)

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

- (1) That a select committee, to be known as the Select Committee on the Aboriginal Flag, be established to inquire into and report on current and former copyright and licensing arrangements for the Aboriginal flag design, with particular reference to:
 - (a) who benefits from payments for the use of the Aboriginal Flag design and the impact on Aboriginal organisations, Aboriginal communities and the broader Australian community of the current copyright and licensing arrangements;
 - (b) options available to the Government to enable the Aboriginal flag design to be freely used by the Australian community, including:
 - (i) negotiated outcomes with licence and/or copyright holders;
 - (A) the merits of compulsory acquisition of licences and/or copyright,
 - (B) ways to protect the rights and interests of the flag's legally recognised creator Mr Harold Thomas, and
 - (C) the fundamental shortcomings of current copyright law with respect to First Nations cultural expression; and
 - (c) any other matters relevant to the enduring and fair use of the Aboriginal flag design by the Aboriginal and Australian community.
 - (2) That the committee present its final report on or before 13 October 2020.
 - (3) That the committee consist of seven senators, as follows:
 - (a) four nominated by the Leader of the Government in the Senate;
 - (b) two nominated by the Leader of the Opposition in the Senate; and
 - (c) one nominated by minor party and independent senators.
 - (4) That:
 - (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
 - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

- (c) a participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (5) That two members of the committee constitute a quorum of the committee, where one member present was appointed to the committee on the nomination of the Leader of the Government in the Senate and one member present was appointed to the committee on the nomination of the Leader of the Opposition in the Senate.
- (6) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (7) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and as deputy chair one of the members nominated by the Leader of the Government in the Senate.
- (8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
- (9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (12) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 792*)

Senator Patrick: To move on the next day of sitting—That the following bill be introduced:
A Bill for an Act to amend the *Judges' Pensions Act 1968*, and for related purposes.

Judges' Pensions Amendment (Pension Not Payable for Misconduct)

Bill 2020. (*general business notice of motion no. 793*)

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

- (a) notes that:
 - (i) Australia is in recession,
 - (ii) 520,000 workers have lost their jobs, over a million Australians are unemployed, and families are struggling to pay their bills,
 - (iii) on 31 March 2020, the Australia Post Chief Executive Officer (CEO) declared senior management would take 20% wage cuts and forsake any right to a bonus this year,

- (iv) on 28 August, the *Sydney Morning Herald* (SMH) reported that the CEO had secretly reversed course and asked the board to reinstate up to \$7 million in senior executive bonuses, contradicting her statement in March,
- (v) on 2 September, the SMH reported that Australia Post had asked workers to volunteer to deliver parcels in their own cars, rather than hiring new workers, and
- (vi) on 2 September, the Minister for Communications claimed foregoing executive bonuses should be a quid pro quo for being granted permission to cut services;
- (b) considers it highly inappropriate that the CEO has sought to obtain millions in executive bonuses in the midst of a recession and service cuts, and in contradiction of promises made in March; and
- (c) calls on the Chair of Australia Post to wake up and stop this inappropriate handout from proceeding. (*general business notice of motion no. 794*)

The Leader of the Government in the Senate (Senator Cormann) and the Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the Senate, in the spirit of mutual respect and working with other institutions, agencies and officials managing the COVID-19 pandemic:

- (a) notes that:
 - (i) the law of parliamentary privilege is intended to protect the ability of legislative houses, their members and committees, to exercise their authority and perform their duties without undue external interference, and
 - (ii) the powers and immunities that enable and secure the work of the two Commonwealth houses belong to the houses themselves by constitutional design – a design which ensures that the Senate, in particular, can undertake its functions with an appropriate degree of independence;
- (b) recognises the statement by the President of Monday 24 August regarding the risk of COVID-19 measures constraining the ability of Senators to undertake their duties;
- (c) affirms the right of the Senate to determine its own meetings, and in particular the sessions for the remainder of 2020 and the scheduled Budget Estimates hearings;
- (d) maintains the right of senators to attend parliamentary proceedings whether directly or by remote participation (if available);
- (e) calls on the executives and executive agencies of the Commonwealth, states and territories to have appropriate regard to these matters in devising and implementing public health measures and, wherever possible, to do so in consultation with representatives of the Senate; and
- (f) refers to the Committee on Procedure for report to the Senate no later than 8 October any consequential matters arising from the above.

Senator Kitching: To move on the next day of sitting—That the following matter be referred to the Finance and Public Administration Legislation Committee for inquiry and report by 8 December 2020:

The operation and management of the Department of Parliamentary Services, with particular reference to:

- (a) recruitment;
- (b) workplace culture;
- (c) building and asset management;
- (d) contract and procurement management;
- (e) general operations and management;
- (f) business continuity arrangements;
- (g) security arrangements;
- (h) services to parliamentarians;
- (i) the Parliamentary Library;
- (j) implementation of recommendations from past inquiries; and
- (k) any related matters.

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

- (a) Adelaide Oval is a world-class stadium;
- (b) South Australia has a long and passionate history as an Australian Football League (AFL) loving state;
- (c) Port Adelaide is currently top of the AFL ladder;
- (d) Adelaide Crows fans were robbed of the inaugural AFLW home grand final in 2017 which was held on the Gold Coast;
- (e) South Australia has been COVID-19 free for months;
- (f) Queenslanders have little appreciation for the great sport of AFL; and
- (g) the AFL Grand Final should have been given to South Australia. (*general business notice of motion no. 795*)

The Assistant Minister for Forestry and Fisheries (Senator Duniam): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Australian Citizenship Amendment (Citizenship Cessation) Bill 2019

Broadcasting Services Amendment (Regional Commercial Radio and Other Measures) Bill 2020.

Documents: Senator Duniam tabled the following documents:

Consideration of legislation—Statements of reasons [2] for the introduction and passage of bills in the 2020 spring sittings.

Notice of motion withdrawn: The Chair of the Senate Standing Committee for the Scrutiny of Delegated Legislation (Senator Fierravanti-Wells), pursuant to notice of intention given on 1 September 2020, withdrew business of the Senate notice of motion no. 1 standing in her name for the next day of sitting for the disallowance of the Competition and Consumer (Industry Codes—Dairy) Regulations 2019 [F2019L01610].

10 Postponement

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator O'Neill for today, proposing the disallowance of the Corporations Amendment (Litigation Funding) Regulations 2020, postponed till 3 September 2020.

Business of the Senate notice of motion no. 3 standing in the name of Senator Hanson-Young for today, proposing a reference to the Environment and Communications References Committee, postponed till 3 September 2020.

11 Committee—Extensions of time to report

The Community Affairs References Committee was granted extensions of time to report as follows:

Fetal Alcohol Spectrum Disorder—from 2 December 2020 to the second last sitting day in March 2021.

Possible cancer cluster on the Bellarine Peninsula—from 26 November 2020 to the last sitting day in March 2021.

12 Treasury Laws Amendment (Self Managed Superannuation Funds) Bill 2020

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the law relating to taxation and superannuation, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Duniam tabled an explanatory memorandum relating to the bill.

Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 6 October 2020.

13 Sydney Harbour foreshore

Senator Dean Smith, at the request of Senator Bragg and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 769—That the Senate—

- (a) pays tribute to former Australian Prime Minister John Howard for having delivered on his 1998 election commitment to preserve the cultural and historical significance of the Sydney Harbour foreshore;

- (b) acknowledges the final report of the independent review of the Sydney Harbour Federation Trust and thanks the reviewers along with the Trust board, chair and chief executive officer for their work;
- (c) welcomes the recommendation, consistent with Senator Bragg's submission, that the historic former defence sites remain under Commonwealth protection in perpetuity;
- (d) recognises recommendations 17, 18 and 19 with respect to the need for a refreshed vision and long-term plan for North Head Sanctuary;
- (e) notes recommendation 15 and the importance of recognising and celebrating the Indigenous heritage of the Harbour Trust sites; and
- (f) commends the Minister for the Environment for having commissioned the independent review and sought the twenty-one recommendations.

Senator Urquhart, by leave, moved the following amendments:

Omit paragraph (f).

After paragraph (a), insert:

- (aa) pays tribute to former Minister the Honourable Tom Uren for his tireless advocacy for the protection of Sydney Harbour and its foreshore, and recognises the work of former New South Wales (NSW) Premier Bob Carr and the NSW National Parks and Wildlife Service;

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

Main question, as amended, put and passed.

14 **Franchising Laws Amendment (Fairness in Franchising) Bill 2020**

Senator O'Neill, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 770—That the following bill be introduced:

A Bill for an Act to amend the law in relation to franchising, and for related purposes.

Question put and passed.

Senator O'Neill 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 O'Neill moved—That this bill be now read a second time.

Explanatory memorandum: Senator O'Neill, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator O'Neill in continuation.

15 **Seasonal workers—Mango pickers**

Senator Urquhart, at the request of Senators McCarthy and Ciccone and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 771—That the Senate—

- (a) acknowledges that:
 - (i) Northern Territory (NT) farmers are at crisis point, facing a shortage of mango pickers for the imminent mango season,

- (ii) the NT mango harvest is worth \$125 million to the NT economy and plant-based industries combined are worth \$355 million,
 - (iii) the NT is the country's largest grower of mangoes, producing around 52% of the national mango crop,
 - (iv) between 2,200 and 2,500 workers are required for the mango picking season in the NT,
 - (v) worker shortages of seasonal workers have been exacerbated as a result of the COVID-19 pandemic limiting national and international travel, and
 - (vi) the National Farmers' Federation warned the Morrison Government, pre-COVID, that 'agriculture's workforce deficit is one of the largest constraints to our sector's productivity growth and we need solutions for agriculture to reach its potential of being a \$100 billion industry by 2030'; and
- (b) calls on the Government to urgently act to come up with creative and innovative solutions to support farmers facing this seasonal worker crisis.

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

Question put and passed.

16 **Australian Broadcasting Corporation—Funding**

Senator Hanson-Young amended general business notice of motion no. 772 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
- (i) the interim report of the Royal Commission into National Natural Disaster Arrangements stated that the Australian Broadcasting Corporation (ABC) is a trusted broadcaster of emergency messages and warnings during bushfires and that ABC managers should be embedded in all state and territory emergency management centres to ensure delivery of critical information to the public,
 - (ii) emergency reporting during the bushfires cost the ABC an additional \$3 million,
 - (iii) the ABC has been an essential source of news during the COVID-19 pandemic with digital, television and radio broadcasts all seeing a dramatic increase in ratings, and
 - (iv) the Abbott-Turnbull-Morrison Government has cut more than \$783 million in funding from the ABC, and the ABC is currently operating with its smallest budget since 1996;
- (b) expresses gratitude for the essential role that the ABC has played in keeping Australians informed and safe throughout the bushfire season and the COVID-19 pandemic; and
- (c) calls on the Morrison Government to reverse the indexation pause on ABC funding and guarantee stable and adequate funding for the ABC.

Statement by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, made a statement relating to the motion.

Leave refused: Senator Hanson-Young sought leave to make a statement relating to the motion. An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 25

Senators—

Ayres	Green	McAllister	Pratt
Bilyk	Griff	McCarthy	Sheldon
Carr	Hanson-Young	McKim	Siewert
Chisholm	Keneally	O'Neill	Urquhart*
Farrell	Lambie	Patrick	Walsh
Faruqi	Lines	Polley	Watt
Gallagher			

NOES, 25

Senators—

Antic	Davey	McLachlan	Reynolds
Birmingham	Duniam	McMahon	Ruston
Bragg	Henderson	Molan	Ryan
Brockman	Hughes	O'Sullivan	Seselja
Canavan	Hume	Paterson	Smith, Dean*
Cash	McKenzie	Rennick	Stoker
Colbeck			

* *Tellers*

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

17 Dairy Code of Conduct

Senator Urquhart, at the request of Senator Sterle and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 773—That the Senate—

(a) notes that:

- (i) in April 2018, the Australian Competition and Consumer Commission (ACCC) dairy inquiry produced a report to government which concluded that:
 - (A) farmers lack of bargaining power means that they are unlikely to benefit from an increase in the retail (or wholesale) prices, and
 - (B) even if processors were to receive higher wholesale prices from sales to supermarkets, this does not mean the processors will pay farmers any more than they have to, to secure milk,
- (ii) on 26 August 2020, the Treasurer and the Minister for Agriculture, Drought and Emergency Management announced an ACCC inquiry into:
 - (A) harmful imbalances of bargaining power between farmers, intermediaries, including processors, and retailers in the domestic supply chains of perishable agricultural goods in Australia, and
 - (B) the effectiveness of the new Dairy Code of Conduct;

- (b) recognises that the ACCC Agricultural Commissioner, Mr Mick Keogh, has confirmed that the current dairy code ‘doesn’t make any requirements in relation to notions of fairness about the price that’s received by the farmer’; and
- (c) calls on the Government to expand its ACCC inquiry to investigate how it can regulate the price of milk per litre paid by processors to dairy farmers to ensure a viable dairy industry.

Statement by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, made a statement relating to the motion.

Question put and passed.

18 **Aged care workers**

Senator Urquhart, at the request of Walsh, Lines, Watt, Polley, Sheldon and Griff and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 774—That the Senate—

- (a) recognises that aged care workers provide essential care and support to older Australians every day;
- (b) notes that aged care workers are working on the front lines of the COVID-19 pandemic;
- (c) agrees that saying thank you to aged care workers for their hard work and dedication is not enough;
- (d) acknowledges that our aged care system is in crisis with:
 - (i) not enough aged care workers,
 - (ii) inadequate training, and
 - (iii) low pay and insecure jobs for the workforce; and
- (e) calls on the Government to urgently address the aged care crisis by introducing:
 - (i) minimum staffing levels,
 - (ii) better staff training, and
 - (iii) enhanced job security for the aged care workforce.

Statement by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 24

Senators—

Ayres	Gallagher	McAllister	Pratt
Bilyk	Green	McCarthy	Sheldon
Carr	Griff	McKim	Siewert
Chisholm	Hanson-Young	O'Neill	Urquhart*
Farrell	Keneally	Patrick	Walsh
Faruqi	Lines	Polley	Watt

NOES, 22

Senators—

Birmingham
Bragg
Brockman
Canavan
Cash
Colbeck

Davey
Duniam
Henderson
Hughes
Lambie
McKenzie

McLachlan
McMahon
Molan
Paterson
Rennick

Reynolds
Ryan
Seselja
Smith, Dean*
Stoker

* Tellers

Question agreed to.

19 The New Daily

Senator Rennick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 775—That the Senate—

- (a) acknowledges:
 - (i) that superannuation is money which ultimately belongs to the fund members who make contributions,
 - (ii) the importance of the strict application of the sole purpose test for superannuation, and
 - (iii) that the *New Daily* is an online news service funded by industry superannuation funds; and
- (b) calls on the *New Daily* to disclose:
 - (i) their financial records, and
 - (ii) payments to related and third parties, including journalists who are public figures.

Question put and negatived.

20 Coronavirus Supplement

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 777—That the Senate—

- (a) notes that this is the last sitting week before the Federal Budget will be handed down on 6 October 2020;
- (b) recognises that the poverty rate for people on JobSeeker Payment dropped from 67% to 6.8% after the introduction of the \$550 Coronavirus Supplement;
- (c) acknowledges that, when the Coronavirus Supplement is cut by \$300 a fortnight on 25 September 2020:
 - (i) the number of people in poverty will increase by 740,000,
 - (ii) people in our community will be in mortgage stress and rental affordability will plummet to 0.2% for people on JobSeeker Payment, and
 - (iii) more than 1.1 million children will be living in households that have their incomes cut;
- (d) recognises the importance of leaders showing support for unemployed workers during these times; and

- (e) calls on the Government to:
- (i) maintain the rate of the Coronavirus Supplement of \$550 a fortnight to ensure people on income support do not slip into poverty during this pandemic and recovery; and
 - (ii) include adequate increases to income support in the October Budget that ensure that people on income support can live above the poverty line.

Statements by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam) and Senator Gallagher, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 4

Senators— Faruqi	Hanson-Young	McKim	Siewert*
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NOES, 35

Senators— Antic Askew Ayres Birmingham Bragg Brockman Canavan Cash Chisholm	Colbeck Davey Duniam Farrell Gallagher Henderson Hughes Lambie McAllister	McKenzie McLachlan McMahon Molan O'Sullivan Paterson Patrick Rennick Reynolds	Ruston Ryan Seselja Smith, Dean Stoker Urquhart* Van Watt
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* Tellers

Question negatived.

21 **Australian economy—Jobs plan**

Senator Gallagher, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 778—That the Senate—

- (a) acknowledges the significant fiscal interventions in response to COVID-19, which have been supported by the entire Parliament;
- (b) notes that the National Accounts confirm Australia is in a recession;
- (c) further notes that:
 - (i) unemployment is at 7.5%, with over a million Australians out of work for the first time in history,
 - (ii) the Treasurer has acknowledged that the unemployment rate is expected to increase to 10% in the December quarter,
 - (iii) the Government announced it would reduce the rate of JobKeeper and the Coronavirus Supplement on 21 July 2020,
 - (iv) the Government announced that the Coronavirus Supplement will end on 31 December 2020 and JobKeeper will end on 28 March 2021, and
 - (v) a further 400,000 Australians are expected to lose their jobs by the end of this year; and

- (d) calls on the Morrison Government to immediately outline a comprehensive jobs plan for Australian workers, including the 400,000 Australians the Treasurer has acknowledged are expected to lose their jobs by Christmas amidst the first recession in Australia in 29 years.

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

Question put.

The Senate divided—

AYES, 22

Senators—

Ayres	Gallagher	McKim	Sheldon
Bilyk	Green	O'Neill	Siewert
Carr	Hanson-Young	Patrick	Urquhart*
Chisholm	Lines	Polley	Walsh
Farrell	McAllister	Pratt	Watt
Faruqi	McCarthy		

NOES, 21

Senators—

Birmingham	Fawcett	McMahon	Ryan
Bragg	Henderson	O'Sullivan	Seselja
Brockman	Hughes	Paterson	Smith, Dean*
Canavan	Lambie	Rennick	Stoker
Davey	McKenzie	Ruston	Van
Duniam			

* *Tellers*

Question agreed to.

22 Beetaloo Basin

Senator McMahon, also on behalf of Senators McKenzie, Canavan, Davey and McDonald, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 779—That the Senate—

- (a) notes the importance of the Northern Territory onshore gas industry and in particular the development of the Beetaloo Basin, which has the potential to generate billions of dollars for the Northern Territory economy and create over 6,000 jobs for Territorians;
- (b) acknowledges the Northern Territory's Economic Reconstruction Commission's first report, which notes that the 'Beetaloo sub-basin shows significant potential to provide gas and liquids for energy use and to underpin a petrochemical manufacturing industry in the territory – driving significant economic benefit';
- (c) welcomes Territorians' resounding rejection of Territory Alliance's anti-gas policies, which would have further devastated the Northern Territory's economy, undermined the creation of new jobs for all Territorians and prevented the Northern Territory from realising its potential to build a petrochemical manufacturing industry;
- (d) congratulates the Country Liberal Party (CLP), led by Lia Finocchiaro, for their clear and positive economic and resources policies, which assisted the CLP to regain significant public support; and

- (e) calls on the re-elected Northern Territory Labor Government to urgently work with the Federal Government and industry to ensure that the potential benefits of developing the Beetaloo Basin are fully realised.

Statement by leave: The Leader of the Australian Greens in the Senate (Senator Waters), by leave, made a statement relating to the motion.

Question put and passed. All Australian Greens and Opposition senators, by leave, recorded their votes for the noes.

23 Postponement

Senator Lambie, by leave, postponed business of the Senate notice of motion no. 2 standing in her name for today, proposing a reference to the Foreign Affairs, Defence and Trade Legislation Committee, till the next day of sitting.

24 Discussion of matter of public importance—Jobs and economic recovery

The Acting Deputy President (Senator Bilyk) informed the Senate that the following matter of public importance submitted by Senator Chisholm under standing order 75 had been selected for discussion today:

The Government's failure to deliver on a plan for jobs and economic recovery while more than a million Australians are currently unemployed and a further 400,000 Australians will lose their jobs by Christmas.

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

25 Committee reports and government responses—Tabling and consideration

The Chair of the Select Committee on Financial Technology and Regulatory Technology (Senator Bragg) tabled the following report and documents:

Financial Technology and Regulatory Technology—Select Committee—Interim report, dated September 2020.

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

Debate ensued.

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

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

Scrutiny of Bills—Standing Committee—Scrutiny digest 11 of 2020, dated 2 September 2020.

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

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

The Chair of the Standing Committee for the Scrutiny of Delegated Legislation (Senator Fierravanti-Wells) tabled the following report:

Scrutiny of Delegated Legislation—Standing Committee—Delegated legislation monitor 10 of 2020, dated 2 September 2020.

Senator Fierravanti-Wells moved—That the Senate take note of the report.

Question put and passed.

The Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report:

Community Affairs References Committee—Centrelink's compliance program—Third interim report, dated September 2020.

Senator Siewert moved—That the Senate adopt the recommendations in the interim report.

Question put.

The Senate divided—

AYES, 23

Senators—

Ayres	Green	McCarthy	Sheldon
Bilyk	Griff	McKim	Siewert
Chisholm	Hanson-Young	O'Neill	Urquhart*
Farrell	Keneally	Patrick	Walsh
Faruqi	Lines	Polley	Watt
Gallagher	McAllister	Pratt	

NOES, 22

Senators—

Antic	Cormann	McGrath	Rennick
Askew	Davey*	McLachlan	Ryan
Bragg	Duniam	Molan	Scarr
Brockman	Fawcett	O'Sullivan	Seselja
Chandler	Fierravanti-Wells	Paterson	Smith, Dean
Colbeck	Hume		

* Tellers

Question agreed to.

Accordingly, the following resolutions were adopted.

Attendance by Minister—Centrelink's compliance program

That the Senate requires the Minister representing the Minister for Government Services to attend the Senate at the conclusion of question time on 6 October 2020 to provide an explanation, of no more than 10 minutes, of:

- (a) the Government's continued reliance on a rejected claim of public interest immunity in answers to questions on notice provided to the Community Affairs References Committee on 24 February 2020 in relation to the inquiry into Centrelink's compliance program;

- (b) whether it was the intention of the Minister for Government Services, or of officers of Services Australia, to show disregard for the 11 February 2020 resolution of the Senate by providing answers relying on that rejected claim for public interest immunity; and
- (c) the Minister for Government Services' failure to respond to that committee's correspondence of 6 April 2020 seeking clarification in relation to this matter.

Income Compliance Program—Order for the production of documents—Attendance by Minister

- (1) That there be laid on the table by the Minister representing the Minister for Government Services, by no later than midday on 6 October 2020, either:
 - (a) revised responses to all questions relating to legal advice and the Income Compliance Program which have been subject to rejected claims of public interest immunity during the Community Affairs References Committee's inquiry into Centrelink's compliance program; or
 - (b) a letter confirming that these responses will be provided in camera to the Community Affairs References Committee by no later than 5pm on that same day.
- (2) In the event that the Minister fails to table these documents, the Senate requires the Minister representing the Minister for Government Services to attend the Senate at the conclusion of question time on 6 October 2020 to provide an explanation of the Minister's failure to table the documents.

Income Compliance Program—Executive Minute—Order for the production of documents—Attendance by Minister

- (1) That there be laid on the table by the Minister representing the Minister for Government Services, by no later than midday on 6 October 2020, either:
 - (a) a copy of the Executive Minute to the Minister for Social Services, dated 12 February 2015, as referenced in the Commonwealth Ombudsman's April 2017 report into Centrelink's automated debt raising and recovery system; or
 - (b) a letter confirming that this Executive Minute will be provided in camera to the Senate Community Affairs References Committee by no later than 5 pm on that same day.
- (2) In the event that the Minister fails to table either of these documents, the Senate requires the Minister representing the Minister for Government Services to attend the Senate at the conclusion of question time on 6 October 2020 to provide an explanation of the Minister's failure to table the document.

Senator O'Neill moved—That the Senate take note of the report.

Debate ensued.

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

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

Intelligence and Security—Joint Statutory Committee—Australian Citizenship Amendment (Citizenship Cessation) Bill 2019—Advisory report, dated August 2020.

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

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

26 Higher education—Documents

Senator Pratt, by leave, tabled the following documents:

Higher education—Petitioning documents from 11,221 and 15,557 signatories, respectively, relating to fees and public funding in higher education, and to the cost of higher education.

27 Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020

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

Message no. 244, dated 1 September 2020—A Bill for an Act to amend the law relating to higher education and social security, and for related purposes.

The Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) 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 Hume moved—That this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 6 October 2020.

28 Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020

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

In the committee

Consideration resumed of the bill, as amended.

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

Clause 2, page 1 (line 7) to page 2 (line 6), omit the clause, substitute:

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	1 December 2020.	1 December 2020

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

Schedule 1, heading to Part 1, page 3 (lines 3 and 4), omit the heading, substitute:

Part 1—Amendments relating to gifts

Schedule 1, heading to Part 2, page 13 (line 1), omit the heading, substitute:

Part 2—Amendments relating to voting and scrutiny processes

The Leader of the Australian Greens in the Senate (Senator Waters) moved the following amendments together by leave:

Schedule 1, page 3 (after line 8), after item 1, insert:

1A Subsection 287(1) (definition of *disclosure threshold*)

Omit “\$13,800”, substitute “\$1,000”.

1B Subsection 287(1) (note to the definition of *disclosure threshold*)

Repeal the note.

Schedule 1, page 9 (after line 6), after item 26, insert:

26A After subsection 305A(1A)

Insert:

- (1B) An amount prescribed for the purposes of paragraph (1)(b) or (1A)(b) must not be more than the disclosure threshold.

Schedule 1, items 32 and 33, page 11 (lines 11 to 17), omit the items, substitute:

32 Section 321A

Repeal the section.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 6

Senators—

Faruqi
Griff

Hanson-Young
McKim

Patrick

Siewert*

NOES, 27

Senators—

Antic	Davey	McGrath	Rennick
Askew	Farrell	McKenzie	Scarr
Bilyk	Fawcett	McLachlan	Smith, Dean
Bragg	Henderson	McMahon	Stoker
Brockman	Hughes	Molan	Urquhart*
Chandler	Hume	O'Sullivan	Van
Cormann	Keneally	Paterson	

* Tellers

Question negatived.

Question—That the bill, as amended, be agreed to—divided at the request of the Senator Waters in respect of subitems 34(4) and (6) in Schedule 1.

Question—That subitems 34(4) and (6) stand as printed—put.

The committee divided—

AYES, 23

Senators—

Antic	Farrell	McGrath	Scarr
Askew	Fawcett	McLachlan	Smith, Dean
Bragg	Henderson	Molan	Stoker
Brockman*	Hughes	O'Sullivan	Urquhart
Chandler	Hume	Paterson	Van
Cormann	Keneally	Rennick	

NOES, 7

Senators—

Faruqi	Hanson-Young	McKim	Siewert*
Griff	Lambie	Patrick	

* Tellers

Subitems agreed to.

Senator Waters moved the following amendments together by leave:

Schedule 1, item 57, page 18 (after line 25), after subsection 200DI(1), insert:

- (1A) Nothing in subsection (1) shall authorise a voting officer to require a person attending before the voting officer to produce any document to verify the information in paragraphs (1)(a) and (b).

Schedule 1, item 82, page 21 (after line 26), after subsection 229(1), insert:

- (1A) Nothing in subsection (1) shall authorise a presiding officer or voting official to require a person attending before the officer or official to produce any document to verify the information in paragraphs (1)(a) and (b).

Schedule 1, item 156, page 33 (after line 20), after subsection 30(1), insert:

- (1A) Nothing in subsection (1) shall authorise a presiding officer or voting official to require a person attending before the officer or official to produce any document to verify the information in paragraphs (1)(a) and (b).

Schedule 1, item 207, page 39 (after line 9), after subsection 73CI(1), insert:

- (1A) Nothing in subsection (1) shall authorise a voting officer to require a person attending before the voting officer to produce any document to verify the information in paragraphs (1)(a) and (b).

Debate ensued.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 5

Senators—

Faruqi
Hanson-Young

Lambie

McKim

Siewert*

NOES, 25

Senators—

Antic
Bragg
Brockman
Chandler
Cormann
Farrell
Fawcett

Griff
Henderson
Hughes
Hume
Keneally
McCarthy

McGrath
McLachlan
McMahon
Molan
O’Sullivan
Paterson

Patrick
Rennick
Scarr
Smith, Dean
Stoker
Urquhart*

* *Tellers*

Question negated.

Question—That the bill, as amended, be agreed to—divided at the request of the Senator Lambie in respect of item 26 and subitems 34(2) and (3), and items 25 and 27, as amended, in Schedule 1.

Items and subitems debated and agreed to.

Senator Lambie moved the following amendment:

Schedule 1, item 2, page 3 (lines 11 and 12), omit the definition of *federal purpose* in subsection 287(1).

Schedule 1, item 2, page 3 (lines 23 to 27), omit the definition of *regulated entity* in subsection 287(1).

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

Senator Lambie moved the following amendment:

Schedule 1, page 7 (after line 26), after item 24, insert:

24A Section 302CA

Repeal the section.

24B Section 314B

Repeal the section.

Debate ensued.

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

Senator Lambie moved the following amendments together by leave:

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

- | | |
|------------------------|--|
| 5. Schedules 3
to 8 | A day or days to be fixed by Proclamation.
However, if any of the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period. |
|------------------------|--|

Page 45 (after line 20), at the end of the bill, add:

Schedule 3—Disclosing gifts

Commonwealth Electoral Act 1918

1 Subsection 17(2A)

Omit “under subsection 305A(1) or (1A) in relation to that election”, substitute “under section 305A”.

2 Subsection 287(1) (definition of *disclosure threshold*)

Omit “\$13,800”, substitute “\$2,500”.

3 Subsection 287(1) (definition of *gift*)

Repeal the definition, substitute:

gift has the meaning given by section 287AAA.

4 Subsection 287(1)

Insert:

post-trigger gift has the meaning given by section 305C.

reporting entity means any of the following:

- (a) a political entity;
- (b) a political campaigner;
- (c) an associated entity;
- (d) a third party.

reporting period means a period of 6 months beginning on 1 January or 1 July in each year.

trigger gift has the meaning given by section 305B.

5 After section 287

Insert:

287AAA Meaning of *gift*

- (1) A *gift* is any disposition of property made by a person to another person, being a disposition made without consideration in money or money’s worth or with inadequate consideration.
- (2) The provision of a service (other than volunteer labour) for no consideration or for inadequate consideration is a *gift*.
- (3) An amount paid by a person or entity as a contribution, entry fee or other payment to entitle that or any other person or entity to participate in or otherwise obtain any benefit from a fundraising venture or function (being an amount that forms part of the gross proceeds of the venture or function) is a *gift*.
- (4) An annual or other subscription paid to a registered political party by:
 - (a) a member of the party; or
 - (b) a person or entity for affiliation with the party;
 is a *gift*.
- (5) An annual or other subscription paid to an associated entity by:
 - (a) a member of the associated entity; or
 - (b) a person or entity for affiliation with the associated entity;
 is a *gift*.
- (6) Each of the following is taken not to be a *gift*:
 - (a) a payment under Division 3;

- (b) any visit, experience or activity provided for the purposes of a political exchange program.

6 Section 302V

Repeal the section, substitute:

302V Simplified outline of this Division

This Division requires candidates and members of groups in an election who receive gifts to disclose the gifts by providing a return to the Electoral Commission.

This Division sets out the requirements for returns in relation to gifts made to, and received by, reporting entities.

Returns provided under this Division are published by the Electoral Commissioner, on the Transparency Register, under section 320.

There are limitations on loans made to political parties, State branches, political campaigners, candidates or groups that are more than the disclosure threshold.

Gifts of more than the disclosure threshold to a reporting entity by a corporation that is wound up within a year of making the gift may be recovered from the gift recipient.

7 Sections 305A and 305B

Repeal the sections, substitute:

305A Donations to, and received by, reporting entities

- (1) If a person or entity makes a trigger gift or post-trigger gift to a reporting entity during a reporting period, the person or entity must provide a return for the gift in accordance with this section.

Civil penalty: 60 penalty units.

- (2) If a reporting entity receives a trigger gift or post-trigger gift from a person or entity during a reporting period, the agent or financial controller of the reporting entity must provide a return for the gift in accordance with this section.

Civil penalty: 60 penalty units.

- (3) However, subsections (1) and (2) do not apply in relation to a gift made to a reporting entity that:

- (a) is a third party or a political campaigner; and
- (b) is registered under the *Australian Charities and Not-for-profits Commission Act 2012*.

- (4) The return must be:

- (a) provided to the Electoral Commission through the AEC Disclosure Portal; and
- (b) provided within 7 days after the trigger gift or post-trigger gift is made or received (as the case may be); and
- (c) in the approved form.

- (5) If the return relates to:

- (a) a trigger gift within the meaning of subsection 305B(1); or
- (b) a post-trigger gift;

the return must set out the following:

- (c) the amount of the gift;
- (d) the date on which the gift was made or received (as the case may be);
- (e) the name and address of:
 - (i) the person or entity that made the gift; and
 - (ii) the reporting entity that received the gift.

- (6) If the return relates to a trigger gift within the meaning of subsection 305B(2), the return must set out the following:
 - (a) the sum of the following gifts:
 - (i) the trigger gift;
 - (ii) all gifts made to, or received by, the reporting entity during the reporting period before the trigger gift;
 - (b) the date on which each gift to which paragraph (a) applies was made or received (as the case may be);
 - (c) the name and address of:
 - (i) the person or entity that made the gifts; and
 - (ii) the reporting entity that received the gifts.
- (7) The return required under subsection (1) must set out the relevant details of any gift received by the person or entity at any time if the gift was used wholly or partly to make another gift during the reporting period to a reporting entity.
- (8) Relevant details for the purpose of subsection (7), in relation to a gift, are:
 - (a) the amount or value of the gift; and
 - (b) the date on which the gift was made; and
 - (c) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation:
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
 - (d) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation:
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
 - (e) in any other case—the name and address of the person or entity.

305B Meaning of *trigger gift*

- (1) A gift made by a person or entity during a reporting period is a ***trigger gift*** if the gift is more than the disclosure threshold.
- (2) A gift made by a person or entity to a reporting entity during a reporting period is also a ***trigger gift*** if all of the following apply:
 - (a) the person or entity makes one or more other gifts (each a ***pre-trigger gift***) to the reporting entity during the period;
 - (b) the amount or value of each pre-trigger gift made by the person or entity to the recipient during the period is less than or equal to the disclosure threshold;
 - (c) both of the following apply to the gift made by the person or entity:
 - (i) the person or entity makes the gift during the period after making the pre-trigger gifts;
 - (ii) when the amount or value of the gift is considered with the amount or value of the pre-trigger gifts, the total amount or value of the gifts is more than the disclosure threshold.
- (3) For the purposes of subsection (2), a gift does not include:
 - (a) a permitted anonymous gift by the person or entity; or
 - (b) a gift with a value of \$100 or less.

305C Meaning of *post-trigger gift*

A gift made by a person or entity to a reporting entity during a reporting period is a *post-trigger gift* if:

- (a) the person or entity has made a trigger gift during the period; and
- (b) neither of the following apply:
 - (i) the gift is a permitted anonymous gift by the person or entity;
 - (ii) the gift is a gift with a value of \$100 or less.

8 Paragraph 306B(1)(a)

Repeal the paragraph, substitute:

- (a) a reporting entity receives from a corporation a gift whose amount or value is more than the disclosure threshold; and

9 Paragraph 306B(2)(a)

Omit “a registered political party or a political campaigner (the *gift recipient*)”, substitute “a reporting entity (the *gift recipient*) that is a registered political party or a political campaigner”.

10 Paragraph 306B(2)(b)

After “benefit of”, insert “a gift recipient that is”.

11 Subparagraph 316(2A)(aaa)(i)

Repeal the subparagraph.

12 Subsection 320(1) (table item 4)

Repeal the item, substitute:

4	each return provided under section 304	before the end of 24 weeks after the polling day in the election to which the return relates
4A	each return provided under section 305A	as soon as reasonably practicable after receiving the return.
4B	each election return provided under Division 5	before the end of 24 weeks after the polling day in the election to which the return relates

13 Subsection 321A(3)

Repeal the subsection.

14 Section 321B (subparagraphs (g)(i) and (ii) of the definition of *disclosure entity*)

Omit “or 305B”.

15 Section 321B (note to paragraph (g) of the definition of *disclosure entity*)

Repeal the note.

Schedule 4—AEC Disclosure Portal***Commonwealth Electoral Act 1918*****1 Subsection 287(1)**

Insert:

ADI means an authorised deposit-taking institution within the meaning of the *Banking Act 1959*.

AEC Disclosure Portal means the system established under subsection 302AB(1).

disclosure and reporting purpose: see section 302AE.

electoral expenditure account, in relation to a reporting entity, has the meaning given by subsection 302AF(1).

electoral expenditure amount: see section 302AD.

electoral expenditure purpose: see section 302AD.

2 After Division 3 of Part XX

Insert:

Division 3AA—AEC Disclosure Portal

302AA Simplified outline of this Division

This Division establishes the AEC Disclosure Portal.

The AEC Disclosure Portal is to be used for providing returns to the Electoral Commission.

The AEC Disclosure Portal is also to be the exclusive means by which a reporting entity receives amounts for the entity to pay for its electoral expenditure (including amounts that are political donations and anonymous donations).

A reporting entity must establish an electoral expenditure account to receive amounts through the AEC Disclosure Portal.

This Division also sets out certain other requirements for reporting entities when it comes to electoral expenditure.

302AB Electoral Commissioner must establish the AEC Disclosure Portal

- (1) The Electoral Commissioner must establish and maintain a system known as the AEC Disclosure Portal.
- (2) The AEC Disclosure Portal has the following purposes:
 - (a) the electoral expenditure purpose;
 - (b) the disclosure and reporting purpose;
 - (c) any other purposes prescribed for the purposes of this paragraph.
- (3) The regulations may make provision for, or in relation to, any matter that relates to a purpose prescribed for the purposes of paragraph (2)(c).

302AC Regulations for establishment, performance and administration of the AEC Disclosure Portal

- (1) The regulations may make provision for, or in relation to the establishment, performance and administration of the AEC Disclosure Portal.
- (2) Without limiting subsection (1), the regulations may make provision for or in relation to any or all of the following:
 - (a) the creation of unique profiles for persons or entities that use the AEC Disclosure Portal;
 - (b) the ability for persons or entities to submit returns required under Division 4, 5 or 5A to the Electoral Commission by using the AEC Disclosure Portal.

302AD Electoral expenditure purpose of the AEC Disclosure Portal

- (1) A purpose (the *electoral expenditure purpose*) of the AEC Disclosure Portal is to establish a platform that does the following:
 - (a) provides the exclusive means by which a person or entity provides an amount (an *electoral expenditure amount*) to a reporting entity to pay for the entity's electoral expenditure;
 - (b) provides the exclusive means by which a reporting entity receives electoral expenditure amounts for the reporting entity to pay for its electoral expenditure.
- (2) The regulations may make provision for, or in relation to, any matter that relates to the electoral expenditure purpose.

- (3) Without limiting subsection (2), the regulations may do any or all of the following:
 - (a) set out the information that persons or entities providing electoral expenditure amounts are required to provide;
 - (b) provide for the establishment of accounts electoral expenditures amounts are credited to;
 - (c) set out what information reporting entities need to provide to the Electoral Commission to receive electoral expenditure amounts provided through the AEC Disclosure Portal;
 - (d) set out how electoral expenditure amounts are to be transferred to reporting entities;
 - (e) set out circumstances in which electoral expenditure amounts are to be returned to the person or entities who have provided such amounts;
 - (f) set out circumstances in which the Electoral Commission may recover electoral expenditure amounts transferred to reporting entities.

302AE Disclosure and reporting purpose of the AEC Disclosure Portal

- (1) A purpose (the *disclosure and reporting purpose*) of the AEC Disclosure Portal is to establish a platform that allows for information relating to reporting entities to be accessible to the public.
- (2) The regulations may make provision for, or in relation to, any matter that relates to the disclosure and reporting purpose.

302AF Reporting entity must establish electoral expenditure account etc.

- (1) The agent or financial controller of a reporting entity must establish and maintain a single account (the *electoral expenditure account*) with an ADI.
- (2) The agent or financial controller of a reporting entity must ensure the entity does not make a payment to a person or entity relating to electoral expenditure incurred or to be incurred for the reporting entity's benefit unless:
 - (a) the payment is made by directly transferring an amount from the electoral expenditure account to the person or entity; and
 - (b) the payment is recorded on the account as being a payment to the person or entity for electoral expenditure incurred or to be incurred for the reporting entity's benefit.
- (3) The agent or financial controller of a reporting entity must ensure that the only amounts transferred to the reporting entity's electoral expenditure account are from the Electoral Commission (see section 302AG).
- (4) The agent or financial controller of a reporting entity must provide the following details about the electoral expenditure account to the Electoral Commission:
 - (a) the account number;
 - (b) the BSB number of the account;
 - (c) the name in which the account is held;
 - (d) the name of the ADI that holds the account.
- (5) The agent or financial controller of a reporting entity must take steps to ensure the Electoral Commission is provided, as soon as reasonably practicable after the end of a calendar month, information setting out any transactions relating to the entity's electoral expenditure account that occurred over that month.
- (6) The agent or financial controller of a reporting entity must not contravene subsection (1), (2), (3), (4) or (5).

Civil penalty: 300 penalty units.

302AG Electoral Commission to transfer electoral expenditure amounts to electoral expenditure account

If:

- (a) an electoral expenditure amount is provided to the Electoral Commission through the AEC Disclosure Portal for a reporting entity; and
- (b) the electoral expenditure amount satisfies the requirements (if any) specified in regulations in relation to such an amount;

the Electoral Commission must transfer the amount to the reporting entity's electoral expenditure account.

Schedule 5—Reforming returns

Commonwealth Electoral Act 1918

1 Division 5A of Part XX

Repeal the Division, substitute:

Division 5A—Returns by reporting entities

314AAA Simplified outline of this Division

A reporting entity is required to provide a return covering certain matters that occurred during a reporting period. The return must be provided to the Electoral Commission within a month after the end of the reporting period.

The Electoral Commission must cause a report to be prepared for each reporting entity within 3 months after the end of a reporting period. The report covers certain matters relating to the reporting entity during the reporting period. The report must be accessible on the AEC Disclosure Portal.

314AA Interpretation

- (1) In this Division:

amount includes the value of a gift or loan.

- (2) To avoid doubt, a person or entity that becomes, or ceases to be, a reporting entity during a reporting period is required to provide a return under this Division in relation to the whole reporting period.

Note: Particulars provided under subsection 318(2) may be taken to be a return provided under this Division (see subsection 318(2A)).

314AB Returns by reporting entities

- (1) The agent or financial controller of each reporting entity must provide a return in accordance with this section within a month after the end of a reporting period.

Civil penalty:

The higher of the following:

- (a) 120 penalty units;
- (b) if an amount is not disclosed in the return and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

- (2) The return must be:

- (a) provided to the Electoral Commission through the AEC Disclosure Portal; and
- (b) in the approved form.

- (3) The return must set out the following matters:

- (a) the total amount received by, or on behalf of, the entity during the reporting period, together with the details required by section 314AC;

- (b) the total amount paid by, or on behalf of, the entity during the reporting period;
 - (c) the total outstanding amount, as at the end of the reporting period, of all debts incurred by, or on behalf of, the entity, together with the details required by section 314AD;
 - (d) details of any discretionary benefits (however described) received by, or on behalf of, the entity from the Commonwealth, a State or a Territory during the reporting period.
- (4) The regulations may specify other matters a return by a reporting entity, or a class of reporting entity, must set out in relation to a reporting period.
- (5) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

314AC Amounts received

- (1) If the sum of all amounts received by, or on behalf of, a reporting entity from a person or organisation during a reporting period is more than the disclosure threshold, the return must (subject to subsections (7) and (8)) include the matters mentioned in subsections (2), (3), (4) and (5).
- (2) The return must:
- (a) if the sum was received from an unincorporated association, other than a registered industrial organisation—set out:
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; or
 - (b) if the sum was purportedly paid out of a trust fund or out of the funds of a foundation—set out:
 - (i) the names and addresses of the trustees of the fund or of the foundation; and
 - (ii) the title or other description of the trust fund, or the name of the foundation, as the case requires; or
 - (c) if the sum was received as a result of a loan—set out the information required to be kept under subsection 306A(3), or the name of the financial institution, as the case requires; or
 - (d) in any other case—set out the name and address of the person or organisation.
- (3) The return must set out the amount of the sum received from the person or organisation during the reporting period.

- (4) The following table has effect in relation to the return:

Item	Column 1 If the amount of the sum from the person or organisation during the reporting period is...	Column 2 the return must...
1	an amount of a gift	(a) state the amount of that gift; and (b) categorise that amount as a “donation”.
2	an amount of a commercial loan	(a) state the amount of that loan; and (b) categorise that amount as a “commercial loan”.

Item	Column 1 If the amount of the sum from the person or organisation during the reporting period is...	Column 2 the return must...
3	an amount of income from an investment	(a) state the amount of that income; and (b) the nature of the investment; and (c) categorise that amount as “investment income”.
4	an amount transferred to the reporting entity in either of the following circumstances: (a) the reporting entity is a registered political party and the person or organisation is a State branch of the registered political party; (b) the reporting entity is a State branch of a registered political party and the person or organisation is the registered political party or another State branch of the party;	(a) state the amount transferred; and (b) categorise the amount as a “party transfer”.
5	an amount that is not covered by item 1, 2, 3 or 4	do all of the following: (a) state the amount; (b) categorise that amount as “other”; (c) specify the nature of the amount; (d) be accompanied by evidence relating to when the amount was received by, or on behalf of, the reporting entity.

- (5) The return must state an amount of a kind, and any details that relate to that amount, that are specified in an instrument under subsection (6).
- (6) The Minister may, by legislative instrument, specify an amount of a kind, and details that relate to that amount, for the purposes of subsection (5).
- (7) This section does not apply in relation to an amount if:
- (a) the amount was received by, or on behalf of, a reporting entity that was registered under the *Australian Charities and Not-for-profits Commission Act 2012*; and
 - (b) no part of the amount was used during the reporting period by the reporting entity:
 - (i) to enable the entity to incur electoral expenditure, or create or communicate electoral matter; or
 - (ii) to reimburse the entity for incurring electoral expenditure, or creating or communicating electoral matter.
- (8) This section does not apply in relation to an amount if:
- (a) the amount was received by, or on behalf of, a reporting entity that is a candidate or

- a member of a group; and
- (b) the amount was received in the reporting entity's personal capacity; and
- (c) no part of the amount was used during the reporting period by the reporting entity:
 - (i) to enable the entity to incur electoral expenditure, or create or communicate electoral matter; or
 - (ii) to reimburse the entity for incurring electoral expenditure, or creating or communicating electoral matter.

314AD Outstanding amounts

- (1) If the sum of all outstanding debts incurred by, or on behalf of, a reporting entity to a person or an organisation during a reporting period is more than the disclosure threshold, the return must include the particulars of that sum.
- (2) The particulars of a sum required to be furnished under subsection (1) are the amount of the sum and:
 - (a) if the sum was owed to an unincorporated association, other than a registered industrial organisation:
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; or
 - (b) if the sum was purportedly incurred as a debt to a trust fund or to a foundation:
 - (i) the names and addresses of the trustees of the fund or of the foundation; and
 - (ii) the title or other description of the trust fund, or the name of the foundation, as the case requires; or
 - (c) in any other case—the name and address of the person or organisation.

314AE Returns not to include lists of party membership

Returns provided in accordance with this Division are not to include lists of party membership.

314AF Electoral Commissioner to publish reports relating to reporting entities

- (1) Within 3 months after the end of a reporting period, the Electoral Commissioner must cause a report to be prepared of each reporting entity.
- (2) The report must include the following matters for the reporting period:
 - (a) the total amount of gifts that the reporting entity received during the reporting period;
 - (b) the total amount of gifts that the reporting entity received during the reporting period that were permitted anonymous donations;
 - (c) the total amount of gifts that the reporting entity reported in the reporting entity's return for the reporting period;
 - (d) the total number of persons or organisations that made gifts to the reporting entity during the reporting period;
 - (e) the total amount of amounts other than gifts received by the reporting entity during the reporting period;
 - (f) the total amount of income received by the reporting entity during the reporting period;
 - (g) the total amount of electoral expenditure incurred by the reporting entity during the reporting period;
 - (h) any other matter prescribed by the regulations.

- (3) The report must be accessible on the AEC Disclosure Portal as soon as possible after the report has been completed and by no later than 3 months after the end of a reporting period.

2 Subsection 320(1) (table item 5)

Repeal the item, substitute:

- | | | |
|---|---|--|
| 5 | each return provided under
Division 5A | as soon as reasonably practicable
after receiving the return. |
|---|---|--|

Schedule 6—Monitoring and investigation powers

Commonwealth Electoral Act 1918

1 Subsection 287(1)

Insert:

inspector means a person appointed as an inspector under section 314AH.

2 After Division 5A of Part XX

Insert:

Division 5B—Monitoring and investigation powers

314AH Appointment of inspectors

- (1) The Electoral Commissioner may, in writing, appoint a person who is a member of the staff of the Electoral Commission as an inspector.
- (2) The Electoral Commissioner must not appoint a person as an inspector unless the Electoral Commissioner is satisfied that the person has the knowledge or experience necessary to properly exercise the powers of an inspector.
- (3) An inspector must, in exercising powers as such, comply with any directions of the Electoral Commissioner.
- (4) If a direction is given under subsection (3) in writing, the direction is not a legislative instrument.

314AJ Monitoring powers for this Part of the Act

Provisions subject to monitoring

- (1) A provision is subject to monitoring under Part 2 of the Regulatory Powers Act if it is:
 - (a) a provision of this Part; or
 - (b) an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to this Act.

Note 1: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether this Act has been complied with. It includes powers of entry and inspection.

Note 2: Section 316 of this Act sets out additional powers relating to compliance and enforcement.

Information subject to monitoring

- (2) Information given in compliance or purported compliance with a provision of this Act is subject to monitoring under Part 2 of the Regulatory Powers Act.

Note: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether the information is correct. It includes powers of entry and inspection.

Related provisions, authorised applicant, authorised person, issuing officer, relevant chief executive and relevant court

- (3) For the purposes of Part 2 of the Regulatory Powers Act, as it applies in relation to the provisions of this Act:
 - (a) there are no related provisions; and
 - (b) the Electoral Commissioner is the authorised applicant; and

- (c) an inspector is an authorised person; and
- (d) a magistrate is an issuing officer; and
- (e) the Electoral Commissioner is the relevant chief executive; and
- (f) the Federal Circuit Court of Australia and the Federal Court of Australia are the relevant courts.

Persons assisting

- (4) An authorised person may be assisted by other persons in exercising powers or performing functions or duties under Part 2 of the Regulatory Powers Act in relation to offences and civil penalty provisions of this Act.

Extension to external Territories

- (5) Part 2 of the Regulatory Powers Act, as it applies in relation to this Act, extends to every external Territory.

314AK Investigation powers for this Part of the Act

Provisions subject to investigation

- (1) A provision is subject to investigation under Part 3 of the Regulatory Powers Act if it is:
 - (a) a civil penalty provision of this Part for which the specified number of penalty units is 100 penalty units or more; or
 - (b) an offence provision of this Part; or
 - (c) an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to this Part.

Note 1: Part 3 of the Regulatory Powers Act creates a framework for investigating whether a provision has been contravened. It includes powers of entry, search and seizure.

Note 2: Section 316 of this Act sets out additional powers relating to compliance and enforcement.

Related provisions, authorised applicant, authorised person, issuing officer, relevant chief executive and relevant court

- (2) For the purposes of Part 3 of the Regulatory Powers Act, as it applies in relation to evidential material that relates to a provision mentioned in subsection (1):
 - (a) there are no related provisions; and
 - (b) the Electoral Commissioner is the authorised applicant; and
 - (c) an inspector is an authorised person; and
 - (d) a magistrate is an issuing officer; and
 - (e) the Electoral Commissioner is the relevant chief executive; and
 - (f) the Federal Circuit Court of Australia and the Federal Court of Australia are the relevant courts.

Persons assisting

- (3) An authorised person may be assisted by other persons in exercising powers or performing functions or duties under Part 3 of the Regulatory Powers Act in relation to evidential material that relates to offences and civil penalty provisions of this Act.

Extension to external Territories

- (4) Part 3 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to every external Territory.

314AL Infringement notices

Provisions subject to an infringement notice

- (1) A civil penalty provision of this Part is subject to an infringement notice under Part 5 of the Regulatory Powers Act.

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

Infringement officer

- (2) For the purposes of Part 5 of the Regulatory Powers Act, an inspector is an infringement officer in relation to the provisions mentioned in subsection (1).

Relevant chief executive

- (3) For the purposes of Part 5 of the Regulatory Powers Act, the Electoral Commissioner is the relevant chief executive in relation to the provisions mentioned in subsection (1).

Extension to external Territories

- (4) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to every external Territory.

3 After section 318

Insert:

318A Civil penalty provision for returns that are false or misleading

A person is liable to a civil penalty if:

- (a) the person furnishes a return to the Electoral Commission; and
- (b) the return purports to be a return under Division 4, 5 or 5A; and
- (c) the person knows that:
 - (i) the return is false or misleading in a material particular; or
 - (ii) the return omits a matter or thing without which the return is misleading in a material particular.

Civil penalty: 300 penalty units.

Schedule 7—Anonymous gifts

Commonwealth Electoral Act 1918

1 Subsection 287(1)

Insert:

permitted anonymous gift has the meaning given by section 307AB.

2 After Division 4 of Part XX

Insert:

Division 4A—Anonymous gifts

307AA Interpretation

- (1) In this Division:

anonymous gift: a gift is an *anonymous gift* if the gift is not made by a known donor.

candidacy period, in relation to a candidate, means the period:

- (a) starting on the earlier of the day on which the person announces that he or she will be a candidate in an election, or the day on which the nomination of the person as a candidate in the election is made; and
- (b) ending 30 days after the polling day in the election.

enables: a gift enables a person or entity to do a particular thing if all or a substantial part of the gift enables the person or entity:

- (a) to do all or a substantial part of that thing; or
- (b) to be wholly or substantially reimbursed for having done that thing.

gift:

- (a) in relation to a candidate, has a meaning affected by subsection (2); and

(b) in relation to a member of a group, has a meaning affected by subsection (3).

group period, in relation to a group, means the period:

- (a) starting on the day on which the persons constituting the group make a request under section 168 in relation to an election; and
- (b) ending 30 days after the polling day in the election.

known donor: a gift is made by a **known donor** if:

- (a) at the time when the gift is made:
 - (i) the person making the gift (the **donor**) gives the donor's name and address to the person receiving the gift; and
 - (ii) the person receiving the gift has no grounds to believe that the name and address so given are not the donor's true name and address; or
 - (b) the name and address of the donor are otherwise known to the person receiving the gift.
- (2) A reference in this Division to a gift, in relation to a candidate (or a person acting on behalf of a candidate), does not include:
- (a) a gift made for the benefit of a group of which the candidate is a member; or
 - (b) a gift made in a private capacity to (or for the benefit of) the candidate if the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
- (3) A reference in this Division to a gift, in relation to a member of a group (or a person acting on behalf of a group), is a reference to a gift made for the benefit of the group.
- (4) A reference in the definition of **known donor** in subsection (1) to the donor's name and address is:
- (a) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—a reference to:
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
 - (b) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to:
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires.
- (5) A reference in this Division to a thing done by a person includes a reference to a thing done by a person on behalf of the members of an unincorporated association.

307AB Meaning of *permitted anonymous gift*

Anonymous gifts made at general public activities

- (1) An anonymous gift received by or on behalf of a person or entity (the **recipient**) is a **permitted anonymous gift** if:
- (a) the amount of the gift is \$500 or less; and
 - (b) the gift is received at a general public activity (see subsection (3)); and
 - (c) a person involved in the organisation of the activity makes a record, for the purpose of this section, of:
 - (i) the date, location and nature of the activity; and
 - (ii) the names and addresses of the people involved in the collection or receipt of gifts at the activity; and

- (iii) the total amount of anonymous gifts received by or on behalf of the recipient at the activity.
- (2) If:
 - (a) a particular person makes 2 or more gifts for the recipient at the activity; and
 - (b) a person involved in the collection or receipt of gifts at the activity knows that the gifts are from the same person, and that the total of the gifts exceeds \$500;
 then, despite subsection (1), so much of those gifts as equals the excess is not a ***permitted anonymous gift***.
- (3) A ***general public activity*** is an activity that is conducted in a public place or in some other place to which members of the public have ready access.

Note: General public activities include, for example, street stalls and stalls at fetes.

Anonymous gifts made at private events
- (4) An anonymous gift received by or on behalf of a person or entity (the ***recipient***) is a ***permitted anonymous gift*** if:
 - (a) the amount of the gift is \$500 or less; and
 - (b) the gift is received at a private event (see subsection (6)); and
 - (c) a person involved in the organisation of the event makes a record, for the purpose of this section, of:
 - (i) the date, location and nature of the event; and
 - (ii) the number of people who attended the event; and
 - (iii) the names and addresses of the people involved in the collection or receipt of gifts at the event; and
 - (iv) the total amount of anonymous gifts received by or on behalf of the recipient at the event; and
 - (d) if the total amount of anonymous gifts received by or on behalf of the recipient at the event exceeds the amount worked out by multiplying \$500 by the number of people who attend the event—within 6 weeks of the event:
 - (i) the excess is returned; or
 - (ii) if it is not possible or practicable to return the excess—the amount of the excess is paid to the Commonwealth.
- (5) If:
 - (a) a particular person makes 2 or more gifts for the recipient at the event; and
 - (b) a person involved in the collection or receipt of gifts at the event knows that the gifts are from the same person, and that the total of the gifts exceeds \$500;
 then, despite subsection (4), so much of those gifts as equals the excess is not a ***permitted anonymous gift***.
- (6) A ***private event*** is a function, meeting or other event that is not a general public activity.

Section only applies to gifts of money
- (7) This section only applies in relation to gifts of money.

307AC Division does not apply to gifts that are returned or paid to Commonwealth within 6 weeks

This Division does not apply to a gift if, within 6 weeks of the receipt of the gift:

- (a) the gift is returned; or
- (b) if it is not possible or practicable to return the gift—the amount or value of the gift is paid to the Commonwealth.

307AD Anonymous gifts: when unlawful for political party, candidate etc. to receive gift*When receiving gift is unlawful*

- (1) It is unlawful for an anonymous gift that is not a permitted anonymous gift to be received in any of the following circumstances:
- (a) the gift is received by a registered political party (or by a person acting on behalf of a registered political party);
 - (b) the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);
 - (c) the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;
 - (d) the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period.

Liability for unlawful receipt of gift

- (2) If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

Liability for unlawful receipt of gift

Item	Column 1 If the recipient is...	Column 2 the amount is payable by...
1	a registered political party that is a body corporate (or a person acting on behalf of such a party)	the registered political party.
2	a registered political party that is not a body corporate (or a person acting on behalf of such a party)	the agent of the registered political party.
3	a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)	the State branch.
4	a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on behalf of such a branch)	the agent of the State branch.
5	a candidate (or a person acting on behalf of a candidate)	the candidate and the agent of the candidate.
6	a member of a group (or a person acting on behalf of a group)	the members of the group and the agent of the group.

- (3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.
- (4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.

307AE Anonymous gifts: when unlawful for political party, candidate etc. to receive gift made using anonymous gift

When receiving gift is unlawful

- (1) It is unlawful for a person or entity to receive a gift (the *political gift*) from a person (the *donor*) if:
- (a) the political gift is received in any of the following circumstances:
 - (i) the gift is received by a registered political party (or by a person acting on behalf of a registered political party);
 - (ii) the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);
 - (iii) the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;
 - (iv) the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period; and
 - (b) an anonymous gift received by the donor enabled the donor to make the political gift; and
 - (c) the anonymous gift is not a permitted anonymous gift.

Liability for unlawful receipt of gift

- (2) If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

Liability for unlawful receipt of gift		
Item	Column 1 If the recipient is...	Column 2 the amount is payable by...
1	a registered political party that is a body corporate (or a person acting on behalf of such a party)	the registered political party.
2	a registered political party that is not a body corporate (or a person acting on behalf of such a party)	the agent of the registered political party.
3	a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)	the State branch.
4	a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on behalf of such a branch)	the agent of the State branch.
5	a candidate (or a person acting on behalf of a candidate)	the candidate and the agent of the candidate.
6	a member of a group (or a person acting on behalf of a group)	the members of the group and the agent of the group.

- (3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.
- (4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.

307AF Anonymous gifts: when unlawful for person to incur electoral expenditure using anonymous gift

Persons other than candidates and members of groups (current and former): when incurring expenditure is unlawful

- (1) It is unlawful for a person to incur an amount of electoral expenditure if:
 - (a) the person is not, and has not at any time been, a candidate or a member of a group; and
 - (b) an anonymous gift received by the person enabled the person to incur the expenditure; and
 - (c) the anonymous gift is not a permitted anonymous gift; and
 - (d) the person is required by section 314AEB to provide a return setting out details of the expenditure (whether or not that return has been provided).

Candidates and members of groups (current and former): when incurring expenditure is unlawful

- (2) It is unlawful for a person to incur an amount of electoral expenditure if:
 - (a) the person is, or has at any time been, a candidate or a member of a group; and
 - (b) an anonymous gift received by the person enabled the person to incur the expenditure; and
 - (c) the anonymous gift is not a permitted anonymous gift.

Liability for unlawful incurring of expenditure

- (3) If a person incurs an amount of electoral expenditure that is unlawful under subsection (1) or (2), an amount equal to the amount of the expenditure is payable to the Commonwealth by the person.
- (4) An amount that, under subsection (3), is payable by a person to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

Schedule 8—Transitional provisions

1 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the repeals or amendments made by Schedules 3 to 8 to this Act.
- (2) Without limiting subitem (1), rules made before the end of the transitional period may provide that this Act or any other Act or instrument has effect with any modifications prescribed by the rules.
- (3) Subsection 12(2) of the *Legislation Act 2003* does not apply to rules made before the end of the transitional period.

Note: Subsection 12(2) of the *Legislation Act 2003* is about the retrospective application of legislative instruments.

- (4) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;

- (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (5) This Act (other than subitem (4)) does not limit the rules that may be made.
- (6) The *transitional period* is the period of 2 years beginning on the day this Act receives Royal Assent.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 7

Senators—

Faruqi
Griff

Hanson-Young
Lambie

McKim
Patrick

Siewert*

NOES, 21

Senators—

Antic
Askew
Bragg
Brockman
Chandler
Colbeck

Cormann
Davey
Farrell
Fawcett
Henderson

Hughes
Keneally
McCarthy*
McGrath
McLachlan

O'Sullivan
Paterson
Rennick
Scarr
Stoker

* Tellers

Question negatived.

After 7.20 pm: The committee reported progress.

29 Adjournment

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

Debate ensued.

The Senate adjourned at 7.59 pm till Thursday, 3 September 2020 at 9.30 am.

30 Attendance

Present, all senators except Senators Abetz*, Brown*, Ciccone*, Dodson*, Gallacher*, Hanson*, Kitching*, McDonald*, Rice*, Roberts*, Marielle Smith*, Steele-John*, Sterle*, Waters* and Whish-Wilson* (*on leave).

RICHARD PYE
Clerk of the Senate