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

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

Government documents
Australian Human Rights Commission—Reports—
1. No. 123—AG v Commonwealth (Department of Foreign Affairs and Trade) and Finite Group APAC Pty Ltd.
3. No. 125—Ms Jessica Smith v Redflex Traffic Systems Pty Ltd.

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.]

Airports Act 1996—Airports Amendment (Melbourne Airport Site Measures No. 3) Regulations 2018 [F2018L01608].
Commonwealth Electoral Act 1918—Electoral and Referendum Amendment (Official Secretary to the Governor-General) Regulations 2018 [F2018L01606].
Copyright Act 1968—Copyright (International Protection) Amendment Regulations 2018 [F2018L01609].
Customs Act 1901—
3 Committees—Leave to meet during sittings

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

Education and Employment Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1) today, from 11.30 am.

Electoral Matters—Joint Standing Committee—
private meeting otherwise than in accordance with standing order 33(1) today, from 9.40 am.
in camera hearing on Thursday, 29 November 2018, from 3.30 pm.
public meeting on Wednesday, 5 December 2018, from 9.40 am.

Environment and Communications References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from midday, for the committee’s inquiry into rehabilitation of mining and resources projects and power station ash dams.

Legal and Constitutional Affairs Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 29 November 2018, from 4 pm.

Red Tape—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 9.30 am.

Royal Commission into Institutional Responses to Child Sexual Abuse—Joint Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from midday.

Stillbirth Research and Education—Select Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 29 November 2018, from 11.30 am.

4 Conduct of debate—Formal motions—Statement by President

The President made a statement concerning events occurring on 27 November 2018 and the use of unparliamentary epithets and abuse, and concerning the recent conduct of the discovery of formal business.

Statements by leave: The Leader of the Government in the Senate (Senator Cormann), the Leader of the Opposition in the Senate (Senator Wong) and the Leader of the Australian Greens (Senator Di Natale), by leave, made statements relating to the matter.

5 Migration Amendment (Family Violence and Other Measures) Bill 2016

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.
Question—That the bill, as amended, be agreed to—divided, at the request of the Assistant Minister for Home Affairs (Senator Reynolds), in respect of items 41 and 58 of Schedule 1.

Question—That items 41 and 58 of Schedule 1 stand as printed—put and negatived.

Bill, as amended, agreed to and reported with amendments.

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

6 Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Bill 2018

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Indigenous Affairs (Senator Scullion) the bill was read a third time.

7 Aboriginal and Torres Strait Islander Land and Sea Future Fund Bill 2018

Aboriginal and Torres Strait Islander Land and Sea Future Fund (Consequential Amendments) Bill 2018

Order of the day read for the adjourned debate on the motion of the Assistant Minister for International Development and the Pacific (Senator Ruston)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of the Minister for Indigenous Affairs (Senator Scullion) the bills were read a third time.

8 Copyright Amendment (Online Infringement) Bill 2018

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

Debate resumed.

Question put and passed.

Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.

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

9 Modern Slavery Bill 2018

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

Debate resumed.

Senator McKim moved the following amendment:

At the end of the motion, add “but the Senate is of the opinion that, every three years, the Modern Slavery Act 2018 should be subject to a review conducted by an independent statutory Anti-Slavery Commissioner”.

Debate ensued.

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

Senator Storer moved the following amendment:

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

(a) notes that the Legal and Constitutional Affairs Legislation Committee and the Joint Standing Committee on Foreign Affairs, Defence and Trade both recommended that an independent statutory officer be appointed to support the operation of the Modern Slavery Act; and

(b) calls on the Government to appoint an Independent Anti-Slavery Commissioner to support the operation of the Modern Slavery Act and coordinate Australia’s broader response to modern slavery”.

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

Main question, as amended, put and passed.

Bill read a second time.

At 12.45 pm—

10 Senators’ statements

Senators made statements.

At 2 pm—

11 Questions

Questions without notice were answered.

12 Motions to take note of answers

Senator O’Neill moved—That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Payne) to a question without notice asked by Senator McCarthy today relating to the Member for Chisholm (Ms Banks).

Debate ensued.

Question put and passed.
Senator McKim moved—that the Senate take note of the answer given by the Minister for Small and Family Business, Skills and Vocational Education (Senator Cash) to a question without notice asked by Senator McKim today relating to asylum seekers.

Question put and passed.

13 Procedure—Standing Committee—4th report of 2018

The Chair of the Procedure Committee (Senator Lines) tabled the following report:


Senator Lines moved—that the Senate adopt the recommendation in the report.

Question put and passed.

Accordingly, a temporary order was adopted immediately, with effect until the last sitting day of this Parliament, as follows:

Suspension motions and formal business

The question on any motion to suspend standing orders moved in the following circumstances shall be put immediately without amendment or debate:

(a) any motion to suspend standing orders to provide for the consideration of a motion for which formality has been denied; and

(b) any other motion to suspend standing orders moved during the consideration of formal business under standing order 66.

14 Notices

The Leader of Derryn Hinch’s Justice Party (Senator Hinch): To move on the next day of sitting—that the Senate—

(a) welcomes the Federal Government’s recent announcement of an additional $498 million over 10 years to expand the Australian War Memorial to commemorate recent conflicts;

(b) acknowledges that:

(i) between 2000 and 2015, 325 members of the Australian Defence Force and veterans have been lost to suicide,

(ii) NSW RSL have reported that 85 veterans suicided last year,

(iii) suicides amongst veterans are not always recorded and, thus, these figures are likely to be much higher, and

(iv) the most recent report available suggests that between 2007 and 2009, and between 2013 and 2015, there has not been a statistically significant change in the suicide rate among ex-serving men; and

(c) calls on the Federal Government to:

(i) increase funding for veteran support payments and health services, and

(ii) look after the living, as we rightly honour our war dead. (general business notice of motion no. 1258)

Senator Leyonhjelm: To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend the law relating to taxation, and for related purposes. Lower Tax Bill 2018. (general business notice of motion no. 1259)
Senator Chisholm: To move on the next day of sitting—That there be laid on the table by the Minister representing the Prime Minister, by no later than 10 am on 3 December 2018, all documents regarding contracts entered into by Tourism Australia between 1 January 2004 and 31 January 2006. (general business notice of motion no. 1260)

Senator Storer: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999, and for related purposes. Environment Protection and Biodiversity Conservation Amendment (Great Australian Bight) Bill 2018. (general business notice of motion no. 1261)

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

1) That the Senate adopts the following Code of Conduct, for inclusion in the Senate standing orders:

**PARLIAMENTARY CODE OF CONDUCT**

**PREAMBLE**

The (House of Representatives and the) Senate have reached agreement on a Code of Conduct which is to apply to all members of Parliament. Members of Parliament recognise that they are in a unique position of responsibility in influencing the nature of civic conduct in Australia. Members of Parliament recognise that their words and actions in the Senate (and the House of Representatives) influence issues in the public debate, and these include issues relating to multicultural affairs, migration and citizenship, gender equality and professional conduct in the workplace. Members of Parliament acknowledge that parliamentary privilege protects the right of members to participate freely in debate in the Parliament without fear of prosecution. Members of Parliament recognise the need to exercise their valuable right of freedom of speech in a responsible manner, and a failure to do so may have serious implications for individuals and groups of the Australian community and may diminish the social cohesion that is essential to our national character.

**THE CODE**

1. **Uphold the honour of Public Office**
   (a) Members of Parliament will take all reasonable steps to represent public office in a manner that is consistent with the values of respect and inclusion; and
   (b) This includes behaviour and language during parliamentary proceedings, including interactions with parliamentary and electorate office staff.

2. **First Peoples of Australia, the Aboriginal and Torres Strait Islander peoples**
   (a) Members of Parliament recognise the value and contribution of the First Peoples of Australia, the Aboriginal and Torres Strait Islander peoples.
(b) Members of Parliament recognise that with the exception of Aboriginal and Torres Strait Islander peoples, Australia is a nation of migrants.

3. Respect Australians’ diversity

(a) Members of Parliament recognise that Australia has been enriched by the diversity of colour, ethnic origin, culture and religious belief that exists within our nation.

(b) Members of Parliament recognise that principles, including respect for religious and cultural diversity, tolerance and justice should be upheld in parliamentary debate in a respectful manner.

4. Respect gender equality and diversity

(a) Members of Parliament recognise that women and LGBTIQ+ individuals are more likely to experience gender inequality and discrimination in the workplace;

(b) Members of Parliament recognise that the Australian Parliament, including the Senate and House of Representatives Chamber, is the primary workplace for elected representatives; and

(c) Female and elected representatives from LGBTIQ+ communities should be free from gender and sexuality-based bullying, harassment or abuse of any kind in their workplace.

5. Reject discriminatory or exclusionary statements

(a) Members of Parliament will not knowingly humiliate or degrade an individual or community based on their colour, national or ethnic origin, culture, religious belief, gender or sexual orientation.

(b) This includes acts which are intended to incite hatred or create fear of a community.

(2) That this resolution be communicated to the House of Representatives for concurrence. (general business notice of motion no. 1262)

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams): To move on the next day of sitting—That the following matter be referred to the Standing Committee on Regulations and Ordinances for inquiry and report by 3 April 2019:

(1) The continuing effectiveness, role and future direction of the Standing Committee on Regulations and Ordinances, including:

(a) whether the committee’s powers remain appropriate;

(b) the adequacy of the principles by which the committee scrutinises delegated legislation, including the committee’s ability to fully consider:

(i) the constitutional authority for delegated legislation,

(ii) administrative law principles, and

(iii) principles of democratic accountability; and

(c) the adequacy of the existing framework for parliamentary control and scrutiny of delegated legislation, and whether this framework should be enhanced.
(2) In undertaking this inquiry, the committee should have regard to the role, powers and practices of similar parliamentary committees, including those in other jurisdictions.

(3) The committee be authorised to hold public hearings in relation to this inquiry, and to move from place to place.

The Minister for Communications and the Arts (Senator Fifield): To move on the next day of sitting—That the days of meeting of the Senate for 2019 be as follows:

**Autumn sittings:**
- Tuesday, 12 February to Thursday, 14 February

**Budget sittings:**
- Tuesday, 2 April to Thursday, 4 April

**Autumn sittings (2):**
- Monday, 15 April to Thursday, 18 April

**Winter sittings:**
- Monday, 13 May to Thursday, 16 May
- Monday, 17 June to Thursday, 20 June
- Monday, 24 June to Thursday, 27 June

**Spring sittings:**
- Monday, 12 August to Thursday, 15 August
- Monday, 19 August to Thursday, 22 August
- Monday, 9 September to Thursday, 12 September
- Monday, 16 September to Thursday, 19 September
- Monday, 14 October to Thursday, 17 October
- Monday, 11 November to Thursday, 14 November
- Monday, 25 November to Thursday, 28 November
- Monday, 2 December to Thursday, 5 December.

The Minister for Communications and the Arts (Senator Fifield): To move on the next day of sitting—

(1) That estimates hearings by legislation committees for 2019 be scheduled as follows:

**2018-19 additional estimates:**
- Monday, 18 February and Tuesday, 19 February (*Group A*)
- Wednesday, 20 February and Thursday, 21 February (*Group B*).

**2019-20 Budget estimates:**
- Tuesday, 28 May to Thursday, 30 May, and, if required, Friday, 31 May (*Group A*)
- Monday, 3 June to Thursday, 6 June, and, if required, Friday, 7 June (*Group B*)
- Monday, 21 October and Tuesday, 22 October (*supplementary hearings—Group A*)
- Wednesday, 23 October and Thursday, 24 October (*supplementary hearings—Group B*).

(2) That pursuant to the order of the Senate of 26 August 2008, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 22 February, Friday, 31 May and Friday, 25 October, but not restricted to these days.
That cross portfolio estimates hearings on Murray-Darling Basin Plan matters be scheduled for Friday, 22 February, Friday, 31 May and Friday, 25 October, but not restricted to these days.

That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

That committees meet in the following groups:

**Group A:**
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Education and Employment
- Foreign Affairs, Defence and Trade.

That the committees report to the Senate on the following dates:

(a) Tuesday, 16 April 2019 in respect of the 2018-19 additional estimates; and

(b) Tuesday, 25 June 2019 in respect of the 2019-20 Budget estimates.

Senators Dean Smith and Singh: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that 1 December 2018 is World AIDS Day, which raises awareness about HIV and AIDS, supports people living with HIV and commemorates those who have died,

(ii) that the national World AIDS Day theme for Australia in 2018 is ‘HIV is still here – and it’s on the move’,

(iii) that progress towards ending HIV in Australia is particularly urgent in Indigenous communities,

(iv) the importance of eliminating the discrimination and stigma faced by individuals with a positive HIV diagnosis in Australia and internationally,

(v) that the HIV epidemic remains one of the greatest public health challenges facing Australia, the Asia-Pacific region and the world, and

(vi) the critical role funding plays in research and development into finding better treatment methods and a cure for HIV/AIDS;

(b) welcomes the addition of the game-changing HIV prevention treatment pre-exposure prophylaxis (PrEP) to the Pharmaceutical Benefits Scheme earlier this year; and

(c) recognises and commends the organisers of World AIDS Day 2018 in bringing together communities to raise awareness, and constructively work towards an end to this worldwide epidemic. (general business notice of motion no. 1263)

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Sex Discrimination Act 1984 to remove discrimination against students. **Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018.** (general business notice of motion no. 1264)
The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That—

(a) the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 be considered on Monday, 3 December 2018 from midday to 2 pm, at the time allotted for the consideration for private senators’ bills*;

(b) if, by 1.50 pm, the bill has not been finally considered, the questions on all remaining stages shall be put without debate;

(c) paragraph (b) of this order shall operate as a limitation of debate under standing order 142; and

(d) the reference to 2 hours in standing order 142(4) shall be read as 1 hour.

[* Paragraph (a) reflects the order of the Senate of 13 November 2018 relating to the presentation of the address-in-reply. (general business notice of motion no. 1265)]

Senators Steele-John and Siewert: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) on 27 November 2018, the Western Australian (WA) Labor Government lifted a moratorium on hydraulic fracturing (known as fracking) in all but the Perth, Peel and South-West regions of the state, meaning the practice will now be allowed on existing petroleum titles,

(ii) existing petroleum titles cover 5.1 million hectares of Western Australia, a vast area almost the size of Tasmania, and threaten the ecologically-fragile Kimberley region, the Pilbara and Mid-West,

(iii) the final report of the Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western Australia 2018, handed down on 26 November 2018, stated that ‘Western Australia is the only Australian jurisdiction that has experienced a significant increase in GHG emissions since 2000, largely due to the predominance of the State’s extractive industries (particularly conventional gas)...’,

(iv) a recent report from the Intergovernmental Panel on Climate Change warned that we have just 12 years to halt the worst impacts of climate change and keep global warming to a maximum of 1.5C, and

(v) on 27 November 2018, WA Greens MLC, Mr Robin Chapple, gave notice he would urgently introduce a bill to the Legislative Council to ban fracking in the wake of the WA Labor Government’s decision to lift the moratorium; and

(b) condemns the Western Australian Government for lifting the moratorium on fracking, and failing to acknowledge that development of this toxic industry will only further worsen the state’s ability to mitigate and adapt to the damaging impacts of climate change. (general business notice of motion no. 1266)

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

(a) notes that:

(i) MacMines Austasia’s 20,000-hectare China Stone thermal coal project in the Galilee Basin is one step closer to approval,
(ii) the Galilee Basin has 9 mega coal mines proposed, including the Adani Carmichael mine, China Stone mine, Alpha Coal Project, Kevin’s Corner Project, Degulla Coal, Alpha West, Alpha North, Galilee (China First) Coal Project and South Galilee Coal Mine,

(iii) the China Stone project alone is estimated to export 38 million tonnes of coal annually, producing 128.4 metric tonnes of carbon dioxide per year — which is equivalent to 23% of Australia’s total domestic emissions in 2017, or about ten years’ worth of Australia’s domestic emissions over the lifetime of the mine,

(iv) there is undeniable evidence that carbon dioxide emissions are driving dangerous global warming, which is causing extreme weather conditions unlike any we have ever faced,

(v) unless we take urgent action to stop global warming, by reducing carbon dioxide emissions and our reliance on fossil fuels, bushfires, flooding, drought and heatwaves will become more frequent and increasingly severe,

(vi) these extreme weather events will also make it far more difficult for farmers to graze livestock and grow produce, resulting in food insecurity; they will also lead to increased danger of illness, especially among the elderly,

(vii) the Northern Australia Infrastructure Facility was established on the premise of promoting infrastructure and projects to the benefit of Northern Australia, and

(viii) developing thermal coal mines, which drive dangerous global warming and increase the probability and severity of extreme weather events, threatens the infrastructure and economic security both Northern Australia and all of Australia; and

(b) calls on the Federal Government to rule out giving publicly-funded finance, via the Northern Australia Infrastructure Facility or any other source, to any part of MacMines’ China Stone proposal. (general business notice of motion no. 1267)

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

(a) notes that:

(i) on 26 November 2018, the House of Representatives Standing Committee on Social Policy and Legal Affairs tabled its report, Breaking barriers: a national adoption framework for Australian children,

(ii) the rate of First Nations children in out-of-home care is almost ten times that of other children, and the numbers of children removed during the time of the Stolen Generations is comparable to current removal rates of First Nations children,

(iii) when considering adoption as a part of our out-of-home care system, we need to consider the legacies of past policies and practices with respect to the separation of children from families, as well as practices of forced adoption for many women, and

(iv) these policies and practices have had and still have lasting impacts on the lives, health and well-being of many Australians;
(b) acknowledges that approaches that ignore the voices of First Nations families and communities will do little to reduce the growing number of First Nations children in out-of-home care, and that the new adoption laws introduced in New South Wales are a cause of great concern to many First Nations communities;
(c) is very concerned about the growing trend to see adoption as the first and only option for stable families; and
(d) calls on the Federal Government to make it a priority to adopt the major actions identified by the Family Matters Coalition, which includes a commitment to developing a National First Nations Children’s Strategy. (general business notice of motion no. 1268)

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

(a) notes that:
   (i) the Yat Yuen Greyhound racing track at Macau, known as the Canidrome, has been described by Grey2k as a ‘death camp for dogs’ where tens of thousands of greyhounds have been killed over the past 50 years,
   (ii) in 2013, Greyhounds Australasia blacklisted Macau on animal welfare grounds and stopped issuing ‘greyhound passports’,
   (iii) between the start of 2013 and the end of 2015, at least 590 greyhounds were approved for export by the Australian Government to Macau, against the wishes of animal welfare organisations and Greyhounds Australasia,
   (iv) following the closure of the Canidrome in July 2018, hundreds of dogs are waiting to be rescued, many of whom originated from Australia, and
   (v) the Australian Government still allows the export of racing greyhounds to countries that are blacklisted by Greyhounds Australasia;
(b) recognises the Commonwealth Government’s role in allowing the export of Australian greyhounds to Macau, and its obligation to assist in the rehoming of these greyhounds; and
(c) calls on the Commonwealth Government to cease issuing export documents for racing greyhounds without greyhound passports. (general business notice of motion no. 1269)

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

(a) notes that:
   (i) a new political lobbying organisation called Binary Australia was launched this week,
   (ii) this organisation is a rebrand of Marriage Alliance (MA),
   (iii) MA, during the marriage equality debate, circulated misleading and damaging material about transgender and gender diverse Australians,
   (iv) the organisation has stated that they will target and campaign against critical and life-saving anti-bullying and LGBTIQ+ centered programs that work to protect LGBTIQ+ young people in schools, and
   (v) since becoming Prime Minister, Mr Morrison has consistently attacked and devalued the rights of trans and gender diverse Australians, most recently in relation to Tasmania’s proposed removal of gender from birth certificates;
(b) condemns the anti-transgender sentiment displayed by Prime Minister Morrison and organisations such as Binary Australia;

(c) commits to including transgender and gender diverse voices, particularly transgender and gender diverse people of colour and Indigenous people, in policy making;

(d) recognises the importance of anti-bullying and LGBTIQ+ centred programs for young people, including in schools, physical and mental health care services;

(e) supports the provision of essential health, social, cultural, and community services and programs for transgender and gender diverse people and their families, delivered with the meaningful input and involvement of these communities; and

(f) commits to:

(i) promoting standards, such as the World Professional Association for Transgender Health Standards of Care for healthcare providers, that ensure transgender and gender diverse people receive appropriate treatment, and

(ii) ensuring that healthcare that complies with international best-practice, such as these Standards of Care is widely available within the public health system without unreasonably long delays or waiting lists. 

( general business notice of motion no. 1270 )

Senators Hanson-Young and Waters: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the South Australian Marshall Government has, this week, been debating the impacts of mining in South Australia,

(ii) farming communities are opposed to progress of the Mining Act, citing inadequate consultation and seeking the right to protect their land, and

(iii) the Landholders’ Right to Refuse (Gas and Coal) Bill 2015 is currently on the Senate Notice Paper; and

(b) calls on the South Australian Government to support farmers and landholders’ right to refuse unconventional gas and underground coal gasification. ( general business notice of motion no. 1271 )

Contingent notice of motion: Senator Bernardi gave a contingent notice of motion, as follows: To move (contingent on any senator objecting to a motion being taken as formal)—That so much of the standing orders be suspended as would prevent the motion being moved immediately and determined without amendment or debate.

15 Postponement

Business was postponed as follows:

General business notice of motion no. 1219 standing in the name of Senator Waters for today, proposing the introduction of the National Integrity Commission Bill 2018, postponed till 29 November 2018.
16 Committee—Extensions of time to report
The following committee was granted extensions of time to report:

Community Affairs References Committee—
Aged care assessment and accreditation, extended to the last sitting Wednesday in March 2019.
Support for Australia’s thalidomide survivors, extended to the last sitting Wednesday in February 2019.

17 Health Insurance (Extended Medicare Safety Net) Determination—Approval
The Assistant Minister for International Development and the Pacific (Senator Ruston), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—that, in accordance with subsection 10B(2) of the Health Insurance Act 1973, the Senate approves the Health Insurance (Extended Medicare Safety Net) Determination 2019 made under subsection 10B(1) of the Act on 17 October 2018.
Question put and passed.

18 Financial Wellbeing and Capability activity—Grants—Order for production of documents
Senator Urquhart, at the request of Senator McAllister and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1256—

(1) That the Senate notes that:
(a) the Department of Social Services recently completed the tender process for grants for the Financial Wellbeing and Capability activity, and began notifying applicants of the results in October and November 2018;
(b) the tender decisions resulted in a number of organisations receiving real cuts to their funding;
(c) these cuts were scheduled to take effect in a matter of weeks; and
(d) over the past fortnight, the Minister for Families and Social Services has backflipped and extended selected organisations’ existing funding.

(2) That there be laid on the table by the Minister representing the Minister for Families and Social Services, by no later than 3.30 pm on 4 December 2018, any documents containing the following information:
(a) the list of applicants who were successful in the 2018 tenders for each of the grant programs within the Financial Wellbeing and Capability activity, including the amount of funding received and the service area to which it relates;
(b) any variations or amendments to the tender outcome;
(c) the list of existing grant holders who were unsuccessful or received real cuts in funding in the 2018 tenders for each of the grant programs within the Financial Wellbeing and Capability activity, including the amount of funding lost and the service area to which it related;
(d) the list of organisations who were offered extensions of their existing funding after the conclusion of the 2018 tenders for the Financial Wellbeing and Capability grants, including the amount of funding received, the length of the funding extension, and the service area and grant program to which it relates; and

(e) any correspondence between the Department and the Minister’s office relating to paragraphs (a) to (d) above.

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

Question put and passed.

19 Jacaranda Community Centre—Funding

Senator Siewert, also on behalf of Senator Lines, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1243—

That the Senate—

(a) acknowledges:

(i) the work that the Jacaranda Community Centre does through their Aboriginal Family Support and School Inclusion Program, including supporting First Nations families through early childhood development, care education and school readiness programs; providing support and referrals for external counselling and health services, such as alcohol and substance abuse assistance; supporting families in court, schools and hospitals; and undertaking outreach and home visits and liaising with local Elders, and

(ii) that the Jacaranda Community Centre’s Aboriginal Family Support and School Inclusion Program was funded under the Indigenous Advancement Strategy, managed by the Department of the Prime Minister and Cabinet since 2017;

(b) notes that:

(i) the Jacaranda Community Centre has run this program for over 9 years, under various funding arrangements and, most recently, under the Indigenous Advancement Strategy, employs First Nations people under the program, and is currently supporting over 50 First Nations children and their families,

(ii) on 21 November 2018, the Jacaranda Community Centre was given 5 weeks notice from the Department of the Prime Minister and Cabinet that their funding would not be continuing without providing justification and with no transition plan for the families currently being assisted and the First Nations peoples employed, and

(iii) the Federal Government approved grants of $150,000 to the Northern Territory Seafood Council, $170,000 to the Amateur Fishermen’s Association of the Northern Territory, and $165,000 to the Northern Territory Cattlemen’s Association out of the Indigenous Advancement Strategy funding; and

(c) calls on the Minister for Indigenous Affairs to reinstate funding for this important program.

Question put and passed.
20 Electoral Matters—Joint Standing Committee—Extension of time to report

Senator Steele-John amended general business notice of motion no. 1249 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the time for the presentation of the report of the Joint Standing Committee on Electoral Matters on the Commonwealth Electoral Amendment (Lowering Voting Age and Increasing Voter Participation) Bill 2018 be extended to 29 March 2019.

Question put and passed.

21 Halal Certification Transitional Authority Bill 2018

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1247—that the following bill be introduced:

A Bill for an Act to establish the Halal Certification Transitional Authority, and for related purposes.

Question put and passed.

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

Question put and passed.

Bill read a first time.

Senator Bernardi moved—that this bill be now read a second time.

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

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

22 Carbon pricing

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1244—that the Senate—

(a) notes that:

(i) the sharpest ever drop recorded in Australia’s greenhouse pollution occurred during the two-year period of the carbon pricing mechanism, and

(ii) during the carbon price, inflation was contained and the economy grew by 4.7%, as emissions dropped by 8.2% compared to the two-year period before the carbon price; and

(b) supports the widely held position of economists, industry and environment groups that an economy-wide carbon price is the lowest cost, most effective way to reduce pollution and encourage investment in the industries of the future.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), Senator Chisholm and the Leader of the Australian Greens (Senator Di Natale), by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 10

Senators—

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

NOES, 38

Senators—

Abetz        Fierravanti-Wells Marshall        Ruston
Anning       Fifield    McAllister    Ryan
Brockman     Gallacher  McCarthy      Seselja
Bushby       Georgiou   McGrath       Singh
Canavan      Griff      Molan         Smith, David
Cash         Hinch      Moore         Smith, Dean
Chisholm     Hume       Patrick       Sterle
Colbeck      Kitching   Polley        Stoker
Collins      Leyonhjelm  Pratt         Urquhart*
Duniam       Lines

* Tellers

Question negatived.

23 **Galilee Basin—Coal mines**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1251—That the Senate—

(a) notes:

(i) that MacMines Austasia’s 20,000-hectare China Stone thermal coal project in the Galilee Basin is one step closer to approval,

(ii) that this mine is expected to export 38 million tonnes of coal annually,

(iii) that this single Galilee Basin project is estimated to produce 128.4 metric tonnes of carbon dioxide per year, which is equivalent to 23% of Australia’s total domestic emissions in 2017, or about ten years’ worth of Australia’s domestic emissions over the lifetime of the mine,

(iv) that, this week, large parts of north and far north Queensland are in a severe heatwave, with indications that the heatwave will spread west to the Northern Territory border,

(v) that temperature records for many Queensland towns have been broken,

(vi) that about 1500 people have been displaced, up to 600 evacuated and at least four houses lost, as unprecedented bushfires continue to burn in the Deepwater National Park region, south of Gladstone,

(vii) the emotional trauma and financial hardship that these sorts of extreme weather events can inflict on our communities,

(viii) that the work of emergency services and volunteers is to be commended,

(ix) that the Galilee Basin has 9 mega coal mines proposed, including the Adani Carmichael mine, China Stone mine, Alpha Coal Project, Kevin’s Corner Project, Degulla Coal, Alpha West, Alpha North, Galilee (China First) Coal Project and South Galilee Coal Mine,

(x) that there is undeniable evidence that carbon dioxide emissions are driving dangerous global warming, which is causing extreme weather conditions unlike any we have ever seen before, and
(xi) that, unless we take urgent action to stop global warming, bushfires, flooding, drought and heat waves will become more frequent and increasingly severe; and

(b) calls on the Minister for the Environment to:
   (i) urgently take proactive measures against global warming,
   (ii) refuse federal environmental approval for MacMines’ China Stone thermal coal mine, and
   (iii) not approve any coal mines in the Galilee Basin.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston) and Senator Chisholm, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 40

Senators—

Abetz  Fieravanti-Wells  Marshall  Ryan
Anning  Gallacher  McAllister  Seselja
Brockman  Georgiou  McCarthy  Singh
Bushby  Gichuhi  McGrath  Smith, David
Canavan  Griff  Molan  Smith, Dean
Cash  Hinch  Moore  Sterle
Chisholm  Hume  Patrick  Stoker
Colbeck  Kitching  Polley  Storer
Collins  Leyonhjelm  Pratt  Urquhart*
Duniam  Lines  Ruston  Watt

* Tellers

Question negatived.

24 Minister representing the Minister for Home Affairs—Proposed statement

Senator Urquhart, at the request of Senator Pratt and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1103—

That—

(a) the Minister representing the Minister for Home Affairs be required to attend the Senate on 29 November 2018, prior to government business being called on, to make a statement responding to the matters raised in the Legal and Constitutional Affairs References Committee report, Allegations concerning the inappropriate exercise of ministerial powers, with respect to the visa status of au pairs, and related matters;

(b) at the conclusion of the statement, any senator may move a motion to take note of the minister’s statement;

(c) any such motion may be debated for no longer than one hour and shall have precedence over all government business until determined; and

(d) a senator may speak to the motion for no more than ten minutes.
Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 28

Senators—

Cameron
Chisholm
Collins
Di Natale
Faruqi
Gallacher
Hanson-Young
Hinch
Moore
Polley
Rice
Siewert
Singh
Smith, David

Steele-John
Sterle
Waters
Watt
Whish-Wilson
Wong

NOES, 31

Senators—

Abetz
Anning
Bernardi
Brockman
Burston
Bushby*
Canavan
Cash
Colbeck
Duniam
Fawcett
Ferravanti-Wells
Georgiou
Gichuhi
Griff
Hume
Leyonhjelm
Macdonald
McGrath
Molan
O'Sullivan
Patrick
Reynolds
Ruston

Ryan
Scullion
Seselja
Smith, Dean
Stoker
Storer
Williams

* Tellers

Question negatived.

25 Live animal exports—Review—Order for production of documents

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1238—That the following documents be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, no later than 9.50 pm on 3 December 2018:

(a) any draft versions of the ‘Review of the regulatory capability and culture of the Department of Agriculture and Water Resources in the regulation of live animal exports’ provided to the Department of Agriculture and Water Resources or the Minister for Agriculture and Water Resources; and

(b) any correspondence between any or all of the following regarding this report or draft versions of the report: the Minister for Agriculture and Water Resources, the Department of Agriculture and Water Resources, and Mr Philip Moss, AM.

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

Question put.

The Senate divided—

AYES, 31

Senators—

Chisholm
Collins
Di Natale
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lines
Marshall
McAllister
McCarthy
McKim
Moore

Patrick
Polley
Pratt
Rice
Siewert
Singh
Smith, David
Steele-John

Sterle
Storer
Waters
Watt
Whish-Wilson
Wong

* Tellers
26 **School attendance**

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1245—That the Senate—

(a) notes that:

(i) Canberra school children will not attend school on 28 November 2018 and instead attend Parliament House to protest the ‘climate emergency’, reportedly with the consent of the Australian Capital Territory (ACT) Education Directorate,

(ii) the most recent Programme for International Student Assessment (PISA), that compares OECD student achievement data, showed a significant decline in reading literacy in the ACT and declines in mathematical and scientific literacy in the ACT,

(iii) in March 2018, UNICEF declared that the proportion of Australian children achieving at least minimum proficiency in reading or mathematics by 2030 will not be met, and

(iv) in June 2017, UNICEF also found Australia to be 39th out of 41 high and middle income countries achieving a quality education; and

(b) calls on the Minister for Education, the ACT Government, the ACT Minister for Education and Early Childhood Development, Education Directorate and school parents, and education ministers across the country to prioritise and encourage school attendance to address literacy and numeracy emergencies.

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

Question put and negatived.

27 **Formal motions—Proposed temporary order—Proposed consideration**

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1250—That—

(a) on Monday, 3 December 2018, a matter of public importance or urgency motion not be proceeded with and, instead, general business notice of motion no. 1227 standing in the name of Senator Patrick, proposing a temporary order relating to formal motions, be called on and considered for not more than 1 hour;

(b) senators may speak to the motion for not more than 10 minutes; and

(c) if the question on the unresolved motion is not concluded before the expiration of time allotted in paragraph (a), the question shall be put.

Question put and negatived.
28 Rifle Company Butterworth—Recognition

Senator Anning, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1252—that the Senate—

(a) expresses its strong commitment to ensure that Australian military veterans who have served this nation overseas receive their full entitlements;

(b) notes with concern that, for decades, the 9000 Australian Defence Force members who served in Malaysia during the counter-insurgency war in that country, as part of Rifle Company Butterworth (RCB), have been denied their rightful entitlements due to the Government refusing to recognise their service as warlike;

(c) notes that this refusal was based on a wartime propaganda deception, as shown by an Australian Defence Committee secret minute of 11 January 1973, which stated that this warlike deployment could be publicly portrayed as being for training purposes;

(d) condemns the refusal of successive Australian Governments to admit the truth regarding this deployment, and to pay RCB members their just entitlements; and

(e) calls on the Federal Government not to wait until all RCB veterans have died to recognise their sacrifice on behalf of Australia, and to immediately recognise their service as warlike without further obfuscation.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston) and Senator Chisholm, by leave, made statements relating to the motion.

The question was divided at the request of Senator Ruston—

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

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

The Senate divided—

AYES, 12

Senators—

Anning* 
Burston 
Di Natale
Faruqi 
Georgiou 
Hanson-Young
McKim 
Rice 
Siewert
Steele-John 
Waters 
Whish-Wilson

NOES, 41

Senators—

Abetz 
Brockman 
Busby 
Canavan 
Cash 
Chisholm 
Colbeck 
Collins 
Duniam 
Fawcett 
Fierravanti-Wells
Gallacher 
Gichuhi 
Griff 
Hinch 
Hume 
Ketter 
Kitching 
Lines 
Macdonald 
Marshall
McAllister 
McCarthy 
Moore 
O’Neill 
Patrick 
Polley 
Pratt 
Reynolds 
Ruston 
Ryan
Scullion 
Seselja 
Singh 
Smith, David 
Smith, Dean 
Sterle 
Stoker 
Storr 
Urquhart* 
Williams

* Tellers

Question negatived.
29 Lady Cilento Children’s Hospital

Senator McGrath, also on behalf of Senator Stoker, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1255—

That the Senate—

(a) notes:

(i) Lady Phyllis Cilento’s long and dedicated career as an obstetrician, paediatrician, author, columnist, Australian Broadcasting Corporation broadcaster and women’s activist,

(ii) her lifelong passion for women and children’s health,

(iii) her pioneering work around mother and child care and nutrition, and

(iv) the Queensland Labor Government’s shameful decision to rename the Lady Cilento Children’s Hospital;

(b) further notes that:

(i) 32% of Emergency Department patients at the Lady Cilento Children’s Hospital are not seen on time,

(ii) 12% of ambulance patients are ramped at the Lady Cilento Children’s Hospital for more than 30 minutes, meaning ambulances are tied up and cannot attend emergency calls during this time,

(iii) 17% of elective surgeries at the Lady Cilento Children’s Hospital are not done on time, with a median wait time of 68 days – almost double the state-wide average, and

(iv) the cost to taxpayers of the politically-motivated decision to rename the Lady Cilento Children’s Hospital is expected to be at least $500,000;

(c) condemns:

(i) the Queensland Labor Government’s failed consultation process, noting that the State Labor Government deregistered the name Lady Cilento Children’s Hospital six months before it flagged any intention to change the hospital’s name,

(ii) the Queensland Labor Government’s use of an online survey to justify a decision made six months previously, and

(iii) the decision by the Queensland Labor Government to subsequently rort the survey responses, with nearly 18,000 ‘Yes’ votes coming from the same 74 IP addresses; and

(d) calls on the Queensland Labor Government to halt its shameful campaign against Lady Cilento’s good name, keep the name Lady Cilento Children’s Hospital, and to instead spend taxpayer funds on fixing hospital wait times and improving the quality of care at the Lady Cilento Children’s Hospital.

Statements by leave: Senators McGrath, Chisholm and Anning, by leave, made statements relating to the motion.

Question put.
The Senate divided—

**AYES, 24**

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**NOES, 28**

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<td>Whish-Wilson</td>
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* Tellers

Question negatived.

30 **Pastoralists and Graziers Association of Western Australia**

Senator Brockman, also on behalf of Senators Dean Smith, Reynolds, Cash and Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1254—That the Senate—

(a) notes that:

(i) the Pastoralists and Graziers Association of Western Australia (PGA of WA) has represented the interest of agricultural producers in WA since 1907,

(ii) the PGA of WA’s mission statement is ‘To ensure the prosperity and long term viability of members, the agricultural and associated industries, by providing an effective voice state-wide and federally through a financially sound, efficient, free enterprise organisation with strong leadership’,

(iii) the PGA of WA has a proud tradition of advocating reform, even when not always popular or easy to do so, and

(iv) the PGA of WA successes include the deregulation of the wheat industry, the deregulation of the price controls in the wool industry, ending lamb quotas and price controls in WA, advocating for property rights, and defending the live export trade;

(b) congratulates Mr Tony Seabrook, recipient of the 2018 National Agriculture Day Award, for his long-standing contribution to agriculture, including his campaign against the WA State Labor Government’s funding cuts to the School of the Air; and

(c) further congratulates all former and current members of the PGA of WA for the remarkable contribution of the organisation for over 100 years.

**Statements by leave:** Senators Chisholm, Rice and Brockman and the Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made statements relating to the motion.

Question put and negatived.
31 National Firearms Agreement

Senator Faruqi amended general business notice of motion no. 1253 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate—

(a) notes that, according to reports:

(i) there have been more than 50 breaches of the National Firearms Agreement across Australian states and territories since it was implemented in 1996,

(ii) corporate members of the gun lobby group, the Shooting Industry Foundation of Australia (SIFA), include suppliers and manufacturers of weapons, such as Nioa, Raytrade, Outdoor Sporting Agencies, Winchester and Beretta, who stand to benefit from relaxed gun laws, and

(iii) SIFA is becoming increasingly active in election campaigns, with a clear strategy to weaken gun laws – the gun lobby group contributed $220,000 to a political campaign in Queensland last year, and is contributing at least $165,000 to a political campaign in Victoria this year; and

(b) calls on the Federal Government to:

(i) show leadership, so that the National Firearms Agreement is complied with in all Australian states and territories, and

(ii) resist moves to weaken Australia’s gun control laws.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), Senator Faruqi, the Minister for Indigenous Affairs (Senator Scullion) and Senators Leyonhjelm and Anning, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 31

Senators—

Chisholm
Collins
Di Natale
Faruqi
Gallacher
Griff
Hanson-Young
Hinch

Ketter
Kitching
Lines
Marshall
McAllister
McCarthy
McKim
Moore

O’Neill
Patrick
Polley
Pratt
Rice
Siewert
Singh
Smith, David

Sterle
Storer
Urquhart*
Waters
Watt
Whish-Wilson

Steele-John

Senators—

Abetz
Anning
Brockman
Bushby*
Canavan
Cash
Colbeck

Duniam
Fawcett
Fierravanti-Wells
Georgiou
Gichihi
Hume

Leyonhjelm
Macdonald
McGrath
Molan
Reynolds
Ruston

Ryan
Scullion
Seselja
Smith, Dean
Stoker
Williams

* Tellers

Question agreed to.
32 Western Sahara—Saharawi people

Motion determined as not formal: Senator McAllister requested that general business notice of motion no. 1257 standing in her name for today, relating to the Saharawi people, be taken as a formal motion. An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senator McAllister, the Assistant Minister for International Development and the Pacific (Senator Ruston) and the Leader of the Australian Greens (Senator Di Natale), by leave, made statements relating to the motion.

33 Silicosis

Senator Georgiou, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1248—That the Senate—

(a) notes that:

(i) silicosis is an incurable form of lung disease caused by exposure to toxic dust by breathing in unsafe levels of silica dust,

(ii) diseases due to silica exposure are serious and potentially lethal but totally preventable with the usage of correct safety provisions, and

(iii) there is growing concern about new cases of silicosis; and

(b) calls on the Federal Government to:

(i) review industry standards, and

(ii) create a national dust disease register for workers, and more awareness in training institutions and workplaces.

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

Question put and passed.

34 Discussion of matter of public importance—Energy policy

The President informed the Senate that the following matter of public importance submitted by Senator Collins under standing order 75 had been selected for discussion today:

Providing cheaper, cleaner energy, including investment in renewable energy; ending the power privatisation mess; better regulating power prices and gas exports; supporting the installation of more household battery systems; and backing the development of renewables projects in local communities.

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

35 Documents—Consideration

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

36 Committee reports and government responses—Tabling and consideration

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

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


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


Senator Dean Smith, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


Pursuant to order, Senator Waters, at the request of the Chair of the Environment and Communications References Committee (Senator Rice), tabled the following report:

Environment and Communications References Committee—Rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities—Progress report, dated 28 November 2018.

Extension of time to report: Senator Waters moved—that the Senate adopt the recommendation contained in the progress report to extend the time for the presentation of the report of the committee to the first sitting Wednesday of 2019.

Question put and passed.

Senator Waters moved—that the Senate take note of the report.

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

37 World Trade Organization Revised Agreement on Government Procurement—Ministerial statement—Documents

The Assistant Minister for Home Affairs (Senator Reynolds) tabled the following documents:

Tabling of the World Trade Organization Revised Agreement on Government Procurement—Ministerial statement by the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 28 November 2018.

Treaty—Multilateral—Revised Agreement on Government Procurement (Annex to the Protocol Amending the Agreement on Government Procurement, adopted on 30 March 2012 (GPA/113))—Text, together with national interest analysis and annexures.
38 **Medical devices—Approvals—Answer to question—Document**

The Assistant Minister for Home Affairs (Senator Reynolds) tabled the following document:

Health—Medical devices—Approvals—Answer to question—Letter to the President of the Senate from the Minister for Indigenous Affairs (Senator Scullion), dated 28 November 2018, providing information concerning a question without notice asked by Senator Griff on 27 November 2018.

39 **Committee membership**

The Acting Deputy President (Senator Williams) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Assistant Minister for Home Affairs (Senator Reynolds), by leave, moved—That Senator Hinch be appointed as a member of the Select Committee into Fair Dinkum Power.

Question put and passed.

40 **Social Services and Other Legislation Amendment (Promoting Sustainable Welfare) Bill 2018**

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

Message no. 515, dated 28 November 2018—A Bill for an Act to amend the law relating to social security, farm household support, family assistance and paid parental leave, and for related purposes.

The Assistant Minister for Home Affairs (Senator Reynolds) 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 Reynolds moved—That this bill be now read a second time.

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

On the motion of Senator Reynolds the debate was adjourned till the next day of sitting.

41 **Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2018**

A message from the House of Representatives was reported returning the following bill without amendment:

Community Affairs Legislation Committee—Report—Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018

Pursuant to order, Senator Dean Smith, at the request of the Chair of the Community Affairs Legislation Committee (Senator Gichuhi), tabled the following report and documents:


Community Affairs Legislation Committee—Report—Social Services Legislation Amendment (Maintaining Income Thresholds) Bill 2018

Pursuant to order, Senator Dean Smith, at the request of the Chair of the Community Affairs Legislation Committee (Senator Gichuhi), tabled the following report and documents:


Modern Slavery Bill 2018

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

In the committee

Bill, taken as a whole by leave, debated.

Explanatory memorandum: The Assistant Minister for Home Affairs (Senator Reynolds) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Clause 11, page 10 (after line 13), at the end of the clause, add:

The Minister may request an explanation from an entity about the entity’s failure to comply with a requirement in relation to modern slavery statements, and may also request that the entity undertake remedial action in relation to that requirement. If the entity fails to comply with the request, the Minister may publish information about the failure to comply on the register or elsewhere, including the identity of the entity.
Page 13 (after line 27), at the end of Part 2, add:

16A Explanations for failure to comply etc.

Request for explanation or remedial action

(1) If the Minister is reasonably satisfied that an entity has failed to comply with a requirement under section 13 or 14 (which deal with requirements to give modern slavery statements), the Minister may give a written request to the entity to do either or both of the following:

(a) provide an explanation for the failure to comply within a specified period of 28 days or longer after the request is given;
(b) undertake specified remedial action in relation to that requirement in accordance with the request within a specified period of 28 days or longer after the request is given.

Example: For a request relating to a failure to give a modern slavery statement to the Minister within the period required by section 13, remedial action specified under paragraph (b) of this subsection may be to give a modern slavery statement to the Minister within a further period specified in the request.

(2) The Minister may extend, or further extend, a period specified in a request under subsection (1) by written notice given to the entity. The extension may be given before or after the end of the specified period (or that period as previously extended).

(3) A request under subsection (1) must include a statement of the effect of subsections (2) and (4) to (6).

Publication of information about failure to comply with request

(4) If the Minister is reasonably satisfied that an entity has failed to comply with a request under subsection (1), the Minister may publish the following information on the register, or in any other way the Minister considers appropriate:

(a) the identity of the entity;
(b) if the request relates to the entity’s failure to comply with subsection 14(2) (joint modern slavery statements) in relation to a modern slavery statement—the identities of the reporting entities covered by the statement;
(c) the date the request was given, and details of any extension given under subsection (2);
(d) details of the explanation or remedial action requested, and the period or periods specified in the request;
(e) the reasons why the Minister is satisfied that the entity has failed to comply with the request.

(5) An entity fails to comply with a request if, and only if:

(a) no explanation is given in response to the request within the period specified in the request under paragraph (1)(a) (as extended, if at all, under subsection (2)); or
(b) no remedial action is undertaken in response to the request within the period specified in the request under paragraph (1)(b) (as extended, if at all, under subsection (2)).
Review of decisions

(6) Applications may be made to the Administrative Appeals Tribunal for review of the Minister’s decision under subsection (4) to publish information about an entity’s failure to comply with a request under subsection (1).

Clause 19, page 14 (line 22), omit “under section 13 or 14”, substitute “for the purposes of compliance with section 13 or 14 (including a statement given in response to a request under section 16A)”.

Clause 21, page 16 (line 8), omit paragraph (c), substitute:

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>(ba) annual reports about the implementation of this Act;</td>
<td>(c) the 3-year review of this Act;</td>
</tr>
</tbody>
</table>

Page 16 (after line 24), after clause 23, insert:

23A Annual reports about implementation

(1) The Minister must cause a report to be prepared for each calendar year (including the year in which this section commences) about the implementation of this Act during the year, including the following (without limitation):

(a) an overview of compliance by entities with this Act during the year;

(b) the identification of best practice modern slavery reporting under this Act during the year.

(2) The report must be:

(a) started as soon as practicable after the end of the calendar year for which it is prepared; and

(b) completed before the end of the calendar year in which it is started.

(3) The Minister must cause copies of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the completion of the report.

Heading to clause 24, page 17 (line 25), omit the heading, substitute:

24 Three-year review

Clause 24, page 17 (after line 2), after paragraph (1)(a), insert:

(aa) compliance with this Act and any rules over that period; and

(ab) whether additional measures to improve compliance with this Act and any rules are necessary or desirable, such as civil penalties for failure to comply with the requirements of this Act; and

(ac) whether a further review of this Act and any rules should be undertaken, and if so, when; and

(ad) whether it is necessary or desirable to do anything else to improve the operation of this Act and any rules; and

Clause 24, page 17 (line 3), at the end of paragraph (1)(b), add “to implement review recommendations”: 
Senator Farrell moved the following amendments together by leave:

Clause 4, page 4 (line 15), after “Criminal Code”, insert “, other than an offence against section 270.7B of the Criminal Code (forced marriage offences)”.

Clause 4, page 4 (line 17), after “Divisions”, insert “((other than an offence against section 270.7B))”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 19**

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<th>Senators—</th>
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**NOES, 38**

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<th>Senators—</th>
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<td>Fawcett</td>
<td>McGrath</td>
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</table>

*Tellers

Question negatived.

Senator Farrell moved the following amendments together by leave:

Clause 11, page 10 (lines 3 to 13), omit the clause, substitute:

**11 Simplified outline of this Part**

This Part requires modern slavery statements to be given annually to the Minister, describing the risks of modern slavery in the operations and supply chains of reporting entities and entities owned or controlled by those entities. The statements must also include information about actions taken to address those risks. Joint modern slavery statements may be given on behalf of one or more reporting entities. There are civil penalties for reporting entities that fail to comply with these requirements. The Minister must prepare an annual modern slavery statement on behalf of all non-corporate Commonwealth entities.
The Minister must report annually to the Parliament about compliance by reporting entities with this Act.

Page 13 (after line 27), at the end of Part 2, add:

16A Civil penalty for failure to give or prepare modern slavery statement

Compliance within the first 2 years of this Act

(1) An entity is liable to a civil penalty if:
   (a) a modern slavery statement that covers the entity, for a reporting period, is required to be given or prepared within the 2 year period starting on the day this section commences; and
   (b) a modern slavery statement that covers the entity for that reporting period is not given or prepared under any of sections 13 to 15 (whether or not the entity giving or preparing the statement complies with the requirements of subsection 13(2), 14(2) or 15(2)).

Civil penalty: 1,000 penalty units.

Compliance from 2 years onwards

(2) An entity is liable to a civil penalty if:
   (a) a modern slavery statement that covers the entity, for a reporting period, is required to be given or prepared after the end of the 2 year period starting on the day this section commences; and
   (b) a modern slavery statement that covers the entity for that reporting period is not given or prepared in accordance with any of sections 13 to 15.

Civil penalty: 1,000 penalty units.

(3) Subsection 93(2) of the Regulatory Powers (Standard Provisions) Act 2014 does not apply in relation to a contravention of subsection (2) of this section.

16B Annual report by Minister on compliance with Act

(1) As soon as practicable after the end of each financial year, the Minister must cause to be prepared a report on compliance by reporting entities with their obligations under this Act during the financial year.

(2) Without limiting subsection (1), the report must include:
   (a) a list of each entity that is a reporting entity at any time during the financial year; and
   (b) a list of each entity that has failed, at any time during the financial year, to comply with a requirement to give a modern slavery statement.

(3) The Minister must cause the report to be laid before each House of the Parliament within 15 sitting days of that House after the report is prepared.
Clause 21, page 16 (lines 3 to 9), omit the clause, substitute:

**21 Simplified outline of this Part**

<table>
<thead>
<tr>
<th>This Part deals with the following miscellaneous matters:</th>
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<tr>
<td>(a) things done by an unincorporated entity;</td>
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<td>(b) civil penalties;</td>
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<tr>
<td>(c) the Minister’s capacity to delegate powers and functions under this Act;</td>
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<tr>
<td>(d) review of this Act;</td>
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<tr>
<td>(e) the power to make rules.</td>
</tr>
</tbody>
</table>

Page 16 (after line 14), after clause 22, insert:

**22A Civil penalty provisions**

*Enforceable civil penalty provisions*

(1) Subsections 16A(1) and (2) of this Act are each enforceable under Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014*.

*Note:* Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014* allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

*Authorised applicant*

(2) For the purposes of Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014*, the Secretary of the Department is an authorised applicant in relation to subsection 16A(1) or (2) of this Act.

*Relevant court*

(3) For the purposes of Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014*, each of the following courts is a relevant court in relation to subsection 16A(1) or (2) of this Act:

| (a) the Federal Court of Australia; |
| (b) the Federal Circuit Court of Australia; |
| (c) a court of a State or Territory that has jurisdiction in relation to the matter. |

*Extension to external Territories etc.*

(4) Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014*, as it applies in relation to subsection 16A(1) or (2) of this Act, extends to:

| (a) every external Territory; and |
| (b) acts, omissions, matters and things outside Australia. |

*Liability of Crown*

(5) Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014*, as it applies in relation to subsection 16A(1) or (2) of this Act, does not make the Crown liable to a pecuniary penalty.

Debate ensued.

Question—That the amendments be agreed to—put.
The committee divided—

**AYES, 26**

Senators—

Brown
Chisholm
Di Natale
Dodson
Farrell
Faruqi
Gallacher
Hanson-Young
Ketter
Kitching
Lines
Marshall
McCarthy
McKim
O’Neill
Polley
Pratt
Rice
Siewart
Singh

Smith, David
Sterle
Urquhart*
Waters
Whish-Wilson

**NOES, 29**

Senators—

Abetz
Brockman
Brashby
Canavan
Cash
Colbeck
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Griff
Hinch
Hume*

Leyonhjelm
Macdonald
McGrath
McKenzie
Molan
O’Sullivan
Patrick

Payne
Reynolds
Ruston
Scullion
Seselja
Smith, Dean
Storer

* Tellers

Question negatived.

Bill, as amended, agreed to and reported with amendments.

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

**45 Telecommunications Legislation Amendment Bill 2018**

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

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**In the committee**

Bill taken as a whole by leave.

Question—That the bill stand as printed—divided, at the request of Senator Steele-John, in respect of Schedule 2, paragraphs 6(5)(d) to (f) of Schedule 3.

Question—That Schedule 2, paragraphs 6(5)(d) to (f) of Schedule 3 stand as printed—put.

The committee divided—

**AYES, 30**

Senators—

Abetz
Brockman
Brashby
Colbeck
Dodson
Duniam
Fierravanti-Wells
Fifield
Gallacher
Georgiou
Griff
Hinch
Hume*
Ketter
Kitching
McCarthy
McGrath
Molan
Moore
O’Neill
O’Sullivan
Patrick
Pratt

Singh
Smith, David
Smith, Dean
Sterle
Urquhart
Watt
Williams
Paragraphs agreed to.

Senator Steele-John moved the following amendments together by leave:

Schedule 2, item 1, page 15 (lines 6 to 17), omit the definition of *high-demand holiday period* in clause 2 of Schedule 3.

Schedule 2, item 3, page 18 (lines 16 to 20), omit subclause 6(5B) of Schedule 3.

Schedule 2, item 3, page 18 (line 21), omit “paragraphs (5)(b), (c), (d), (e) and (f)”, substitute “paragraphs (5)(b) and (c)”.

Schedule 2, item 5, page 19 (lines 23 to 32), omit subclauses 8A(3) and (4) of Schedule 3.

Schedule 2, item 5, page 20 (line 15) to page 21 (line 2), omit clauses 8B and 8C of Schedule 3.

Schedule 2, item 7, page 21 (line 13), omit “, (d), (e), (f)”.

Schedule 2, item 7, page 21 (line 28), omit “, (d), (e), (f)”.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 9**

Senator Di Natale

Senator Faruqi

Senator Hanson-Young

Senator McKim

Senator Rice

Senator Siewert*

Senator Steele-John

Senator Waters

**NOES, 30**

Senator Abetz

Senator Brockman

Senator Bushby

Senator Colbeck

Senator Dodson

Senator Duniam

Senator Fierravanti-Wells

Senator Fifield

Senator Gallacher

Senator Georgiou

Senator Griff

Senator Hinch

Senator Hume

Senator Ketter

Senator Kitching

Senator McCarthy

Senator McGrath

Senator Molan

Senator Moore

Senator O’Neill

Senator O’Sullivan

Senator Patrick

Senator Pratt

Senator Smith, David

Senator Smith, Dean

Senator Sterle

Senator Urquhart

Senator Watt*

Senator Williams

* Tellers

Question negatived.

Senator Steele-John moved the following amendments together by leave:

Schedule 2, item 7, page 21 (line 16), after “restored”, insert “, to the satisfaction of the owner of the land.”.

Schedule 2, item 7, page 21 (line 25), after “restored”, insert “, to the satisfaction of the owner of the land.”.

Question—That the amendments be agreed to—put and negatived.
At 7.20 pm: The Acting Deputy President (Senator Ketter) resumed the chair and the Temporary Chair of Committees reported progress.

46 Adjournment

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

Debate ensued.

The Senate adjourned at 7.39 pm till Thursday, 29 November 2018 at 9.30 am.

47 Attendance

Present, all senators except Senators Bilyk*, Martin*, Paterson* and Sinodinos* (*on leave).

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate