THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 124

WEDNESDAY, 17 OCTOBER 2018

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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

1. Australian Building and Construction Commission—
   Performance of the functions and the exercise of powers of the Australian Building and Construction Commissioner—Quarterly report for the period 1 April to 30 June 2018.
   Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)—
   Quarterly report for the period April to June 2018.
15. Fair Work Ombudsman and Registered Organisations Commission Entity—
    Reports for 2017-18.
17. National Health Funding Pool—Report for 2017-18, including financial statements for state and territory State Pool Accounts.
20. Western Sydney Airport (WSA Co Limited)—Report for the period 7 August 2017 to 30 June 2018.
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.]

Cocos (Keeling) Islands Act 1955—List of Acts of the Western Australian Parliament for the period 1 April to 30 September 2018.
Defence Act 1903—Defence Determination, Conditions of Service Amendment (Post index locations) Determination 2018 (No. 37) [F2018L01432].
Health Insurance Act 1973—
  Health Insurance (Section 3C General Medical Services – General Practitioner Telehealth Services) Determination 2018 [F2018L01430].
  Health Insurance (Section 3C General Medical Services – Other Medical Practitioner) Amendment Determination 2018 [F2018L01431].
Safety, Rehabilitation and Compensation Act 1988—Safety, Rehabilitation and Compensation Amendment (Renewal Date) Regulations 2018 [F2018L01433].

The Clerk tabled the following documents pursuant to order:

Departmental and agency appointments and vacancies—Budget estimates 2018-19 (Supplementary)—Letter of advice pursuant to the order of the Senate of 24 June 2008—Department of Human Services.
Departmental and agency grants—Budget estimates 2018-19 (Supplementary)—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  Attorney-General’s portfolio.
  Department of Human Services.
Estimates hearings—Unanswered questions on notice—Budget estimates 2018-19—Statements pursuant to the order of the Senate of 25 June 2014—
  Department of Human Services.
  Jobs and Small Business portfolio.

3 Committee—Leave to meet during sitting
A committee was authorised to meet during the sitting of the Senate, as follows:

Corporations and Financial Services—Joint Statutory Committee—Thursday, 18 October 2018—
  private meeting otherwise than in accordance with standing order 33(1), from 4.30 pm.
  private briefing, from 5 pm, for the committee’s inquiry into the Franchising Code of Conduct and Oil Code of Conduct.

Pursuant to order (see entry no. 31, 16 October 2018), the Minister representing the Prime Minister (Senator Cormann) explained why the Government had not complied with an order for the production of a document relating to the Religious Freedom Review Expert Panel and reiterated the public interest immunity claim the Government had made.

Senator Rice moved—That the Senate take note of the explanation.
Debate ensued.
Question put and passed.

5 Consideration of legislation

The Assistant Minister for Home Affairs (Senator Reynolds), at the request of Minister for Communications and the Arts (Senator Fifield) and pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Treasury Laws Amendment (Lower Taxes for Small and Medium Businesses) Bill 2018, allowing it to be considered during this period of sittings.
Question put and passed.

6 Customs Amendment (Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation) Bill 2018
Customs Tariff Amendment (Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation) Bill 2018

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

In the committee

Consideration resumed of the bills.

Bills further debated.

Senator Hanson-Young moved the following amendment:

Customs Amendment (Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation) Bill 2018:

Clause 2, page 2 (cell at table item 2, column 2), omit the cell, substitute:

If the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, done at Santiago, Chile on 8 March 2018, enters into force for Australia—the first day that:

(a) both of the following amendments of that Agreement are in force for Australia:

(i) an amendment with the effect that Chapter 9 of the Agreement, which deals with investor-State disputes, does not apply in relation to investments within Australia;

(ii) an amendment with the effect that labour market testing must occur in relation to contractual service suppliers entering, or proposing to enter, Australia from all parties to the Agreement; and
(b) another Act is in force that includes provisions with the effect that Australia must not, after the commencement of that Act, enter into a trade agreement with one or more other countries that:

(i) waives labour market testing requirements for workers from those countries; or

(ii) includes an investor-state dispute settlement provision.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 14

Senators—

Anning  Griff  Patrick  Storer
Di Natale  Hanson  Rice  Waters
Faruqi  Hanson-Young  Siewert*  Whish-Wilson
Georgiou  McKim

NOES, 33

Senators—

Abetz  Fawcett  Leyonhjelm  Paterson
Bilyk  Fierravanti-Wells  McCarthy  Pratt
Brockman  Gallagher  McGrath  Reynolds
Burston  Hinch  McKenzie  Smith, David
Bushby  Hume  Molan  Smith, Dean
Carr  Keneally  Moore  Sterle
Chisholm  Ketter*  O'Neill  Stoker
Collins  Kitching  O'Sullivan  Williams
Duniam

* Tellers

Question negatived.

Senator Hanson-Young moved the following amendment:

Customs Amendment (Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation) Bill 2018:

Clause 2, page 2 (cell at table item 2, column 2), omit the cell, substitute:

If the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, done at Santiago, Chile on 8 March 2018, enters into force for Australia—the first day that another Act is in force that includes provisions with the effect that Australia must not defend an action brought against Australia under an investor-state dispute settlement provision of any treaty unless the Parliament has agreed to the defence.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.
Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 13**

**SENATORS**

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**NOES, 26**

**SENATORS**

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<td>Leyonhjelm</td>
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*Tellers

Question negatived.

Senator Patrick moved the following amendments together by leave:

**Customs Amendment (Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation) Bill 2018:**

Schedule 1, item 3, page 8 (after line 6), at the end of Subdivision A, add:

**153ZKUA Cessation of effect of Division**

This Division ceases to have effect on 1 January 2020 unless all of the following come into force for Australia before that day:

(a) bilateral side letters exchanged between Australia and each other Party agreeing that Chapter 9 of the Agreement, which deals with investor-State disputes, does not apply in relation to an investment in Australia by an investor of the other Party;

(b) bilateral side letters exchanged between Australia and each other Party agreeing that labour market testing must occur in relation to contractual service suppliers entering, or proposing to enter, Australia from the other Party.

Schedule 1, item 4, page 19 (after line 18), at the end of Division 4EB, add:

**126AKM Cessation of effect of Division**

This Division ceases to have effect on 1 January 2020 unless all of the following come into force for Australia before that day:

(a) bilateral side letters exchanged between Australia and each other Party agreeing that Chapter 9 of the Agreement, which deals with investor-State disputes, does not apply in relation to an investment in Australia by an investor of the other Party;

(b) bilateral side letters exchanged between Australia and each other Party agreeing that labour market testing must occur in relation to contractual service suppliers entering, or proposing to enter, Australia from the other Party.

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

AYES, 13

Senators—

Anning
Di Natale
Faruqi
Georgiou
Griff
Hanson
Hanson-Young

AYES
13

Senators—

McKim
Patrick*
Rice
Whish-Wilson

NOES, 24

Senators—

Abetz
Bernardi
Birmingham
Bushby
Carr
Colbeck
Dodson

NOES
24

Hume
Keneally
Leyonhjelm
McGrath
McKenzie
Molan
Moore

* Tellers

Question negatived.

Bills agreed to and reported without amendments or requests.

On the motion of the Assistant Minister for Home Affairs (Senator Reynolds) the report from the committee was adopted.

Senator Reynolds moved—That these bills be now read a third time.

Question put.

The Senate divided—

AYES, 33

Senators—

Abetz
Bernardi
Birmingham
Bushby
Carr
Cash
Chisholm
Colbeck
Dodson
Duniam
Farrell
Gallacher
Gichuhi
Hinch
Hume
Keneally
Kitching

AYES
33

Leyonhjelm
McCarthy
McGrath
McKenzie
Molan
Moore
O’Neill
O’Sullivan

Paterson
Pratt
Reynolds
Scullion
Smith, Dean*
Stoker
Urquhart
Wong

* Tellers

Question agreed to.

Bills read a third time.

At 12.45 pm—

7 Senators’ statements

Senators made statements.
At 2 pm—

8 Questions
Questions without notice were answered.

9 Routine of business—Variation
The Leader of the Australian Greens (Senator Di Natale), also on behalf of the Leader of the Opposition in the Senate (Senator Wong), by leave, moved—that—
(a) today, the matter of public importance proposed by the Leader of the Opposition in the Senate (Senator Wong) not be proceeded with and instead, at that time, the Discrimination Free Schools Bill 2018 be called on and considered for not longer than 1 hour and 30 minutes; and
(b) on Thursday, 18 October 2018, consideration of general business from not later than 4.30 pm shall be as follows:
(i) the Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018,
(ii) from not later than 5 pm, the Discrimination Free Schools Bill 2018, and
(iii) from not later than 6.30 pm, orders of the day relating to documents.
Question put and passed.

10 Motions to take note of answers
Motions to take note of answers were called on but no motion was moved.

11 Notices
Senator Hanson-Young: To move on the next day of sitting—that the Senate—
(a) notes that:
(i) Leigh Creek Energy has produced its first syngas using underground coal gasification (UCG), and
(ii) UCG was banned in 2016 in Queensland after the Linc Energy disaster in Chinchilla, which was declared Queensland’s worst environmental disaster;
(b) further notes that UCG has been responsible for incidents of poisoning the water table and contaminating soil and air, and has been linked to an increase in cancers, including lung and breast cancers; and
(c) calls on the Federal Government to urgently intervene and stop the Leigh Creek project from progressing any further and ban UCG across the country. (general business notice of motion no. 1146)

Senator Hanson-Young: To move on the next day of sitting—that the Senate—
(a) notes that lead levels in Port Pirie continue to be dangerously high;
(b) further notes that:
(i) impacts on children are particularly significant with 21.4% of children currently exceeding blood lead level readings of 10 micrograms per decilitre, and
(ii) South Australia’s Department of Health has indicated that there is no safe level of lead exposure, and exposure should be reduced or prevented to keep blood lead levels as low as possible; and
calls on the Federal Government to develop an action plan to immediately reduce lead levels in Port Pirie. (general business notice of motion no. 1147)

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

(a) notes that:

(i) Australia redirected to the United Nations the $10 million per annum of aid funding previously given to the World Bank ‘Palestinian Recovery and Development Program Trust Fund’, after the former Australian Minister for Foreign Affairs had expressed concern about Australian taxpayer funds being used as so-called ‘martyr’s payments’ of up to almost $5000 a month to terrorists’ families,

(ii) in September, the United States of America cancelled its substantial funding for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) stating this to be an ‘irredeemably flawed operation’ that was ‘unsustainable’ and ‘in crisis mode for many years’,

(iii) a United Nations inquiry found that UNRWA facilities were used by Hamas to store weapons and launch attacks on Israel,

(iv) it has been further alleged that:

(A) Hamas leaders have been employed by UNRWA,
(B) UNRWA employees have advocated anti-Semitism and supporting jihad and terrorism, and
(C) a significant amount of the UNRWA budget is spent on buying Palestinian Authority textbooks that do not advocate peaceful co-existence but rather ‘violent struggle for the liberation of the whole of Palestine’,

(v) as the Australian Ambassador to Israel at the time, a deeply troubled Mr David Sharma announced a suspension of Australian aid in the Palestinian territories to World Vision, after its Gaza branch director was arrested (and earlier this year was still facing criminal charges) for allegedly funnelling US$43 million over at least 6 years – about 60% of World Vision’s total aid allocated in Gaza – in cash and materials to Hamas, and

(vi) the Department of Foreign Affairs and Trade launched an investigation into the World Vision allegations and implemented a new counter-terrorism financing policy; and

(b) calls on the Federal Government to reflect upon these matters when contemplating future application of taxpayer money in the Palestinian territories. (general business notice of motion no. 1148)

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

(a) welcomes the release of the landmark report, An India economic strategy to 2035, by Mr Peter Varghese, AO, which develops a strategic plan for Australia’s future engagement with India;

(b) notes:

(i) that according to this report, no single market over the next 20 years will offer more growth opportunities for Australia than India, and
(ii) the ten sectors highlighted in the report to optimise Australia’s potential to satisfy India’s priority needs are the flagship education sector, the three lead sectors of agribusiness, resources, and tourism, and the six ‘promising’ sectors of energy, health, financial services, infrastructure, sport, and science and innovation;

(c) recognises that the Australian Labor Party has already announced its in-principle agreement with the report and ten key recommendations, as part of its ‘FutureAsia’ policy;

(d) compares the fanfare when the then Prime Minister, Mr Turnbull, commissioned the report at the April 2017 India Australia Business Dinner in Mumbai, to the Government’s efforts to bury the report since it was handed over in April 2018; and

(e) urges the Federal Government to respond to the report and its recommendations, taking Australia’s relationship with India to the level it deserves. (general business notice of motion no. 1149)

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

(a) notes that it is 50 years since one of Australia’s greatest athletes, Mr Peter Norman, won silver in the 200 metres at the 1968 Summer Olympics in Mexico City, in a time of 20.06 seconds, which remains the Australian and Oceania record;

(b) acknowledges the courageous stand Mr Norman took when he borrowed an Olympic Project for Human Rights badge, and stood on the podium alongside gold medallist Mr Tommie Smith and bronze medallist Mr John Carlos, in support of their famous stand for racial equality; and

(c) notes that in 2012, the House of Representatives unanimously carried a motion moved by the Member for Fraser, Mr Leigh, that saw the national Parliament apologise posthumously to Mr Norman for the way he was treated upon his return, and the failure to fully recognise inspiring action. (general business notice of motion no. 1150)

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

(a) notes that:

(i) 28 October 2018 is National Grandparents Day,

(ii) in Australia, there are tens of thousands of grandparents who take on the role as primary carers for their grandchildren in circumstances where parents are unwilling or unable to do so, and

(iii) in many cases, these grandparents take on this role at great emotional, financial and physical cost, at a time when they should be enjoying their retirement;

(b) reaffirms the findings of the 2014 report of the Community Affairs References Committee on grandparents who take primary responsibility for raising their grandchildren; and

(c) acknowledges the tireless work that these worthy Australians do, which often goes unrecognised, and encourages the Australian Government to continue to work to alleviate the challenges that these grandparents face. (general business notice of motion no. 1151)
Senator Bernardi: To move on the next day of sitting—That the Senate—

(a) notes that 6 November 2018 marks the 19th anniversary of the defeat of the referendum proposal for Australia to break ties with the British monarchy and become a republic;

(b) further notes that every Australian state voted against the proposal; and

(c) supports Australia’s Constitution. (general business notice of motion no. 1152)

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

(a) acknowledges that:

(i) 26 October 2018 marks the 14th annual ‘Day for Daniel’ – a national day of action to raise awareness about child safety and protection,

(ii) according to the Attorney-General’s Department, the average custodial sentence for Commonwealth child sexual abuse offences is 1.8 years, and

(iii) the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017, which seeks to introduce prescribed minimum penalties and a presumption against bail for serious child sex offences, represents a first step in addressing community concerns about manifestly inadequate sentencing practices; and

(b) calls on the Federal Government to list the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017 for debate on the first sitting day in November 2018. (general business notice of motion no. 1153)

Senator McCarthy: To move on the next day of sitting—That the time for the presentation of the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade on its inquiry into PFAS contamination be extended to 3 December 2018. (general business notice of motion no. 1154)

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the Senate—

(a) notes that:

(i) trust in banks is essential to the economy,

(ii) trust in the banks has been undermined by adverse findings of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry,

(iii) misconduct related to poor standards of mortgage lending affects all Australians and risks financial instability,

(iv) concentration on mortgage lending makes the economy vulnerable to a downturn in the housing market,

(v) reliance on overseas debt markets for short-term borrowing by the major banks, and contagion from overseas counterparties through trillions of dollars of derivatives related to mortgages, pose serious systemic risk,

(vi) misconduct related to financial advice, small business lending, superannuation and insurance shows that the business model of major banks is based on exploitation rather than customer service,
the integrated structure of banks facilitates misconduct due to the lack of transparency when traditional commercial banking is linked with investment banking, financial advice, wealth management, stockbroking, superannuation and insurance businesses,

the integrated structure creates a conflict of interests because the lack of transparency enables banks to extract profits through cross-subsidies of various activities, and the indirect cost to retail superannuation members runs to many billions per year,

the enormous profits extracted through the integrated structure entrench the major banks as an effective cartel, preventing market competition and increasing concentration, and

the integrated structure puts bank deposits at risk as collateral for major banks’ speculation in mortgage-backed securities and derivatives – this puts the real productive economy at unnecessary risk; and

(b) calls on the Federal Government to reduce the conflicts of interests by legislating the structural separation of the banking system, where traditional commercial banking of taking deposits and making loans is separated from investment banking and all other financial services, including financial advice, wealth management, superannuation, stockbroking and insurance. (general business notice of motion no. 1155)

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

(a) notes:

(i) the inaugural Australian Women in Music Awards (AWMA), acknowledging the significant contributions from across the Australian music industry,

(ii) that these awards celebrate remarkable women across all areas of music making, in technical and production areas, touring, management, publishing , cross-cultural development, music education, music photography, humanitarian work and performance,

(iii) that the awards also acknowledge two exceptional women, as posthumous patrons of the awards into the future, Ms Chrissy Amphlett and Auntie Ruby Hunter, whose legacies are strong and will inspire into the future,

(iv) the first AWMA Honour Roll inductee is Ms Helen Reddy, whose iconic anthem ‘I Am Woman’ has been cherished and sung proudly by women across the world since 1972,

(v) that three wonderful female artists were presented with Industry Lifetime Achievement Awards, Ms Patricia ‘Little Pattie’ Amphlett, Ms Renee Geyer and Ms Margaret Roadnight, with over 160 years performing and entertaining between them in Australia, and around the world,

(vi) the sponsorship and support from the Queensland state government towards making the first AWMA event happen, and

(vii) the commitment, resilience and determination of the AMWA Founding Director and Executive Producer, Ms Vicki Gordon, and her dedicated team, who ensured that the awards be established and that women’s contributions in the Australian music industry will no longer be sidelined; and

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(b) congratulates all the nominees and the winners. (general business notice of motion no. 1156)

The Chair of the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Senator Hinch): To move on the next day of sitting—that—

(a) the time for the presentation of the report of the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse be extended to the second last sitting day of March 2019; and

(b) a message be forwarded to the House of Representatives seeking the concurrence of the House in this variation to the resolution of appointment of the committee. (general business notice of motion no. 1157)

Senators Hinch and Faruqi: To move on the next day of sitting—that the Senate—

(a) notes that:

(i) according to Racing Australia’s latest annual report, more than 13,000 thoroughbred foals were born in 2017,

(ii) there is currently no lifetime tracking of horses once they leave the racing industry,

(iii) the community has an expectation that all animals used for racing are rehomed, but race horses are still ending up at knackeries, including being used for pet meat,

(iv) all registered Australian racehorses have a microchip inserted into their necks which would allow them to be tracked throughout their lifetime, and

(v) the RSPCA has called for a national tracing and registration system for all horses, starting with those involved in the racing industry; and

(b) calls on the Australian Government to work with the states and territories to establish a national tracing and registration system for race horses, including a requirement that all slaughterhouses and knackeries scan any horse that enters the premises and those results be sent to the Australian Government and Racing Australia to be published publically. (general business notice of motion no. 1158)

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

(a) notes the bill before the Queensland Parliament to decriminalise abortion by removing it from the 1899 Criminal Code; and

(b) congratulates and thanks all the women, activists and organisations, including Pro Choice Queensland, Children by Choice, Fair Agenda, Marie Stopes, Young Queensland for Choice, and all other grassroots campaigns, who have spent decades working tirelessly in Queensland for abortion law reform and to give women the right to make decisions about their own bodies. (general business notice of motion no. 1159)

Senators Georgiou and Leyonhjelm: To move on the next day of sitting—that the Senate—

(a) acknowledges that:

(i) smoking is the largest preventable cause of death in Australia,
successive Commonwealth Governments have used increased excise levels as the primary mechanism to deter smokers from maintaining their habit,

(iii) there is growing evidence that vaping has helped many smokers to quit, and

(iv) a growing number of countries, including the United Kingdom, Canada and New Zealand have already legalised vaping;

(b) notes that:

(i) a recent Australian Institute of Health and Welfare survey found that, despite the Government’s policy to reduce smoking rates, the national smoking rate had, in fact, not declined in the period 2013-16,

(ii) last month, the CSIRO released a study confirming e-cigarettes assisted smokers in quitting,

(iii) a poll conducted by the Australian Retailers Association showed that 61% of Australians support the legalisation of vaping and e-cigarettes, and

(iv) despite the above, under current Australian law, it is illegal to purchase, possess or use liquid nicotine for vaping without a prescription from a registered Australian medical practitioner; and

(c) calls on the Federal Government to immediately introduce legislation to legalise the sale, possession and use of liquid nicotine without restriction.

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams): To move 15 sitting days after today—That the Census and Statistics (Information Release and Access) Determination 2018, made under the Census and Statistics Act 1905, be disallowed [F2018L01114].

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

(a) encourages the flying of the Australian flag by Australian citizens;

(b) recognises the offence caused to the community when the Australian flag is disrespected; and

(c) calls on the Federal Government to legislate to protect the Australian national flag by prohibiting the:

(i) burning, or otherwise damaging or destroying, of an Australian flag, and

(ii) defacing, defiling, mutilating, trampling upon, or otherwise desecrating or dishonouring, of an Australian flag. (general business notice of motion no. 1161)

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

(a) acknowledges the absolute right of the Australian people to determine who comes to this country, as championed by former Prime Minister, Mr John Howard, who stated ’I don’t think it is wrong, racist, immoral or anything, for a country to say we will decide what the cultural identity and the cultural destiny of this country will be and nobody else’;

(b) notes that, in reference to the immigration policy of the Howard Government giving preference to Europeans, former Prime Minister Sir Robert Menzies stated ‘I don’t want to see reproduced in Australia the kind of problem they have in South Africa or in America or increasingly in Great Britain. I think it’s been a very good policy and it’s been of great value to us’;
(c) notes the Prime Minister’s enthusiasm for the values of Sir Robert Menzies, as expressed in his recent Albury address;

(d) looks to the Prime Minister embracing the totality of Sir Robert Menzies philosophy, including his support for a predominantly European immigration program; and

(e) calls on the Prime Minister to explain his support for Sir Robert Menzies, while his Government continues the mass influx of immigrants into Australia. (general business notice of motion no. 1162)

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

(a) notes that:

(i) Anti-Poverty Week is from 14 to 20 October 2018,

(ii) in Australia, which is ranked as the second wealthiest country in the world, there are currently 3 million people in Australia living in poverty, including 739,000 children,

(iii) Australia has no poverty reduction plan, and despite economic growth, poverty levels have remained entrenched at a high level,

(iv) Newstart and Youth Allowance have not had an increase in real terms since 1994, and

(v) the poverty rate for sole parents rose from 35% in 2013 to 59% in 2015, and rates of poverty for sole parents remain high; and

(b) calls on the Federal Government to abandon their punitive approach to social policy and the demonisation of those accessing the social safety net, and make it a priority to address poverty in Australia by raising Newstart and Youth Allowance by $75 a week. (general business notice of motion no. 1163)

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

(a) acknowledges that:

(i) women make up the majority of carers, women represent 68% of primary carers for elderly people and those with a disability, and 55.5% of all carers, according to the Australian Bureau of Statistics’ Disability, Ageing and Carers survey,

(ii) the labour force participation rate for primary carers was 56% compared to non-carers at 80%, and 73% of males who were carers were employed compared with 60.8% of females,

(iii) according to Carers’ Australia’s report, The benefit of carers to the economy, about 4% of employees become carers each year, and the probability of a new carer leaving the workforce is 8% – about 26% of primary carers reduce their work hours after taking on a caring role,

(iv) the 2017 Household, Income and Labour Dynamics in Australia survey showed that Australian women retire with just over half the amount of superannuation as men, or an average of $230,907, and one in three women retire with no superannuation at all,

(v) one of the reasons women retire with less superannuation is because of the extended periods of time they spend out of the workforce to care for children or elderly parents – as a result of their lower retirement savings, they are more likely to rely on the aged pension, and

(vi) in 2016, the report of the Economics References Committee on gender retirement income gap recommended that superannuation be paid on the Commonwealth Paid Parental Leave Scheme; and
(b) calls on the Federal Government to provide the superannuation guarantee to carers on the Carer Payment or other benefit they are paid as a result of their caring responsibilities. *(general business notice of motion no. 1164)*

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

(a) notes that the Minister for the Environment, Ms Price, made offensive remarks to the former President of Kiribati, Anote Tong;

(b) further notes that former President Tong has a long history of advocating on behalf of his people, his country and the Pacific, who will be first and worst affected by climate change; and

(c) calls on the Federal Government to apologise to former President Tong, commend him for his heroic actions on behalf of his people, and take seriously the threat of climate change in the Pacific region. *(general business notice of motion no. 1165)*

Senator Anning: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for a plebiscite at the next general election in relation to migration to Australia, and for related purposes. *Plebiscite (Restricting Non-European Migration) Bill 2018.* *(general business notice of motion no. 1166)*

Senators Di Natale and Watt: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) members of the community have expressed significant concerns about the inadequate privacy and security provisions currently present in the My Health Records Amendment (Strengthening Privacy) Bill 2018,

(ii) senators will not have an opportunity to debate the bill until the week beginning 12 November 2018,

(iii) the opt-out period for the My Health Record is currently scheduled to end the same week, 15 November 2018, and

(iv) the Federal Government has extended the opt-out period once before, supposedly to allow passage of the bill;

(b) expresses disappointment that the Federal Government has chosen to not follow through on their commitment to the Australian people to strengthen the legislation which governs the My Health Record, meaning that any choices that the Australian people make about opting out will not be sufficiently informed;

and

(c) calls on the Federal Government to extend or suspend the opt-out period until the legislation and any amendments are passed, outstanding privacy and security concerns are addressed, and public confidence in this important reform is restored. *(general business notice of motion no. 1167)*

The Minister for Communications and the Arts (Senator Fifield): To move on the next day of sitting—That on Thursday, 18 October 2018:

(a) the Government Procurement (Judicial Review) Bill 2017 and the Treasury Laws Amendment (Lower Taxes for Small and Medium Businesses) Bill 2018 be called on immediately and have precedence over all government business until determined;

(b) if by 11.45 am the bills have not been finally considered, the questions on all remaining stages shall be put without debate; and

(c) paragraph (b) of this order shall operate as a limitation of debate under standing order 142.
Senators Bilyk and Brown: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) abortion was decriminalised in Tasmania in 2013, and surgical terminations were being provided at private clinics without significant out-of-pocket expenses,
(ii) early this year, this provider closed their clinic, and the Tasmanian Liberal Government ruled out providing this essential service within the Tasmanian public health system, with women forced to travel interstate for treatment,
(iii) in February, the Federal and Tasmanian Ministers for Health gave assurances that this issue had been resolved, with the Tasmanian Minister more recently stating that a new low cost private provider would begin operation by October this year, and
(iv) despite these assurances, evidence has revealed a significant increase in the number of Tasmanian women being forced to travel interstate to access surgical abortions at great cost, and the Tasmanian Government is yet to reveal details of the private provider; and
(b) calls on the Federal Government to:
(i) work with the Tasmanian Government to resolve this issue for Tasmanian women so they can affordably access surgical terminations in the state, and
(ii) directly encourage provision of these essential health services in Tasmania by matching Federal Labor’s $1 million commitment to a reproductive health hub. (general business notice of motion no. 1168)

12 Postponements
Business was postponed as follows:
Business of the Senate notice of motion no. 1 standing in the name of Senator Whish-Wilson for today, proposing a reference to the Environment and Communications References Committee, postponed till 12 November 2018.
General business notice of motion no. 1103 standing in the name of Senator Pratt for today, relating to a ministerial response to matters raised in a report of the Legal and Constitutional Affairs References Committee, postponed till 13 November 2018.

13 Committees—Extensions of time to report
The following committees were granted extensions of time to report:
Community Affairs Legislation Committee—
Community Affairs References Committee—My Health Record system, extended to 18 October 2018.
14 **Privileges—Standing Committee—Reference**

Senator Burston, pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Standing Committee of Privileges for inquiry and report:

Having regard to the matters raised by Senator Burston in correspondence tabled by the President on 16 October 2018:

(a) whether, by removing him from positions within Pauline Hanson’s One Nation Party and pressing him to resign from the Senate, Senator Hanson or any other person has sought to improperly interfere with the free performance of his duties as a senator or to penalise him for his conduct as a senator; and

(b) if so, whether any contempt was committed in that regard.

*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.

15 **Economics References Committee—Reference**

Senator McAllister, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Economics References Committee for inquiry and report by 22 February 2019:

Credit and financial services targeted at Australians at risk of financial hardship, with particular reference to:

(a) the impact on individuals, communities, and the broader financial system of the operations of:
   (i) payday lenders and consumer lease providers,
   (ii) unlicensed financial service providers including ‘buy now, pay later’ providers and short term credit providers, and
   (iii) debt management firms, debt negotiators, credit repair agencies and personal budgeting services;

(b) whether current regulation of these service providers meets community standards and expectations and whether reform is needed to address harm being caused to consumers;

(c) the present capacity and capability of the financial counselling sector to provide financial counselling services to financially stressed and distressed members of the community; and

(d) any other matters.

*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.

16 **World Osteoporosis Day**

Senator Urquhart, at the request of Senator Polley and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1089—That the Senate—

(a) notes that:
   (i) 20 October is World Osteoporosis Day and aims to increase awareness of the prevention, diagnosis and treatment of osteoporosis,
(ii) osteoporosis is a fragile bone disease that causes painful and debilitating fractures, particularly of the hip and spine,

(iii) every year in Australia around 165,000 fractures occur, many of which could have been prevented with earlier diagnosis and treatment, and

(iv) Australia-wide, 4.7 million Australians over 50 have poor bone health;

(b) acknowledges that the cost of fractures associated with osteoporosis nationally amounted to $2.1 billion in 2017; and

(c) recognises that:

(i) early action can be taken through regular exercise, a bone-healthy diet and consultation with a doctor about osteoporosis risk factors,

(ii) diagnosis and treatment of osteoporosis can halve the risk of fracture, and

(iii) effective preventative treatments include regular exercise, a bone healthy diet and consultation with doctors about risk factors.

Question put and passed.

17 **International Day for the Eradication of Poverty**

Senator Urquhart, at the request of Senator Moore and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1127—

That the Senate—

(a) notes:

(i) that the United Nations declared 17 October as the International Day for the Eradication of Poverty,

(ii) that this year marks the 70th anniversary of the proclamation of the Universal Declaration of Human Rights, and

(iii) the fundamental connection between extreme poverty and human rights, and that those living in poverty are disproportionately affected by rights violations;

(b) further notes:

(i) the global commitment in pursuit of Sustainable Development Goal 1 to end poverty in all its forms everywhere, and to recognise the dignity of the individual in the principle of leaving no one behind, and

(ii) that despite global poverty rates halving since 2000, one in ten people are still living below the international poverty line of US$1.90 a day; and

(c) acknowledges:

(i) that poverty is more than the lack of income and resources, its manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion,

(ii) the struggle of people living in poverty, hears their concerns and recognises that poor people are at the forefront of the fight against inequality, and

(iii) that building a sustainable future requires us to intensify our efforts towards ensuring that everyone can exercise their human rights and to fulfil the needs and aspirations of everyone – not just the privileged few in this generation and those to come.
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.

18 Australian Broadcasting Corporation Amendment (Appointment of Directors) Bill 2018

Senator Storer, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1128—that the following bill be introduced:

A Bill for an Act to amend the Australian Broadcasting Corporation Act 1983, and for related purposes.

Question put and passed.

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

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

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

19 Environment and Communications Legislation Committee—Estimates hearings—Attendance of witness

Senator Urquhart, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1131—that the Senate requires the attendance of the Chairman of NBN Co, Dr Ziggy Switkowski, at the Communications and the Arts portfolio 2018-19 supplementary Budget estimates hearing of the Environment and Communications Legislation Committee on Tuesday, 23 October 2018, for as long as the NBN Co is called by the committee.

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.

20 National Carers Week

Senator Urquhart, at the request of Senators Brown, Siewert and Reynolds and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1135—that the Senate—

(a) notes that 14 October 2018 marked the beginning of National Carers Week;

(b) recognises that there are over 2.7 million carers across Australia providing critical supports to our family, friends and loved ones at an estimated value of $60.3 billion per annum to the economy; and

(c) encourages all Australians to:

(i) celebrate the role that carers play in our society, and to get involved in the week’s activities, and

(ii) participate in events across the country, or on social media, by telling Australians ‘Why You Care’ and using the hashtag Carers2018.

Question put and passed.
21 International Day of the Girl Child

Senator Singh, also on behalf of Senators Wong, Moore, Payne, Gichuhi, Waters, Rice, Reynolds, Hanson-Young and Lines, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1140—That the Senate—

(a) notes that:

(i) 11 October 2018 was the internationally recognised Day of the Girl Child,

(ii) since its inception in 2011, the International Day of the Girl Child has:

(A) provided the international community with an opportunity to recognise and celebrate the power and potential of girls around the world, and

(B) played a pivotal role in highlighting the barriers still faced by girls and women,

(iii) the theme of this year’s Day of the Girl Child was ‘With her: A skilled GirlForce’,

(iv) according to UNICEF, young women aged between 15 and 29 are more than three times as likely as young men to not be in employment, education or training,

(v) 131 million girls worldwide are out of school around the world, while completion rates and learning levels of girls are lower than those of boys,

(vi) by 2030, at current rates, more than half the world’s girls will not be on track to achieve secondary level literacy and numeracy skills,

(vii) some countries lose more than $1 billion a year by failing to educate girls to the same level as boys,

(viii) 35% of economically inactive young women leave work to have a baby or look after family,

(ix) girls who are married before the age of 18 see higher poverty rates than those who are married later, and

(x) 15% of East Asian and Pacific girls are married before the age of 18;

(b) recognises that young women’s participation in education, training and work:

(i) provides women with agency and opportunities, and

(ii) fosters economic growth and stability;

(c) reaffirms its commitment to the empowerment of girls and women, and to the fight against all barriers to their full economic, political and social participation; and

(d) acknowledges the work of advocates for girls and women around the world.

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.
22 **Migration Amendment (Family Violence and Other Measures) Bill 2016—Consideration**

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1144—That the Senate—

(a) notes that:

(i) 16 October 2018 represents one year since the Senate debated the Migration Amendment (Family Violence and Other Measures) Bill 2016,

(ii) the bill has been listed on the Senate’s draft legislation program at least five times since then, including for today, where it is the fifth-placed bill, and

(iii) among other things, the bill attempts to address family violence in migrant families by ensuring character checks of a sponsor are conducted before a visa application can be made, and that the findings are shared with the person they are sponsoring; and

(b) calls on the Federal Government to bring the Migration Amendment (Family Violence and Other Measures) Bill 2016 on for debate by 15 November 2018.

*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.

23 **Payments to former Governors-General**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1124—That the Senate—

(a) acknowledges the Royal Commission into Institutional Responses to Child Sexual Abuse and the ongoing impact past abuse has had on the lives of survivors;

(b) notes that the Prime Minister will be issuing a formal apology to survivors of institutional child sexual abuse on Monday, 22 October 2018;

(c) expresses concern that there are currently no mechanisms within the Governor-General Act 1974 to cease the pensions or ongoing payments to former Governors-General where such a payment is no longer in the interest of the public, for instance when unconscionable or illegal behaviour is committed; and

(d) calls on the Prime Minister to introduce a bill to amend the Governor-General Act 1974 to include provisions to cease ongoing payments to former Governors-General where such a payment is not in the interest of the public, or amend the criteria under section 4 of the Act dictating the terms and eligibility of ongoing payments to former Governors-General.

Question put.

The Senate proceeded to divide, but the call for the division was withdrawn by leave.

Leave was granted for the matter to be postponed to a later hour (*see entry no. 31*).
24 Nuclear energy

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1129—that the Senate—

(a) notes that a recent Intergovernmental Panel on Climate Change report on limiting global temperature increase by 1.5 degrees by 2050:

(i) stated that ‘nuclear increases its share in most 1.5 degree pathways by 2050’,

(ii) indicated in some projections that nuclear energy generation could expand by as much as 200 exajoules by 2100 – the equivalent of double the United States of America’s annual consumption,

(iii) estimated nuclear energy generation would increase by 2.5 times by 2050 in 85 mitigation scenarios, and

(iv) the median uptake of primary energy supply via nuclear energy across the 85 mitigation scenarios between 2020 and 2050 was 7.22%, more than renewable energy (6.71%) and biomass (5.56%);

(b) further notes that investigation of nuclear energy generation in Australia has been the subject of a legislative ban imposed at the behest of The Greens for almost 20 years; and

(c) calls on the Federal Government to take steps to allow the consideration of nuclear energy generation in Australia’s energy mix.

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, 7

Senators—

Anning
Bernardi*

Georgiou
Hanson

Hinch
Leyonhjelm

Storer

NOES, 45

Senators—

Abetz
Bilyk
Birmingham
Brockman
Brown
Brashby
Carr
Cash
Chisholm
Colbeck
Collins
Cormann

Di Natale
Dodson
Faruqi
Fieravanti-Wells
Fifield
Gallacher
Gichuhi
Griff
Hanson-Young
Hume
Keneally

Kitching
Lines
Marshall
McAllister
McCarthy
McKenzie
McKinnon
Griff
Moore
O’Neill
Patrick
Pratt

Rice
Ruston
Siewert
Smith, David
Smith, Dean
Waters
Whish-Wilson

Reynolds
Rice
Scullion
Siewert
Smith, Dean
Urquhart*

Question negatived.
25 **Fuel excise**

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1130—That the Senate—

(a) recognises that:
   
   (i) ordinary Australians are struggling financially – the cost of living is too high,
   (ii) the price of petrol is the highest that it has ever been and is a burden on ordinary Australians, and
   (iii) there are calls for a national fuel strike; and

(b) calls on the Federal Government to immediately remove fuel excise to lower the cost of living burden for ordinary Australians.

*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—

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Question negatived.

26 **Defence spending**

Senator Anning, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1134—That the Senate—

(a) notes that:

   (i) on 11 July 2018, United States President, Mr Donald Trump, told NATO leaders that they should increase their defence spending to 4% of their country’s economic output,
   (ii) the United States spent approximately 3.57% of its GDP on defence last year,
   (iii) Australia spent approximately 2% of its GDP on defence last year,
(iv) we live in a volatile geo-political environment, and Australia ought to have strong defence capabilities to defend the air-sea gap approach to our borders, and
(v) historically, during the 1950s and 1960s, Australia spent on average 3.3% of its GDP on defence; and

(b) calls on the Federal Government to increase its defence spending to a target of 4% GDP to protect all Australians.

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 proceeded to divide, but the call for the division was withdrawn by leave.

Question put and negatived.

27 Violence against women

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1136—That the Senate—

(a) notes that:
   (i) since the last Senate sitting period, there have been 8 women killed by violence in Australia, bringing the total number of women killed by violence to 55 in 2018, as reported by Counting Dead Women Australia from Destroy The Joint,
   (ii) on average, one woman a week is murdered by her current or former partner,
   (iii) 1 in 3 Australian women have experienced physical violence since the age of 15,
   (iv) 1 in 5 Australian women has experienced sexual violence,
   (v) 1 in 6 Australian women has experienced physical or sexual violence by a current or former partner,
   (vi) 1 in 4 Australian women has experienced emotional abuse by a current or former partner,
   (vii) Australian women are nearly three times more likely than men to experience violence from an intimate partner,
   (viii) there is growing evidence that women with disabilities are more likely to experience violence,
   (ix) Aboriginal and Torres Strait Islander women report experiencing violence in the previous 12 months at 3.1 times the rate of non-Indigenous women, and
   (x) in 2014-15, Indigenous women were 32 times as likely to be hospitalised due to family violence as non-Indigenous women; and

(b) calls on the Federal Government to:
   (i) recognise domestic violence against women as a national security crisis,
   (ii) adequately fund frontline domestic violence and crisis housing services to ensure that all women seeking safety can access these services when and where they need them,
   (iii) legislate for 10 days paid domestic violence leave, so that women do not have to choose between paying the bills and seeking safety, and
(iv) implement all 25 recommendations of the report of the Finance and Public Administration References Committee into domestic violence in Australia, tabled in the Senate on 20 August 2015.

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.

28 Warragamba Dam

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1137—That the Senate—

(a) notes that:

(i) the New South Wales (NSW) Government is proposing to raise the Warragamba Dam wall by fourteen metres, which could inundate up to 4700 hectares of national parks and 65 kilometres of wilderness streams and rivers, irreversibly damaging the integrity of the Greater Blue Mountains World Heritage Area (GBMWHA),

(ii) there are 25 threatened plant and animal species which inhabit the proposed inundation area, including the Camden White Gum, Kowmung Hakea and near-extinct honeyeaters, and

(iii) there are alternatives for protecting the region from flooding, and the community is sceptical that raising the dam wall is just a plan to allow a huge increase in inappropriate property developments on the floodplains of the Hawkesbury and Nepean Rivers;

(b) opposes the NSW Government’s plans to raise the Warragamba Dam wall; and

(c) calls on the Minister for the Environment to block federal approvals required to raise the Warragamba Dam wall.

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, 8

Senators—

Di Natale Hanson-Young Rice Waters
Faruqi McKim Siewert* Whish-Wilson
NOES, 41

Senators—

Abetz
Anning
Brockman
Bushby
Carr
Cash
Chisholm
Colbeck
Cormann
Dodson
Duniam

F ierravanti-Wells
Fifield
Gallacher
Griff
Hinch
Hume
Keneally
Kitching
Leyonhjelm
Marshall

McAllister
McCarthy
McKenzie
Molan
O'Neil
O'Sullivan
Paterson
Patrick
Pratt
Reynolds

Ruston
Ryan
Smith, David
Smith, Dean
Stoker
Storer
Urquhart*
Watt
Williams
Wong

* Tellers

Question negatived.

29 Public schools—Funding

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1138—That the Senate—

(a) notes that:

(i) the Liberal-National Federal Government has announced it will give an additional $4.6 billion to the Catholic and Independent school sectors, following an intense lobbying campaign, and

(ii) public schools, despite teaching two in three students in Australia, are underfunded and, under the current system, almost 90% of public schools will not receive the funding they need to meet the educational needs of their students; and

(b) calls on the Federal Government to cancel the special deal with Catholic and Independent schools, and commit to funding public schools fairly, including diverting the full $4.6 billion into underfunded public schools.

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, 10

Senators—

Di Natale
Faruqi
Griff

Hanson-Young
McKim
Patrick

Rice
Stewart*

Waters
Whish-Wilson
30 Environment and Communications Legislation Committee—Proposed direction to committee

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. 1143—That the Senate—

(a) notes that the Government is deploying a strategy of avoiding accountability, interrogation and scrutiny in relation to Australia’s rising pollution levels, and owning up to its hostility towards any climate policy by:

(i) the Minister for the Environment refusing four media requests from 7.30, half a dozen requests for interviews from Sky News and multiple interviews from Fairfax Media and Channel 7,

(ii) the now frequent practice of holding back the quarterly updates of Australia’s National Greenhouse Gas Inventory reports, merging quarterly reports and releasing them at times to minimise scrutiny and obscure public attention of their contents, and

(iii) most recently, by proposing an estimates schedule for the Environment and Communications Legislation Committee that has pushed back scrutiny of greenhouse reductions to 9.35 pm in the evening; and

(b) directs the Environment and Communications Legislation Committee, in relation to its supplementary estimates hearing on Monday, 22 October 2018, to call on program 2.1 of the Environment and Energy portfolio: Reducing Australia’s Greenhouse Gas Emissions by not later than 2 pm.

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

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 41

Senators—

Abetz  Dodson  Leyonhjelm  Reynolds
Anning  Duniam  Marshall  Ruston
Brockman  Fieravanti-Wells  McAllister  Ryan
Brown  Fifield  McKenzie  Smith, Dean
Bushby  Gallacher  McAllister  Stoker
Carr  Gichuhi  Molan  Storer
Cash  Hinch  O’Neill  Storer
Chisholm  Hume  O’Sullivan  Watt*
Colbeck  Keneally  Paterson  Williams
Collins  Kitching  Pratt  Wong
Cormann

* Tellers

Question negatived.
31 Payments to former Governors-General

The question was put on general business notice of motion no. 1124, moved earlier today (see entry no. 23).

The question was divided at the request of the Minister for Finance and the Public Service (Senator Cormann)—

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

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

Question—That paragraph (d) of the motion be agreed to—put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 43

Senators—

Abetz  Cormann  Leyonhjelm  Reynolds
Anning  Dodson  Marshall  Ruston
Bilyk  Duniam  McAllister  Ryan
Brockman  Fierravanti-Wells  McCarthy  Smith, David
Brown  Fifiel  McKenzie  Smith, Dean
Bushby  Gallacher  Molan  Stoker
Carr  Gichihi  O’Neill  Urquhart*
Cash  Griff  O’Sullivan  Watt
Colbeck  Hume  Paterson  Williams
Collins  Keneally  Patrick  Wong
Collins  Kitching  Pratt

* Tellers

Question negatived.

32 Anti-Poverty Week

Senator McAllister, also on behalf of Senators Cameron and Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1139—That the Senate—

(a) notes that 14 to 20 October 2018 is Anti-Poverty Week;
(b) recognises that all people have a right to a standard of living that is adequate for their health and well-being;

(c) acknowledges that, according to a 2016 Australian Council of Social Service report, 2.9 million Australians are living below the poverty line;

(d) commends the work being done by the community to address poverty nationally and internationally;

(e) urges the Federal Government to commit to working towards an Australia where nobody lives in poverty; and

(f) condemns the Federal Government for:
   (i) failing to act on the housing affordability crisis,
   (ii) years of budget cuts that have left essential services crippled, and
   (iii) failing to support Australian families who rely on penalty rates.

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, 32

Senator—

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NOES, 28

Senator—

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* Tellers

Question agreed to.

33 Australia’s National Greenhouse Gas Inventory—Quarterly updates—Order for production of documents

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. 1142—

(1) That there be laid on the table by the Minister representing the Minister for the Environment, by not later than 5 calendar months after each:

   (a) 31 March;

   (b) 30 June;

   (c) 30 September; and
(d) 31 December,
the quarterly update of Australia’s National Greenhouse Gas Inventory.

(2) If the Senate is not sitting when a quarterly update is ready for presentation, the statement is to be presented to the President under standing order 166.

(3) This order is of continuing effect.

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, 33

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NOES, 27

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* Tellers

Question agreed to.

34 Asylum seekers—Children in detention on Nauru

Senator McKim, also on behalf of Senators Storer, Griff and Hinch, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1145—That the Senate—

(a) notes:

(i) that there are currently around 100 children being detained by the Australian Government on Nauru,

(ii) that many, if not all, of these children are suffering serious psychological disorders, such as ‘resignation syndrome’, where children abandon all hopes of a better life, and become suicidal,

(iii) that the Australian Medical Association has called on the Government for ‘urgent action to prevent further harm to the health and welfare of child refugees and asylum seekers on Nauru, [and for] these children and their families [to] be removed from harm and have access to healthcare of an appropriate standard’,
(iv) that nearly 6000 doctors have signed an open letter to the Prime Minister, Mr Morrison, supporting this call from the Australian Medical Association,

(v) Mr Broadbent’s statement that ‘This is an embarrassing humanitarian crisis that the Government needs to resolve in a manner acceptable to the Australian people’;

(vi) Mr Laundy’s statement that ‘something must be done as soon as possible’;

(vii) Ms Banks’ statement that this change-of-heart ‘comes from the hearts and minds of the Australian people’, and

(viii) the agreement of these three Liberal MPs that ‘these kids have been there far too long’;

(b) congratulates and thanks the brave Liberal members who told the Government that their focus is only on the welfare of the children; and

(c) calls on the Federal Government to immediately bring every child in detention on Nauru to Australia for urgent medical and psychological assessment and treatment, along with the family members of children being assessed and treated.

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

The question was divided at the request of Senator Chisholm—

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

The Senate divided—

AYES, 32

Ayres
Bilyk
Brown
Carr
Chisholm
Collins
Di Natale
Dodson
Farrell
Fielding
Fifield
Fawcett
Fox
Frydenberg
Gallacher
Griff
Hanson-Young
Hinch
Keneally
Ketter
Kitching
Keneally
Ketter
Kitching

Marshall
McAllister
McCarthy
McKim
Moore
O’Neill
Patrick
Pratt
Paterson

Rice
Siewert
Smith, David
Storer
Urquhart*
Waters
Watt
Whish-Wilson

NOES, 27

Abetz
Anning
Birmingham
Brockman
Bushby*
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fieravanti-Wells
Fifield
Gichuhi

Hume
Leyonhjelm
McGrath
McKenzie
Molan
O’Sullivan
Paterson

Reynolds
Ruston
Ryan
Scullion
Stoker
Williams

*Tellers

Question agreed to.

Question—That paragraph (c) of the motion be agreed to—put.
The Senate divided—

AYES, 12

Senators—

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

NOES, 37

Senators—

Abetz  Collins  Keneally  Paterson
Anning  Dodson  Ketter  Pratt
Brockman  Duniam  Kitching  Reynolds
Brown  Farrell  Leyonhjelm  Ruston
Bushby  Fierravanti-Wells  McGraith  Ryan
Canavan  Fifield  McKenzie  Sterle
Carr  Gattacher  Molan  Stoker
Cash  Gichuhi  Moore  Urquhart*
Chisholm  Hume  O’Sullivan  Williams
Colbeck

* Tellers

Question negatived.

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

35 China

Motion determined as not formal: Senator Anning requested that general business notice of motion no. 1132 standing in his name for today, relating to China, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

36 Confucius Institutes

Motion determined as not formal: Senator Anning requested that general business notice of motion no. 1133 standing in his name for today, relating to Confucius Institutes, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

37 Israel—Australian Embassy

Motion determined as not formal: Senator Anning requested that general business notice of motion no. 1141 standing in his name for today, relating to the Australian Embassy in Israel, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Proposed suspension of standing orders: Senator Anning, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent the motion being moved immediately and determined without amendment or debate.

Debate ensued.

Question put.

The Senate divided—

AYES, 2

Senators—

Anning*  Leyonhjelm
Question negatived.

38 Notices

Notice of motion withdrawn: Senator Siewert, pursuant to notice of intention given on 16 October 2018, withdrew business of the Senate notice of motion no. 2 standing in her name for 13 November 2018 for the disallowance of the Social Security (Declared Program Participant) Determination 2018 [F2018L00777].

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion standing in his name, as follows:

Business of the Senate notices of motions nos 1 to 4 for 9 sitting days after today for the disallowance of the following instruments:
- Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment (2018 Measures No. 1) Regulations 2018 [F2018L00851].
- Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 2) Regulations 2018 [F2018L00839].
- Financial Framework (Supplementary Powers) Amendment (Foreign Affairs and Trade Measures No. 1) Regulations 2018 [F2018L00841].

Business of the Senate notices of motions nos 1 to 3 and 5 for 12 sitting days after today for the disallowance of the following instruments:
- Adult Disability Assessment Determination 2018 [F2018L01106].
- Federal Circuit Court Amendment (Costs and Other Measures) Rules 2018 [F2018L01088].
- Migration Amendment (Skilling Australians Fund) Regulations 2018 [F2018L01093].

39 Discrimination Free Schools Bill 2018

Order of the day read for the adjourned debate on the motion of the Leader of the Australian Greens (Senator Di Natale)—That this bill be now read a second time.

Debate resumed.

Time expired: The time for consideration of the bill reached the limit of 1 hour and 30 minutes.

Debate was interrupted while Senator Hume was speaking.
40 Documents—Consideration
Documents tabled earlier today (see entry no. 2) were considered as follows:

Motion to take note of documents nos 1 to 3, 5, 13 and 15 to 17 moved by Senator Ketter. Consideration to resume on Thursday at general business.

41 Committee reports and government responses—Tabling and consideration
Pursuant to order, the Chair of the Education and Employment References Committee (Senator Marshall) tabled the following report and documents:

Education and Employment References Committee—They never came home – The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia—Report, dated October 2018, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Marshall moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Cameron in continuation.

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

Environment and Communications References Committee—Adequacy of the regulatory framework governing water use by the extractive industry—Report, dated October 2018, Hansard record of proceedings, document presented to the committee, additional information and submissions.

Senator Rice moved—That the Senate take note of the report.
Question put and passed.

Senator Hume, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:


Senator Hume moved—That the Senate take note of the report.
Question put and passed.

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

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


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


The Minister for Resources and Northern Australia (Senator Canavan) tabled the following document:


42 Notice

The Chair of the Legal and Constitutional Affairs References Committee (Senator Pratt) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by the first sitting day of March 2019:

The effectiveness of the current temporary skilled visa system in targeting genuine skills shortages, with particular reference to:

(a) the interaction between the temporary skilled visa system and the system in place for training Australian workers, including how a skills shortage is determined;
(b) the current skills assessment regime, including but not limited to, the correct application of ANZSCO codes and skills testing requirements;
(c) the relationship between workers on skilled visas and other types of visas with work rights, including the rationale and impact of the 400 visa;
(d) the effectiveness of the current labour market testing arrangements;
(e) the adequacy of current skilled visa enforcement arrangements, with particular regard to wages and conditions and access to information about rights and protections;
(f) the use and effectiveness of labour agreements; and
(g) related matters.

43 Drought relief—Document

Senator Hume, by leave, tabled the following document:

Drought relief—Petitioning document from 953 signatories relating to a proposed drought relief scheme.
44 Customs Amendment (Collecting Tobacco Duties at the Border) Bill 2018
Customs Amendment (Product Specific Rule Modernisation) Bill 2018
Treasury Laws Amendment (Gift Cards) Bill 2018
Veterans’ Affairs Legislation Amendment (Omnibus) Bill 2018

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

Message no. 488, dated 17 October 2018—A Bill for an Act to amend the Customs Act 1901, and for related purposes.
Message no. 487, dated 16 October 2018—A Bill for an Act to amend the Customs Act 1901, and for related purposes.
Message no. 489, dated 17 October 2018—A Bill for an Act to amend the Competition and Consumer Act 2010, and for related purposes.
Message no. 490, dated 17 October 2018—A Bill for an Act to amend the law relating to veterans’ affairs and military rehabilitation and compensation, and for related purposes.

The Minister for Resources and Northern Australia (Senator Canavan) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.
Question put and passed.

Bills read a first time.

Senator Canavan moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Canavan moved—That the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.

45 Treasury Laws Amendment (Lower Taxes for Small and Medium Businesses) Bill 2018

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

Message no. 486, dated 16 October 2018—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Resources and Northern Australia (Senator Canavan) 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 Canavan moved—That this bill be now read a second time.

On the motion of Senator Canavan the debate was adjourned and the resumption of the debate made an order of the day for a later hour.
46 Aged Care Quality and Safety Commission Bill 2018
Aged Care Quality and Safety Commission (Consequential Amendments and Transitional Provisions) Bill 2018

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

Message no. 491, dated 17 October 2018—A Bill for an Act to establish the Aged Care Quality and Safety Commission, and for related purposes.

Message no. 492, dated 17 October 2018—A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the Aged Care Quality and Safety Commission Act 2018, and for related purposes.

The Minister for Resources and Northern Australia (Senator Canavan) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Canavan moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned till the day fixed for the Community Affairs Legislation Committee to report on the bills, 19 October 2018.

47 Government Procurement (Judicial Review) Bill 2017

Order of the day read for the adjourned debate on the motion of the Minister for Small and Family Business, Skills and Vocational Education (Senator Cash)—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 30

Senators—
Abetz
Bilyk
Birmingham
Brockman
Brown
Bushby
Collins
Duniam
Fierravanti-Wells
Gallacher
Gichuhi
Hinch
Hume*
Keneally
Kitching
Leyonhjelm
Marshall
McCarty
McGrath
Molan
O’Neill
O’Sullivan
Paterson
Pratt
Reynolds
Ruston
Smith, David
Smith, Dean
Sterle
Urquhart

NOES, 13

Senators—
Dineen
Di Natale
Faruqi
Georgiou
Griff
Hanson
Hanson-Young
McKim
Patrick
Rice
Siewert*
Storer
Waters
Whish-Wilson

* Tellers

Question agreed to.

Bill read a second time.
48 Adjournment
The Acting Deputy President (Senator McCarthy) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.39 pm till Thursday, 18 October 2018 at 9.30 am.

49 Attendance

RICHARD PYE
Clerk of the Senate