THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 108

WEDNESDAY, 15 AUGUST 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):

Document presented by the President

Government documents

Non-discriminatory immigration policy
The Leader of the Opposition in the Senate (Senator Wong), by leave, moved—That the Senate—

(a) acknowledges the historic action of the Holt Government, with bipartisan support from the Australian Labor Party, in initiating the dismantling of the White Australia policy;

(b) recognises that, since 1973, successive Labor and Liberal/National Party governments have, with bipartisan support, pursued a racially non-discriminatory immigration policy to the overwhelming national, and international, benefit of Australia; and

(c) gives its unambiguous and unqualified commitment to the principle that, whatever criteria are applied by Australian governments in exercising their sovereign right to determine the composition of the immigration intake, race, faith or ethnic origin shall never, explicitly or implicitly, be among them.

Debate ensued.
Question put and passed.

Documents
The Clerk tabled the following documents pursuant to statute:

5 Committees—Leave to meet during sittings

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

Community Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 10.30 am.

Education and Employment Legislation Committee—
private briefing today, from 10.15 am.
private meeting otherwise than in accordance with standing order 33(1) today, from 11.30 am.

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

Intelligence and Security—Joint Statutory Committee—
private briefing on Thursday, 16 August 2018, from 9.30 am.
public meeting on Thursday, 16 August 2018, from 4 pm.

National Broadband Network—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 4.25 pm.

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 12 pm.

6 Senator Anning—Proposed censure

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

Proposed suspension of standing orders: Senator Di Natale, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion of censure of Senator Anning.

Debate ensued.

Question put.
The Senate divided—

**AYES, 12**

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**Question negatived.**

**7 Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015**

Order of the day read for the adjourned debate on the motion of Senator Leyonhjelm—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator O’Neill was speaking.

**8 Senators’ statements**

Senators made statements.

*At 2 pm—*

**9 Vacancy in the representation of New South Wales**

The President informed the Senate of the resignation today of Senator Rhiannon and advised that, pursuant to section 21 of the Constitution, he had notified the Governor of New South Wales that there was a vacancy in the representation of that state.

**Documents:** The President tabled the following documents:

- Vacancy in the representation of New South Wales—Letters from—Senator Rhiannon to the President, dated 15 August 2018.
- President of the Senate to the Governor of New South Wales (His Excellency General the Honourable David Hurley, AC, DSC (Ret’d)), dated 15 August 2018 [copy].

**10 Questions**

Questions without notice were answered.
11 Motions to take note of answers
Senator Cameron moved—That the Senate take note of the answers given by the Minister for Education and Training (Senator Birmingham) to questions without notice asked by Senators Keneally and Ketter today relating to a grant to the Great Barrier Reef Foundation.
Debate ensued.
Question put and passed.
Senator Siewert moved—That the Senate take note of the answer given by the Minister for International Development and the Pacific (Senator Fieravanti-Wells) to a question without notice asked by Senator Siewert today relating to a Centrelink trial of an automated debt recovery system.
Question put and passed.

12 Notices
The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate—
(a) notes:
(i) the growing prominence of business events that enable direct and private access to senior members of Parliament, such as the Australian Labor Party’s Business Observer Summit, the Liberal Party’s Millennium Forum and The National’s National Policy Forum, and
(ii) the failure of Australia’s political donation laws to require the disclosure of payments for these events, because there is contractual consideration, they are therefore not classified as a ‘gift’ under the Commonwealth Electoral Act 1918 that would mandate public disclosure;
(b) acknowledges that political donations enable access and influence policy decisions made by political parties and that these events are shrouded in secrecy; and
(c) resolves that, in the interest of good government, political parties should voluntarily disclose the attendees of these events and the amount of money provided by these businesses to political parties during these events. (general business notice of motion no. 961)

Senators Duniam and Polley: To move on the next day of sitting—That the Senate—
(a) notes with deep regret the recent decision by WIN TV to produce and read Tasmanian local news out of New South Wales, and the loss of local jobs and content as a result of this decision; and
(b) reaffirms the importance of local news content, and calls on all media outlets to maximise local news production and content as part of their operations. (general business notice of motion no. 962)

Senators O’Neill, Payne, McAllister, Molan, Cameron, Fieravanti-Wells, Keneally, Williams, Leyonhjelm and Burston: To move on the next day of sitting—That the Senate congratulates the New South Wales’ (NSW) State of Origin coach, Mr Brad Fittler, and the NSW Blues for winning the 2018 State of Origin series. (general business notice of motion no. 963)
The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate—
(a) notes that today, 4 million Australians, or almost 20% of the population, are living with allergy and allergic diseases;
(b) recognises that over the past 20 years, hospital admissions due to anaphylaxis have increased five-fold, 10% of infants now have food allergies, drug allergy-induced anaphylaxis deaths have increased by 300%, and drug allergy-induced anaphylaxis presentations have trebled;
(c) is deeply concerned by the recent death of a young child in Western Australia, and several near misses across the country, as a result of food allergies;
(d) recognises the work of Australasian Society of Clinical Immunology and Allergy (ASCIA) and Allergy & Anaphylaxis Australia (A&AA), as well as other partner organisations, in developing the National Allergy Strategy for Australia, published three years ago, in August 2015;
(e) recognises that the National Allergy Strategy is the single, national resource for the community, medical profession and policy makers in providing strategic goals to reduce the incidence of allergy-related deaths and harm in Australia; and
(f) calls on the Federal Government to ensure significant ongoing, long-term funding for the National Allergy Strategy. (general business notice of motion no. 964)

Senator Sterle: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) since recordkeeping commenced in 1925, there have been over 190,000 deaths on Australia’s roads,
   (ii) over the past ten years, there have been 14,525 road fatalities in Australia,
   (iii) during the 2017 calendar year, there were 1225 road deaths across Australia,
   (iv) in 2018 so far, there have been 665 deaths on Australian roads, and
   (v) the annual economic cost of road crashes in Australia is estimated at $27 billion per annum, and the social impacts are devastating;
(b) recognises that, according to the Government’s own website, ‘the Australian Government is responsible for regulating safety standards for new vehicles, and for allocating infrastructure resources, including for safety, across the national highway and local road networks’, and ‘the Department of Infrastructure, Regional Development and Cities has a range of functions that support the Australian Government’s role in road safety. These include: administering vehicle safety standards for new vehicles, administering the National Black Spot Program and other road funding, administering the keys2drive program, producing national road safety statistics, and coordinating the National Road Safety Strategy 2011-2020’; and
(c) calls on the Australian Government to:
   (i) acknowledge that almost 90% of the National Road Safety Strategy targets will not be met by 2020,
   (ii) acknowledge that fewer than one in ten KPIs are likely to be met and that a quarter of KPIs still are not even being measured, and
(iii) provide a guarantee that the National Road Safety Strategy is being monitored, and that changes will be made to reach the agreed targets if they are not on track to be met. (general business notice of motion no. 965)

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

(a) express its disappointment in the Turnbull Government for its chaotic and disunified approach to energy policy; and

(b) notes that the Prime Minister’s compromise policy on the National Energy Guarantee will not see a single renewable energy project built for a decade, an energy plan that will see the rates of installation of rooftop solar cut by a half, and an energy plan that will channel billions and billions of taxpayers’ money to building new coal-fired power stations. (general business notice of motion no. 966)

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;

(b) notes that, in reference to the immigration policy of this 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’; and

(c) calls on the Federal Government to hold a plebiscite to allow the Australian people to decide whether they want:

(i) to continue the current indiscriminate immigration policy that allows Muslims to come into this country, or

(ii) to return to the predominantly European immigration policy supported by Sir Robert Menzies. (general business notice of motion no. 967)

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

(1) That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by the third sitting day of March 2019:

Serious allegations of avoidable deaths, serious health problems, self-harm, abuse and neglect of people seeking asylum and refugees who have been detained on Manus Island and Nauru, with particular reference to:

(a) the factors that have contributed to the serious health problems, abuse, self-harm and suicides alleged to have occurred;

(b) how notifications of serious health problems, abuse, self-harm and suicide are investigated;

(c) the Commonwealth Government’s processes for considering requests for medical transfers from medical service providers on Manus Island and Nauru and in Australia, and the adequacy of these processes;

(d) the reasons that the Commonwealth Government defers or declines requests for urgent medical transfers;

(e) the obligations, involvement and control of the Commonwealth Government and contractors relating to the treatment of people seeking asylum and refugees, including the provision of support, capability and capacity building to local authorities;
(f) the provision of support services for people seeking asylum and refugees who have been alleged or found to have been subject to abuse, neglect, self-harm, or suicidal risks and behaviours in regional processing or transit centres or within the community while residing in Papua New Guinea or Nauru;

(g) the provision of health services to people seeking asylum and refugees, including children, in regional processing or transit centres, or within the community while residing in Papua New Guinea or Nauru;

(h) the effect of Part 6 of the Australian Border Force Act 2015;

(i) attempts by the Commonwealth Government to negotiate third country resettlement of people seeking asylum and refugees who are in regional processing or transit centres, or within the community while residing in Papua New Guinea or Nauru, and the adequacy and limitations of existing third country resettlement arrangements;

(j) additional measures that could be implemented to expedite resettlement of people seeking asylum and refugees; and

(k) any other related matters.

(2) The committee be granted access to all inquiry submissions and documents of the Legal and Constitutional Affairs References Committee relating to its previous inquiries into the conditions and treatment of people seeking asylum and refugees at the regional processing or transit centres in Papua New Guinea and the Republic of Nauru.

The Minister for Education and Training (Senator Birmingham): To move on the next day of sitting—That on Thursday, 16 August 2018:

(a) the business of the Senate notices of motion proposing the disallowance of five management plans under the Environment Protection and Biodiversity Conservation Act 1999, standing in the names of Senators Pratt and Whish-Wilson for that day, be called on for debate together at 3.30 pm and considered for not more than 40 minutes;

(b) if at the end of that time consideration of the motions has not concluded, the question shall then be put; and

(c) divisions may take place during consideration of the motions.

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

(a) notes that:

(i) Pure Compound Sodium Fluoroacetate (‘1080’) poison is classified by the World Health Organization as a Class I(a) poison – their highest rating for toxicity,

(ii) in Australia, 1080 is listed as a Schedule 7 poison, surpassed only by addictive, illicit and other prohibited substances, and is considered a chemical of security concern by the Australian Government

(iii) despite most other countries adopting alternative, more humane, pest-management strategies, Australia and New Zealand account for the vast majority of 1080 use worldwide,

(iv) 1080 poison is a cruel alternative to other known methods of pest control, including poisons with effective antidotes, and
(v) 1080 poison is aerially distributed across Australia, including often untracked use throughout national parks, leaving other species and domesticated animals susceptible to agonising deaths that can last as long as five days; and

(b) calls on the Federal Government to regulate for the orderly phase-out of 1080 poison. (general business notice of motion no. 968)

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

(a) notes that the draft report of the Productivity Commission assessing the efficiency and competitiveness of superannuation concluded that the Australian Prudential Regulation Authority’s (APRA) behind-closed-doors approach to regulation:

(i) makes it difficult to assess whether the regulator is effectively curtailing poor behaviour, and

(ii) suggests that, even if APRA’s approach is effective, the lack of public enforcement provides limited discouragement for poor behaviour elsewhere;

(b) notes the observations of counsel assisting, Michael Hodge, QC, in his opening address to the fifth round of hearings of the Royal Commission Misconduct in the Banking, Superannuation and Financial Services Industry (Royal Commission) that, regarding the regulation of superannuation:

(i) there may be an inherent tension between regulators maintaining financial system stability and regulators taking public enforcement action, and

(ii) there is not a dedicated conduct regulator for superannuation trustees in Australia;

(c) notes the revelation from the Royal Commission on 14 August 2018 that:

(i) Colonial First State failed to transfer 15,000 members into MySuper accounts within the legislated timeframe, and

(ii) APRA failed to prosecute Colonial First State for these breaches, which amount to 15,000 individual offences that could attract a total maximum fine of $157 million; and

(d) expresses concern:

(i) that the responsibility for conduct regulation of superannuation is ambiguous,

(ii) that APRA’s approach to compliance and enforcement of breaches by superannuation funds falls short of community expectations, and

(iii) that the best of interests of members are not being served as a result. (general business notice of motion no. 969)

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

(a) notes that, over recent times, the Senate has witnessed:

(i) Senator Hanson wear a burqa in the Senate chamber, with the purpose to ridicule a religious community,

(ii) Senator Leyonhjelm use sexism to attempt to belittle and intimidate a fellow parliamentarian, and

(iii) Senator Anning use racism and hate speech, including language from the Holocaust, to incite hatred against the entire Muslim community;
(b) seeks to ensure that hate speech and intimidatory behaviour do not go unfettered in the Senate under the name of parliamentary privilege;
(c) notes that the Member for Indi, Ms McGowan, has tabled a motion in the House of Representatives to develop a code of conduct for members of Parliament and their staff;
(d) agrees that, as a Parliament, we must stand up against unacceptable behaviours; and
(e) gives in-principle support to include in the Senate standing orders a code of conduct, with the aim of preventing a senator behaving in such a way, or using language, which is discriminatory or incites hatred towards a community.

(General business notice of motion no. 970)

Senator O’Sullivan: To move on the next day of sitting—That the Senate—

(a) acknowledges:
   (i) that, earlier this year, Australian Greens representatives travelled to Brussels to promote a documentary film and repeat claims that kangaroo populations are at serious risk of extinction across Australia,
   (ii) a media statement made, on 5 March 2018, by former Senator Rhiannon stating ‘myths about kangaroos are uncritically repeated as facts in Australia and abroad’,
   (iii) that despite the repeated claims by the Australian Greens to the contrary, it is widely and publically recorded that there have been no adverse long-term impacts on kangaroo populations after more than 30 years of harvesting under commercial management plans; in fact, there are an estimated 48 million kangaroos across Australia today, compared with only 27 million in 2010,
   (iv) that more than three decades of data proves the sustainable harvest quota for kangaroos is always well below actual population estimates, and the actual quota levels have almost never been met,
   (v) that there have been decades of sound, sustainable management of kangaroo harvesting that has been consistently confirmed by kangaroo management reviews, carried out by independent scientists,
   (vi) that, despite making this data publically available, the kangaroo meat and hide industry has long been forced to battle against the boisterous, yet unfounded, claims by the Greens, and the broader animal liberation movement, that kangaroos are somehow at risk of extinction, and
   (vii) that the National Code of Practice for the Humane Shooting of Kangaroos for Commercial Purposes, agreed to by all states in 2008, must be complied with under each state’s management plans;

(b) recognises the thousands of families across rural Australia that derive some income from the kangaroo harvesting trade; and
(c) supports public policy that:
   (i) encourages the humane and sustainable harvesting of the kangaroo population, and
   (ii) encourages trade expansion of kangaroo products. (General business notice of motion no. 971)
Senator O’Sullivan: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the concepts of abortion and euthanasia specifically contradict the Hippocratic Oath – written nearly 2500 years ago – which is arguably the most famous text in Western medicine: ‘I will give no deadly medicine to any one if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion’, and

(ii) the Queensland Labor Government’s proposed abortion laws will permit life termination at 22 weeks, which is a common age for expecting parents to be sharing images of ultrasounds due to the human form of the baby, and is a time in human development where babies have already formed lips and eyebrows and whose infused eyelids can discern the difference between light and dark; and

(b) condemns:

(i) the Queensland Government for its repeated attempts to excessively overhaul state legislation on abortion, and

(ii) any law that would permit abortions based on gender-selection. (general business notice of motion no. 972)

Senator O’Sullivan: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that the Australian Defence Force has recently drawn headlines following an indication it could end the use of gender-specific pronouns, and enforce a new language regime on our defence personnel,

(ii) that the Victorian public service, with support from the Victorian Government, has commenced a campaign to enforce the belief that masculine and feminine pronouns are somehow restricting,

(iii) that in 2016, the Queensland Government ended its inclusion of male or female in drivers’ licence information, following complaints from the gender-diverse community,

(iv) the bully and intimidation from some within the gender-diverse community towards iconic Australian comedian Mr Barry Humphries – a man who has been a public trailblazer in challenging community expectations surrounding gender stereotypes – when he questioned the legitimacy of expanding bathrooms, and indoctrinating children in certain social outlooks relating to gender,

(v) that Qantas made international headlines earlier this year when it was revealed it would focus on directing staff language and behaviour, as part of a so-called ‘Spirit of Inclusion’ month that would ‘recognise reality’ by forcing staff to follow a strict language regime by replacing language such as husband, wife, mum and dad to avoid any potential offence potentially felt by same-gender couples, and

(vi) that the Secretary of the Department of the Prime Minister and Cabinet, Dr Parkinson, has repeatedly stated his belief in the highly contentious concept of ‘unconscious bias’, and has spent millions of taxpayer dollars attempting to find evidence to support his personal beliefs and alter the personal actions of staff under his control;

(b) reaffirms its support for free and fearless speech, and open and honest discourse as foundations of western civilisation;
(c) rejects any attempt to enforce an overhaul of longstanding language usage for innocuous and benevolent terms that are spoken with no intended malice; and
(d) condemns any form of crusading, bullying, intimidation and use of authority by government, activists and corporate leaders that attempts to stifle free speech by enforcing a specific world viewpoint on linguistics and social policy. *(general business notice of motion no. 973)*

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) acknowledges the release of the Australian Council of Social Service and UNSW Sydney report, *Inequality in Australia 2018*;
(b) recognises that the report found that wealth inequality is increasing and, with regard to income inequality, someone in the top 1% of the income scale earns more in a fortnight than someone in the lowest 5% earns in a year;
(c) acknowledges that our social safety net currently fails to protect those seeking work from falling into poverty;
(d) notes that the Australian Council of Social Service calls for an increase of $75 a week to allowance payments for single people from 1 January 2019; and
(e) urges the Federal Government to increase the single rate of Newstart and related allowances by $75 a week. *(general business notice of motion no. 974)*

13 Private senators’ bills—Consideration

The Assistant Minister to the Prime Minister (Senator McGrath) moved—That the following general business orders of the day be considered on Monday, 20 August 2018 at the time for private senators’ bills:
   No. 88 Plebiscite (Future Migration Level) Bill 2018.
   No. 49 Productivity Commission Amendment (Addressing Inequality) Bill 2017.
   Question put and passed.

14 Future of Work and Workers—Select Committee—Extension of time to report

Senator Urquhart, by leave and at the request of the Chair of the Select Committee on the Future of Work and Workers (Senator Watt), moved—That the time for the presentation of the report of the Select Committee on the Future of Work and Workers be extended to 12 September 2018.
   Question put and passed.

15 Community Affairs References Committee—Reference

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 8 October 2018:
   The My Health Record system, with particular reference to:
   (a) the expected benefits of the My Health Record system;
   (b) the decision to shift from opt-in to opt-out;
   (c) privacy and security, including concerns regarding:
      (i) the vulnerability of the system to unauthorised access,
(ii) the arrangements for third party access by law enforcement, government agencies, researchers and commercial interests, and

(iii) arrangements to exclude third party access arrangements to include any other party, including health or life insurers;

(d) the Government’s administration of the My Health Record system roll-out, including:

(i) the public information campaign, and

(ii) the prevalence of ‘informed consent’ amongst users;

(e) measures that are necessary to address community privacy concerns in the My Health Record system;

(f) how My Health Record compares to alternative systems of digitising health records internationally; and

(g) any other matters.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath) and Senators Collins and Di Natale, by leave, made statements relating to the motion. Question put and passed.

16 Plebiscite (Future Migration Level) Bill 2018

The Leader of Pauline Hanson’s One Nation (Senator Hanson), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 924—That the following bill be introduced:

A Bill for an Act to provide for a plebiscite at the next general election in relation to the level of migration to Australia, and for related purposes.

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

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

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

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

17 Tuberculosis

Senator Urquhart, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 932—That the Senate—

(a) notes that:

(i) Tuberculosis (TB) was declared an emergency in 1993 by the World Health Organization and causes more deaths than any other infectious disease – of the more than 10.4 million infected with TB in 2016, 1.7 million people died,
(ii) drug-resistant TB is one of the most common and deadly forms of all antimicrobial resistance in the world, accounting for a significant number of antimicrobial resistant deaths globally,

(iii) around the world, an estimated 4.1 million people with TB are not diagnosed, thus missing out on receiving quality care and treatment,

(iv) TB affects different populations inequitably and contributes to the cycle of ill-health and poverty,

(v) the United Nations Sustainable Development Goal to end the global TB epidemic by 2030 will not be met without new and more effective tools, and more innovative approaches to prevention, diagnosis, treatment, care and vaccination, and

(vi) TB is preventable, curable and can be ultimately eliminated through access to quality drugs, treatment and prevention, effective people-centred models of care, and innovation in identification and treatment;

(b) recognises:

(i) the United Nations (UN) General Assembly is holding the first-ever High-Level Meeting on TB on 26 September 2018, during the 73rd session of the General Assembly in New York,

(ii) the United Nations High-Level Meeting on TB provides an unprecedented and historic opportunity for world leaders to reaffirm their commitment and raise the resources required for ending the global TB epidemic by 2030,

(iii) the world should aim to increase the overall global investments for ending the TB epidemic to US$2 billion, and to close the estimated US$1.3 billion gap in funding annually for support to TB research and development for prevention, diagnosis treatment and care, and

(iv) Australia has supported global actions to reduce TB, including through contributions to the Global Fund to Fight AIDS, Tuberculosis and Malaria, its support to TB programs in Papua New Guinea and Kiribati, and through the Indo-Pacific Health Security Initiative in our support to Product Development Partnerships and research grants; and

(c) calls on the Australian Government to:

(i) ensure Australia has senior representation at the United Nations High-Level Meeting on TB in September, and

(ii) commit to support countries in the Indo-Pacific in their efforts for TB elimination.

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

18 Political re-education internment camps

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 945—That the Senate—

(a) expresses the view that political re-education internment camps are the tool of brutal totalitarian governments; and
(b) urges the Minister for Foreign Affairs to raise with foreign governments any concerns brought to her attention about the existence of such camps.

Question put and passed.

19 Community Development Programme—Order for production of documents
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 951—That there be laid on the table by the Minister for Indigenous Affairs, by the adjournment on 20 August 2018, the modelling of the impact of the Targeted Compliance Framework on Community Development Programme (CDP) jobseekers that was undertaken by the Department of Prime Minister and Cabinet as part of the development of the reforms to the CDP, and the historical data used as part of this modelling, and the regional breakdown of the employment outcomes for CDP for the period 1 July 2015 to 31 May 2018.

Question put and passed.

20 Australian Antarctic Division
Senator Urquhart, at the request of Senators Bilyk and Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 953—That the Senate—

(a) notes that:
   (i) the Australian Antarctic Division’s (AAD) headquarters is based in Kingston, Tasmania,
   (ii) the AAD currently employs approximately 300 staff at the Kingston headquarters,
   (iii) the AAD has a proud history of world-leading scientific research that has been led by a dedicated workforce based in the Kingborough municipality, and
   (iv) as a small suburban population centre, Kingston’s retail businesses are heavily reliant on the 300 jobs that the AAD headquarters provides;

(b) expresses concern that the Minister for the Environment and Energy, and the Turnbull Government, are yet to publicly commit to maintaining the AAD’s headquarters in Kingston; and

(c) calls on the Turnbull Government to:
   (i) commit to the long-term future of the AAD in Kingston, and rule out moving the location of the current headquarters, and
   (ii) further commit to not making any decisions that would result in a net loss of AAD staff from Kingston.

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

Question put and passed.

21 Notice of motion withdrawn
Senator Urquhart, at the request of the Chair of the Finance and Public Administration References Committee (Senator McAllister), withdrew business of the Senate notice of motion no. 5 standing in the name of Senator McAllister for today, proposing a reference to the Finance and Public Administration References Committee.
22 Great Barrier Reef Foundation—Order for production of documents
Senator Urquhart, at the request of Senator Carr and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 954—That there be laid on the table by the Minister for Jobs and Innovation, by no later than 9.30 am on 21 August 2018:
(a) documents held by the Department of Industry, Innovation and Science relating to the announcement, establishment and implementation of the partnership with the Great Barrier Reef Foundation; and
(b) documents held by the Australian Institute of Marine Science (AIMS) relating to the announcement, establishment and implementation of the partnership with the Great Barrier Reef Foundation.
Question put and passed.

23 Mental health
Senator O’Neill, also on behalf of Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 956—That the Senate—
(a) notes that:
   (i) on 30 July 2018, the RUOK? Conversation Convoy began to raise awareness that a conversation could change a life,
   (ii) the Conversation Convoy will travel across 14,000 kilometres and 25 communities to show Australians that every day is the day to ask ‘Are you OK?’, and
   (iii) the Conversation Convoy will conclude in Sydney on 13 September 2018, which is also RUOK? Day – this important day was first established in 2009 to raise awareness around suicide prevention and mental ill-health;
(b) acknowledges that:
   (i) the statistics around suicide and mental ill-health are heartbreaking and confronting,
   (ii) in 2016, 2,866 Australians lost their lives to suicide – research also reveals that around 65,000 people attempt suicide every year, and hundreds of thousands of people are impacted by each suicide death, and
   (iii) one in five Australians experience mental ill-health in any year; and
(c) urges:
   (i) all levels of government and the community to work together to reduce the impact of suicide and mental ill-health in our society, and
   (ii) that work must continue towards reducing stigma and raising community awareness around suicide prevention and mental ill-health.
Question put and passed.
24 Comments made by political candidates
Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 957—That the Senate—

(a) notes that Mr Tom Raue, recently preselected as the New South Wales Greens candidate for the inner Sydney seat of Summer Hill, once wrote in a student newspaper column ‘why is consensual sex with animals considered so heinous that it must be illegal? Why is it taboo to even talk about it? Yes most Australians find it disgusting, but that is not a good enough reason to legislate against it. Consensual sex with an animal should not be illegal, no matter how distasteful it may seem’;

(b) further notes that these statements are in keeping with the writings of Victorian Greens Party co-founder and former candidate, Professor Peter Singer, who has also sought to break down taboos on sexual relations between humans and animals; and

(c) rejects all pushes by the Greens and other activists to promote sexual intimacy between humans and animals.

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

Question put and passed.

25 PFAS contamination
Senator Burston, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 955—That the Senate—

(a) notes that:

(i) since September 2015, there have been a number of parliamentary inquiries into contamination of Defence-owned and neighbouring properties by per- and poly-fluoroalkyl substances and chemicals (PFAS), and

(ii) the upcoming Christmas will be the fourth Christmas that the residents living in the so-called ‘red zone’ surrounding Williamtown RAAF base in New South Wales will have had to endure with no resolution from the Federal Government; and

(b) calls on the Federal Government to:

(i) immediately implement a voluntary buy-out programme for affected property owners of PFAS contamination originating from Defence-owned land,

(ii) ensure the voluntary buy-out programme is at market rates for the affected properties prior to the public announcement of the contamination, plus the average increase in property values in the region since,

(iii) provide monetary compensation for those that wish to remain living at their property, and

(iv) ban the use of PFAS substances and chemicals, which have contaminated at least 90 communities across the country as a result of their use in fire retardants for decades.

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

Question put.
The Senate divided—

AYES, 16

Senators—

Bartlett
Bernardi
Burston*
Di Natale

Georgiou
Griff
Hanson
Hanson-Young

Leyonhjelm
McKim
Patrick
Rice

Siewert
Steele-John
Storer
Whish-Wilson

NOES, 38

Senators—

Abetz
Bilyk
Brockman
Bushby
Cameron
Chisholm
Colbeck
Collins
Duniam
Gallacher

Gichuhi
Hinch
Hume
Keneally
Lines
Marshall
Martin
McAllister
McCarthy
McGrath

McKenzie
Molan
Moore
O’Neill
Paterson
Payne
Polley
Pratt
Reynolds

Ruston
Ryan
Singh
Smith, David
Smith, Dean
Stokes
Urquhart*
Watt
Williams

* Tellers

Question negatived.

26 Confucius classes or institutes

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 944—That the Senate—

(a) notes the increasing number of Confucius classes or institutes being established within the Australian education system, accompanied by generous foreign government grants;

(b) also notes a Special Broadcasting Service report that:

(i) Australia has the third largest number of such institutes after the United States of America and the United Kingdom, and

(ii) there were 525 institutes and 1 113 classrooms across 146 countries worldwide by the end of 2017;

(c) further notes concerns that have been expressed, including in the documentary In the name of Confucius aired around Australia during the winter break, regarding academic freedom and freedom of conscience at or around these institutes;

(d) likewise notes comments attributed to Mr Ross Babbage, a former head of strategic analysis in the Office of National Assessments, and now a senior fellow at the Centre for Strategic and Budgetary Assessments in Washington, stating that Australian universities are ‘naïve’ about what goes on in the institutes, and that since early 2018 the United States’ Federal Bureau of Investigation has been warning about the institutes’ activities on United States’ campuses;

(e) observes that the New South Wales Government is reviewing its engagement with the institute; and

(f) calls on the Minister for Education and Training to work with his state and territory counterparts to ensure full reviews of their engagement with these institutes and classrooms.
Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

**AYES, 15**

Senators—

- Anning
- Bartlett
- Bernardi*
- Burston
- Di Natale
- Georgiou
- Hanson
- Hanson-Young
- Leyonhjelm
- McKim
- O’Sullivan
- Rice
- Siewert
- Steele-John
- Whish-Wilson

**NOES, 40**

Senators—

- Abetz
- Bilyk
- Brockman
- Bushby
- Cameron
- Chisholm
- Colbeck
- Collins
- Duniam
- Gallacher
- Gichuhi
- Griff
- Hinch
- Hume
- Keneally
- Lines
- Marshall
- Martin
- McCarthy
- McGrath
- McKenzie
- Molan
- Moore
- O’Neill
- Paterson
- Payne
- Polley
- Pratt
- Reynolds
- Ruston
- Ryan
- Singh
- Smith, David
- Smith, Dean
- Stoker
- Storer
- Urquhart*
- Watt
- Williams

* Tellers

Question negatived.

27 Access to telecommunications metadata

Senator Steele-John, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 958—That the Senate—

(a) notes that:

1. on 27 March 2018, the Senate passed a motion recognising the importance of strong digital encryption in protecting the personal and financial information of Australians, in preventing identity theft and other crime, and in ensuring that public interest whistleblowers, journalists, and other civil society actors can conduct their activities more securely,

2. on 31 July 2018, the Minister for Health (Mr Hunt) made a statement that ‘My Health Record’ legislation will be amended to ‘ensure no record can be released to police or government agencies, for any purpose, without a court order’,

3. on 14 August 2018, the Government released draft legislation that requires law enforcement agencies to obtain a warrant in order to search electronic devices and access content on those devices, and

4. currently, under the Telecommunications (Interception and Access) Act 1979, law enforcement agencies can access telecommunications metadata without a warrant; and

(b) calls on the Federal Government to:

1. extend the requirement for a warrant to metadata, and collection and interception of all communications of Australians, for consistency and to uphold Australians’ right to privacy,
(ii) support the continued development and use of strong encryption technologies, and
(iii) not actively undermine encryption and privacy by introducing legislation that compels telecommunications and information technology companies to break encryption or introduce weaknesses into communications systems or devices used by Australians.

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 15

Senators—

Anning
Bartlett
Bernardi
Di Natale

Georgiou
Griff
Hanson
Hanson-Young

Leyonhjelm
McKim
Patrick
Rice

Siewert*

NOES, 38

Senators—

Abetz
Bilyk
Brockman
Bushby
Cameron
Chisholm
Colbeck
Collins
Dunnam
Gallacher

Gichuhi
Hinch
Hume
Lines
Marshall
Martin
McCarthy
McGrath
Molan
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O’Neill
O’Sullivan
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Smith, David
Smith, Dean
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Sterke
Storer
Storer
Storer
Storer
Storer

Tellers

Question negatived.

28 Glyphosate

Senator Rice amended general business notice of motion no. 959 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate—

(a) notes that:

(i) the International Agency for Research on Cancer (IARC), the specialised cancer agency of the World Health Organization, has listed glyphosate as ‘probably carcinogenic to humans’,

(ii) a Californian Superior Court jury has ordered Monsanto pay $39 million in compensatory damages, and $250 million in punitive damages to former grounds keeper, Mr DeWayne Johnson, on the grounds that their glyphosate product, Roundup, contributed to his non-Hodgkin’s lymphoma,

(iii) this follows a review by the Australian Pesticides and Veterinary Medicines Authority (APVMA) of glyphosate, following the IARC finding, which ‘found no grounds to place it under formal reconsideration’, and

(iv) glyphosate is still widely-used in Australian agricultural, gardening, grounds-keeping and land management environments; and
(b) calls on the Federal Government to immediately request the APVMA to conduct a formal review of glyphosate, and request Monsanto (now Bayer AG) to make all internal scientific documentation, relating to the carcinogenicity of glyphosate, publically available.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath) and Senators Griff, Chisholm and Rice, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 16**

- Anning
- Bartlett
- Bernardi
- Di Natale
- Griff
- Hanson
- Hanson-Young
- Hinch
- McKim
- Patrick
- Rice
- Siewert*

**NOES, 36**

- Abetz
- Bilyk
- Brockman
- Bushby
- Cameron
- Chisholm
- Colbeck
- Collins
- Duniam
- Gallacher
- Gichuhi
- Hume
- Leyonhjelm
- Lines
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- McCarthy
- McGrath
- Molan
- Moore
- O’Neill
- Paterson
- Payne
- Polley
- Pratt
- Reynolds
- Ruston
- Ryan
- Singh
- Smith, David
- Smith, Dean
- Sterle
- Stoker
- Urquhart*

* Tellers

Question negatived.

29 **Education and Employment References Committee—Reference**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—that the following matter be referred to the Education and Employment References Committee for inquiry and report by 5 December 2018:

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

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

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

Question put and passed.

30 Murray-Darling Basin Plan—Order for production of documents

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 960—That the Senate—

(a) notes that transparency, in relation to the Murray-Darling Basin Plan and its implementation, is critical to public confidence; and

(b) orders that there be laid on the table, by the Minister representing the Minister for Agriculture and Water Resources, by 23 August 2018:

(i) advices requested in a letter from the Murray-Darling Basin Royal Commission to the Department of Agriculture and Water Resources of 3 May 2018, namely, all prior advice provided to the Department of Agriculture and Water Resources of 3 May 2018, concerning:

(A) the construction and proper interpretation of the Water Act 2007 and the Basin Plan,

(B) the lawfulness of the proposed amendment to the Basin Plan disallowed by the Senate on 6 February 2018,

(C) the lawfulness of the proposed amendment to the Basin Plan disallowed by the Senate on 14 February 2018,

(D) the lawfulness of the adjustment made to the Basin Plan, the subject of a disallowance motion defeated in the Senate on 8 May 2018, and

(E) the constitutional validity of the Water Act 2007 and the Basin Plan,

(ii) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, evidencing the reasoning behind the change of reductions in diversions required to achieve environmental watering requirements of 3856 GL (high uncertainty) and 6983 GL (low uncertainty), down to a reduction in diversions to 2750 GL in the report, The proposed ‘environmentally sustainable level of take’ for surface water of the Murray-Darling Basin: Methods and outcomes, dated November 2011, and the Basin Plan, as enacted on 23 November 2012,

(iii) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, relating to the incorporation of social and economic outcomes into the determination of the long-term average sustainable diversion limit reflecting an environmentally sustainable level of take between 8 October 2010 and 23 November 2012,
(iv) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, evidencing the further analysis conducted by the Murray-Darling Basin Authority to investigate the ability of alternative SDL options and water recovery strategies to achieve environmental objectives which lead to the adjustment of the recovery target from 2 800 GL to 2 750 GL,

(v) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, referring to the analysis of the equivalent environmental outcomes as required by section 7.15(1)(c) of the Basin Plan of each of the 36 supply measures,

(vi) record of any agreement to use another method within the meaning of section 7.15 of the Basin Plan for any of the 36 supply measures, and

(vii) the peer review of the report, Guide to the proposed Basin Plan, dated October 2010.

Question put.

The Senate divided—

A YES, 40

NOES, 27

* Tellers

Question agreed to.

31 Documents—Consideration

A document tabled earlier today (see entry no. 2) was considered as follows:

Motion to take note of document no. 5 moved by Senator Bartlett. Consideration to resume on Thursday at general business.

32 Committee reports and government responses—Tabling and consideration

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

Scrutiny of Bills—Standing Committee—

Annual report for 2017—Corrigendum.

Scrutiny digest 8 of 2018, dated 15 August 2018.
The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams) tabled the following report:


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

Question put and passed.

The Chair of the Red Tape Committee (Senator Leyonhjelm) tabled the following reports and documents:

Red Tape—Select Committee—
Effect of red tape on child care—Sixth interim report, dated August 2018, Hansard record of proceedings, additional information and submissions.
Effect of red tape on occupational licensing—Seventh interim report, dated August 2018, Hansard record of proceedings, document presented to the committee, additional information and submissions.

Senator Leyonhjelm moved—That the Senate take note of the reports.

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

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


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

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

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


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

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

The Minister for Rural Health (Senator McKenzie) tabled the following document:

Economics References Committee—Third party certification of food—Document
Senator Bernardi, by leave, tabled the following document:

Economics References Committee—Third party certification of food—Petitioning document from 15,770 signatories concerning the government response to the report’s recommendations.

Answer to questions—Documents
The Minister for Rural Health (Senator McKenzie) tabled the following documents:

Letters to the President of the Senate from the Minister for Finance (Senator Cormann), dated 15 August 2018, providing information concerning questions without notice, as follows—
Great Barrier Reef Foundation—Funding—Question without notice asked by Senator Keneally on 14 August 2018.

Airports Amendment Bill 2018
Legislation Amendment (Sunsetting Review and Other Measures) Bill 2018
Public Sector Superannuation Legislation Amendment Bill 2018
Treasury Laws Amendment (OECD Multilateral Instrument) Bill 2018

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

Message no. 441, dated 15 August 2018—A Bill for an Act to amend the law relating to superannuation, and for related purposes.
Message no. 440, dated 14 August 2018—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Regional Communications (Senator McKenzie) 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 McKenzie moved—That these bills be now read a second time.

Explanatory memorandum: Senator McKenzie tabled a revised explanatory memorandum relating to the Airports Amendment Bill 2018.

On the motion of Senator McKenzie the debate was adjourned till the next day of sitting.
Consideration of legislation: Senator McKenzie moved—That the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.
36 **Higher Education Support Legislation Amendment (Student Loan Sustainability) Bill 2018**

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:


37 **Product Emissions Standards Regulations—Proposed disallowance**

Senator Bernardi, pursuant to notice, moved the following business of the Senate notices of motion together by leave—


Debate ensued.

Question put.

The Senate divided—

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*T Tellers

Question negatived.

38 **Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015**

Order of the day read for the adjourned debate on the motion of Senator Leyonhjelm—

That this bill be now read a second time.

Debate resumed.

Question put.
The Senate divided—

**AYES, 34**

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**NOES, 36**

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* Tellers

Bill negatived at the second reading stage.

39 Financial sector entities—Tax information—Order for production of documents—Documents

The Minister for Jobs and Innovation (Senator Cash) tabled the following documents:

Financial sector entities—Tax information—Order of 14 August 2018—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 15 August 2018, responding to the order, and attachments.

40 Adjournment

The Minister for Jobs and Innovation (Senator Cash) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.22 pm till Thursday, 16 August 2018 at 9.30 am.

41 Attendance

Present, all senators except Senators Kitching* and Sinodinos* (*on leave).

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate