THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 107

TUESDAY, 14 AUGUST 2018

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1 Meeting of Senate

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

2 Documents

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

Document in response to an order for the production of documents

1. National Energy Guarantee—Modelling—Order of 13 August 2018—Letter to the President of the Senate from the Minister for Education and Training (Senator Birmingham), dated 14 August 2018. [Received 14 August 2018]

Auditor-General’s report


Government document


Responses to Senate resolutions

4. MAYDAYS for Eating Disorders—Resolution of 9 May 2018—Letter to the President of the Senate from the Tasmanian Minister for Health (Mr Ferguson), dated 31 July 2018.

5. President of the United States of America—Resolution of 26 June 2018—Letter to the President of the Senate from the Prime Minister (Mr Turnbull), dated 3 August 2018.

The Clerk tabled the following document pursuant to statute:


3 Committees—Leave to meet during sittings

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

Community Affairs Legislation Committee—
private meeting otherwise than in accordance with standing order 33(1) today, from noon, for the committee’s inquiry into the Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018.
private briefing today, from 6 pm.

Corporations and Financial Services—Joint Statutory Committee—
private meetings otherwise than in accordance with standing order 33(1)—
Thursday, 16 August 2018, from 9.30 am.
Tuesday, 21 August 2018, from 5.30 pm.
Thursday, 23 August 2018, from 9.30 am.
Tuesday, 11 September 2018, from 6 pm.
Thursday, 13 September 2018, from 9.30 am.
Thursday, 18 October 2018, from 9.30 am.
Thursday, 29 November 2018, from 9.30 am.

public meetings—
Tuesday, 21 August 2018, from 5.30 pm, to take evidence for the committee’s inquiry into options for greater involvement by private sector life insurers in worker rehabilitation.
Tuesday, 11 September 2018, from 6.30 pm, to take evidence for the committee’s inquiry into the Franchising Code of Conduct and Oil Code of Conduct.

Tuesday, 18 October 2018, from 5.30 pm.

Electoral Matters—Joint Standing Committee—private meetings otherwise than in accordance with standing order 33(1), from 9.40 am on Wednesday, 15 August and Wednesday, 22 August 2018.

Electric Vehicles—Select Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 15 August 2018, from 11.15 am.

Environment and Communications References Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 15 August 2018, from 1 pm.

Foreign Affairs, Defence and Trade References Committee—public meeting on Monday, 20 August 2018, from 4 pm, to take evidence for the committee’s inquiry into the proposed Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

Future of Work and Workers—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 4.55 pm.

Legal and Constitutional Affairs Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1), from 4 pm, on Thursday, 16 August and Thursday, 23 August 2018.

National Capital and External Territories—Joint Standing Committee—
private meetings otherwise than in accordance with standing order 33(1), from 10 am, on Thursday, 16 August and Thursday, 23 August 2018.

public meetings on Thursday, 16 August 2018, from 10.10 am and from 4.15 pm.

Privileges—Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 16 August 2018, from 10.30 am.

Public Accounts and Audit—Joint Statutory Committee—private meetings otherwise than in accordance with standing order 33(1), followed by public meetings, from 9.30 am, on Wednesday, 15 August, Wednesday, 22 August, Wednesday, 12 September and Wednesday, 19 September 2018.

4 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 2 pm: Debate was interrupted while Senator Pratt was speaking.

5 Questions
Questions without notice were answered.
Document: The Minister for Finance (Senator Cormann) tabled the following document:

Great Barrier Reef Foundation—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 14 August 2018, providing information concerning a question without notice asked by Senator Keneally on 13 August 2018 [copy].

Further questions without notice were answered.

6 Motions to take note of answers

Senator Watt moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for Education and Training (Senator Birmingham) to questions without notice asked by Senators McAllister and Cameron today relating to energy policy.

Debate ensued.

Question put and passed.

The Leader of the Australian Greens (Senator Di Natale) moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Di Natale today relating to the National Energy Guarantee.

Question put and passed.

7 Notices

Senators Bilyk and Brown: To move on the next day of sitting—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. (general business notice of motion no. 954)

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


Senator Carr: To move on the next day of sitting—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. (general business notice of motion no. 954)

Senator Burston: To move on the next day of sitting—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. (general business notice of motion no. 955)

Senator O’Neill: To move on the next day of sitting—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, 2866 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.

(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.

(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) 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’;

(c) 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’;

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(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.

(a) notes that:

(i) 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,

(ii) 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’,

(iii) 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

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

(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.

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(iv) 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:
   (i) 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. (general business notice of motion no. 958)

Senator Rice: To move on the next day of sitting—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 direct the APVMA to conduct a formal review of glyphosate, and order Monsanto (now Bayer AG) to make all internal scientific documentation relating to the carcinogenicity of glyphosate publically available. (general business notice of motion no. 959)

Senator Patrick: To move on the next day of sitting—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, 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 2800 GL to 2750 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. (general business notice of motion no. 960)

8 Leave of absence
Senator Bushby, by leave, moved—that leave of absence be granted to Senator Sinodinos from 13 August to 20 September 2018, for personal reasons.
Question put and passed.

9 Postponements
Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing a reference to the Education and Employment References Committee, postponed till 15 August 2018.

General business notice of motion no. 931 standing in the name of Senator Bartlett for today, relating to coal mine projects in Queensland, postponed till 16 August 2018.
General business notice of motion no. 932 standing in the name of Senator Singh for today, relating to tuberculosis, postponed till 15 August 2018.

10 Committees—Extensions of time to report

The following committees were granted extensions of time to report:

Community Affairs Legislation Committee—


Economics References Committee—Non-conforming building products, extended to 19 September 2018.


11 Routine of business—First speech

The Assistant Minister to the Prime Minister (Senator McGrath), at the request of the Minister for Education and Training (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That consideration of the business before the Senate on Tuesday, 14 August 2018 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Anning to make his first speech without any question before the chair.

Question put and passed.

12 Cambodia

Senator Urquhart, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 933—That the Senate—

(a) expresses its serious concerns with Cambodia’s 2018 national election and welcomes assurances that the Government has made Australia’s concerns known to the Cambodian Government;

(b) notes the election process, which has included the dissolution of the Cambodia National Rescue Party (CNRP), the detention of CNRP leader Kem Sokha, and the banning of CNRP parliamentarians and officials from engaging in politics for five years, has reversed more than 25 years of progress towards democracy in Cambodia;

(c) recognises that freedom of expression and association underpin democratic societies and affirms concerns that the election took place in an environment where not all political parties, civil society organisations and media could operate freely;

(d) expresses its disappointment that Cambodian people have been unable to freely choose their representatives and recognises that the development of strong democratic practices and institutions, including a free press and civil society, is crucial to Cambodia’s long-term prosperity;
reiterates that, as a longstanding friend of Cambodia, Australia must continue to urge the Cambodian Government to take steps to allow free and open political debate without violence and intimidation;

(f) acknowledges the Australian Cambodian community for its tireless advocacy in support of human rights and democracy in Cambodia;

(g) calls on the Cambodian Government to immediately release opposition leader Kem Sokha;

(h) notes allegations of involvement in illicit activities, including money laundering, by members of the Cambodian People’s Party in Australia, and urges full investigation of these claims; and

(i) calls on the Australian Government to consider, in coordination with other partners, additional measures to support democracy in Cambodia.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath) and the Leader of the Australian Greens (Senator Di Natale), by leave, made statements relating to the motion.

Question put and passed.

13 Palliative care

Senator Polley, also on behalf of Senator Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 934—That the Senate—

(a) notes that:

(i) 8 August 2018 was Dying to Know Day,
(ii) Dying to Know Day promotes death literacy and meaningful conversations about dying and end-of-life planning, and
(iii) the subject of death is still to a large extent avoided and considered daunting for many people;

(b) acknowledges:

(i) the need to break down barriers which limit the way we talk about death and discuss end-of-life care,
(ii) the importance of having conversations with loved ones about what we do and do not want at the end of life, and
(iii) that making your wishes known and having a plan in place makes the experience of death, dying and bereavement easier for all involved; and

(c) urges:

(i) the Federal, state, territory and local governments to encourage all Australians to start conversations about their wishes and preferences for care at the end of life, and
(ii) the Turnbull Government to make palliative care a health priority.

Question put and passed.
14 Offshore Petroleum and Greenhouse Gas Storage Amendment (Reporting of Gas Reserves) Bill 2018

Senator Georgiou, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 930—That the following bill be introduced:


Question put and passed.

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

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

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

15 Goods and Services Tax—Breastfeeding aids

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 935—That the Senate—

(a) notes that:

(i) in contrast to New Zealand’s comprehensive GST, Australia’s GST does not apply to a significant range of products, such as various healthcare products, essential services including water, and basic food and beverages,

(ii) healthcare products that are listed as GST-free in the A New Tax System (Goods and Services Tax) Act 1999 (the GST Act), an Act of the Commonwealth Parliament, include medical devices and aids such as incontinence pads,

(iii) the Minister for Health is empowered under section 38.47 of the GST Act to unilaterally declare additional goods to be GST-free – previous Commonwealth health ministers have used this power to make various goods GST-free, including condoms, lubricants, folic acid, sunscreen and nicotine patches and gums,

(iv) infant formula is GST-free under the basic food and beverage category,

(v) GST on breastfeeding aids is estimated to contribute less than $2 million to the $63 billion in annual GST revenues,

(vi) breastfeeding aids are essential healthcare products for many mothers and their babies, and

(vii) it is therefore inequitable for incontinence pads, condoms, lubricants, folic acid, sunscreen, and nicotine patches and gums to be GST-free on health grounds, for water to be GST-free on the grounds of water being essential, and for infant formula to be GST-free under the basic food and beverage category, but for breastfeeding aids to be subject to GST; and

(b) calls on the Federal Government to remove the GST on breastfeeding aids.
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.

16 Intelligence Services Amendment (Enhanced Parliamentary Oversight of Intelligence Agencies) Bill 2018

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 936—That the following bill be introduced:

A Bill for an Act to amend the Intelligence Services Act 2001, and for related purposes.

Question put and passed.

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

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

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

17 Foreign Affairs, Defence and Trade—Joint Standing Committee—Extension of time to report

Senator McCarthy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 939—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 25 October 2018.

Question put and passed.

18 Obesity epidemic in Australia—Select Committee—Extension of time to report

The Chair of the Select Committee into the obesity epidemic in Australia (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 940—That the time for the presentation of the report of the Select Committee into the obesity epidemic in Australia be extended to 26 November 2018.

Question put and passed.

19 Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

Senator Anning, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 949—That the Senate—

(a) notes that:

(i) the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (the Royal Commission) has received more than 6800 submissions,
(ii) the Royal Commission is underfunded and does not have adequate time to hear submissions from many regional farmers, and

(iii) as reported in The Australian on 26 June 2018, the Royal Commission’s Letters Patent are drafted in a way that excludes receivers, administrators and insolvency professionals, who often act unconscionably and unethically towards farmers; and

(b) calls on the Federal Government to:

(i) facilitate the amendment of the Letters Patent to include examination of the conduct of administrators, receivers, controllers, restructuring advisors, turnaround advisors, pre-insolvency advisors or insolvency practitioners, particularly when these entities act against farmers,

(ii) facilitate the amendment of the Letters Patent to include the Commonwealth Superannuation Corporation,

(iii) facilitate the amendment of the Letters Patent to include the dispute resolution processes of financial service entities,

(iv) extend the final reporting period by 12 months to enable the Royal Commission to hear more submissions, and

(v) increase funding to the Royal Commission to enable it to hear more submissions.

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.

20 Milk production and prices

Senator Burston, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 928—That the Senate—

(a) notes that:

(i) Coles is still advertising $1 per litre milk, and Woolworths $1 per litre milk is shown as temporarily unavailable,

(ii) both Coles and Woolworths have exerted downward prices on dairy farmers for many years, which has damaged the financial resilience of Australian dairy farmers,

(iii) many dairy farms are family operations which involve long work hours,

(iv) as dairy farmers are obligated to lock in forward milk sale prices, these forward prices are effectively capped by the pressure exerted by Coles and Woolworths,

(v) these forward prices could not contemplate the drastic increase in the cost of hay, wheat and other feed products for the dairy cattle, and

(vi) what Australia grows, grows Australia; and

(b) calls on Coles and Woolworths to:

(i) increase the price of milk to their customers by 20 cents per litre for the full period of the impacts of drought on feed prices, and

(ii) pass the full price increase onto dairy farmers.

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

Question put.
The Senate divided—

AYES, 6

Senators—

Anning
Burston*
Georgiou
Griff
O’Sullivan
Patrick

NOES, 45

Senators—

Abetz
Bartlett
Bilyk
Brockman
Brown
Bushby
Cameron
Chisholm
Colbeck
Collins
Di Natale
Duniam
Gallacher
Gichuhi
Hanson-Young
Hinch
Hume
Keneally
Ketter
Lines
Marshall
Martin
McAllister
Georgiou
Georgiou
O’Sullivan
O’Sullivan

* Tellers

Question negatived.

21 Paris Climate Agreement

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 941—That the Senate—

(a) notes that the United States of America has withdrawn from the Paris Climate Agreement; and

(b) calls on the Australian Government to also withdraw from the Agreement, and cease taking any steps towards enacting at law or by policy any steps towards the Agreement’s targets.

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, 5

Senators—

Anning
Bernardi*
Georgiou
Leyonhjelm
O’Sullivan

* Tellers
Question negatived.

22 Multiculturalism

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 943—That the Senate—

(a) notes that 11 August 2018 marked the 45th anniversary of the late former Minister for Immigration Mr Al Grassby’s launch of multiculturalism at a Melbourne symposium;

(b) further notes the flaws and failures of multiculturalism policy; and

(c) calls on the Australian Government to desist from promoting multiculturalism and, instead, promote policies that unite Australians and uphold Australian values.

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, 3

Senators—

Anning Bernardi* Leyonhjelm

NOES, 45

Senators—

Barlett Gichuhi McGrath Rice

Bilyk Griff McKim Ryan

Brockman Hanson-Young Molan Siewert

Brown Hinch Moore Smith, David

Bushby Keneally O’Neill Smith, Dean

Cameron Ketter Paterson Steele-John

Chisholm Lines Patrick Storer

Colbeck Marshall Polley Storl

Di Natale Martin Pratt Urquhart*

Duniam McAllister Reynolds Watt

Gallacher McCarthy Rhiannon Whish-Wilson

* Tellers

Question negatived.
23 National Energy Guarantee—Impact on farmers

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 942—That the Senate—

(a) notes that parts of Australia have been drought declared for years, including, at present, the whole state of New South Wales;

(b) further notes the public commentary about the National Energy Guarantee and concerns that farmers might bear an increased burden to reduce carbon dioxide emissions from their farming enterprises; and

(c) calls on the Minister for the Environment and Energy, and other relevant ministers, to ensure that the National Energy Guarantee quarantines farmers from reducing such emissions for the foreseeable future.

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

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

Question put and passed.

24 National Sex Offender Registration Scheme

The Leader of Derryn Hinch’s Justice Party (Senator Hinch), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 929—That the Senate—

(a) acknowledges that:

(i) it has been almost 15 years since Daniel Morcombe, a 13-year-old boy with his entire life ahead of him, was abducted and murdered by a serial predator with an extensive history of sexually abusing children,

(ii) at the time of committing this heinous crime, this paedophile, Mr Brett Peter Cowan, was out on parole, amongst an unsuspecting community with no knowledge as to the extent of his criminal history, and

(iii) one child becoming the victim of a known sex offender is a child too many; and

(b) notes that:

(i) the community deserves strengthened measures aimed at better protecting children from known child sex offenders, including detailed consideration of the merits of a publically accessible National Sex Offender Registration Scheme, and

(ii) a national registration scheme may act as an increased deterrent to potential sex offenders and may decrease recidivism.

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.
25 Financial sector entities—Tax information—Order for production of documents

Senator Patrick amended general business notice of motion no. 937 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) on 30 May 2018, at an estimates hearing of the Economics Legislation Committee, Senator Patrick asked the Australian Tax Office (ATO) whether Goldman Sachs’ Australian entities had filed a tax return between 2000 and 2012,

(ii) in responding to the committee, the Commissioner of Taxation submitted that information about identifiable taxpayers is subject to public interest immunity and that tax return lodgement information of the kind sought is ‘protected information’ under taxation confidentiality laws in Division 355 of Schedule 1 to the Taxation Administration Act 1953,

(iii) this is not an accepted ground of public interest immunity – the Senate derives its inquiry powers directly from the Constitution,

(iv) section 355-60 of Schedule 1 to the Taxation Administration Act 1953 places a legislative restraint on information being disclosed by the ATO to ministers ‘whether or not provided to a Minister in the course of, or for the purposes of or incidental to, the transacting of the business of a House of the Parliament or of a committee of one or both Houses of the Parliament’, however, that provision includes a note that states ‘This subsection does not limit the operation of section 16 of the Parliamentary Privileges Act 1987 in any other respect’ – that section continues to operate, for example, to enable taxation officers to disclose protected information to a committee of one or both Houses of the Parliament, and

(v) in circumstances where a company does not lodge a tax return, they are in breach of the law, and their entitlement to any ‘unreasonable invasion of privacy’ public interest immunity claim is extinguished; and

(b) orders the Commissioner of Taxation to provide to the Economics Legislation Committee, by 5 pm on 15 August 2018, information regarding which financial sector entities that at some stage between 2000 and 2016 had an annual turnover of $100 million or greater, and any related entities of those financial sector entities regardless of turnover, which:

(i) did not lodge tax returns during that period, and

(ii) did not report nil tax payable during that period.

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

Question put.
The Senate divided—

AYES, 35

Senators—

Anning
Bartlett
Bernardi
Bilyk
Brown
Cameron
Carr
Chisholm
Di Natale
Dodson
Gallacher
Griff
Hanson-Young
Hinch
Keneally
Ketter
Leyonhjelm
Lines
Marshall
McCarthy
McKim
Moore
Patrick
Polley
Pratt
Rhiannon
Rice

Senators—

Abetz
Brockman
Bushby*
Colbeck
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gichuhi
Hume
Macdonald
Martin
Ferraguti-Wells
McGrath
McKenzie
Molan
O'Sullivan
Paterson
Reynolds

McGrath
Ryan
Scullion
Smith, Dean
Stoker
Williams

* Tellers

Question agreed to.

26 Multiculturalism

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. 952—That the Senate—

(a) pays tribute to the outgoing Race Discrimination Commissioner, Dr Tim Soutphommasane;

(b) recognises Dr Soutphommasane’s advocacy for multicultural Australia and his defence of the human rights of all Australians during his tenure as the Race Discrimination Commissioner;

(c) notes with deep concern the:

(i) resurgence of far-right politics within the Australian political and media landscape, such as comments made by leading politicians including both the Prime Minister and the Minister for Home Affairs, and

(ii) commentary on so-called ‘African gangs’, attacks on section 18C of the Racial Discrimination Act 1975, as well as the inflammatory, xenophobic language often used when referring to Australia’s migration patterns; and

(d) calls on the Australian Government to:

(i) rule out any changes to the current anti-discrimination Act, noting that if we cannot name racial discrimination then we are unable to address it,

(ii) cease politicising Australia’s multicultural community for pure, unabashed, political gain, and

(iii) affirm its commitment to multicultural Australia by recognising the need for a federal multicultural Act.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath) and Senator Chisholm, by leave, made statements relating to the motion.
The question was divided at the request of the Leader of the Opposition in the Senate (Senator Wong)—

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

The Senate divided—

AYES, 31

Bartlett Griff Moore Smith, David
Cameron Hanson-Young Patrick Steele-John
Carr Keneally Polley Sterle
Chisholm Ketter Pratt Storer
Collins Lines Rhiannon Urquhart*
Di Natale Marshall Rice Watt
Dodson McCarthy Stewart Whish-Wilson
Gallacher McKim

NOES, 28

Abetz Duniam Leyonhjelm Paterson
Anning Fawcett Macdonald Reynolds
Bernardi Ferravanti-Wells Martin Ryan
Brockman Fifield McGrath Scullion
Bushby* Gichuhi McKenzie Smith, Dean
Canavan Hinch Molan Stoker
Colbeck Hume O’Sullivan Williams

* Tellers

Question agreed to.

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

Statement by leave: Senator Wong, by leave, made a statement relating to the question.

Question put and negatived.

27 Senator Leyonhjelm—Censure

Senator Di Natale asked that general business notice of motion no. 950 be taken as formal.

Point of order: Senator Bernardi raised a point of order relating to the sub judice convention and the use of the word ‘defamatory’ in the notice of motion.

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

Ruling of President: The President stated that the sub judice convention turns on a consideration of whether debate in the Senate could involve a ‘substantial danger of prejudice to proceedings before a court’, balanced against a consideration of whether there is an overriding requirement for the Senate to discuss a matter of public interest. As it was difficult to see how the mere use of the word ‘defamatory’ in the motion could involve a ‘substantial danger of prejudice to proceedings’, the motion was in order.

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate censures Senator Leyonhjelm for:

(a) humiliating and intimidating a fellow female senator by making derogatory, defamatory and sexist statements about her during a formal division in the Senate;
(b) inflaming the situation by publishing and republishing further derogatory, defamatory and sexist statements concerning the fellow female senator in the media and on social media;
(c) refusing to apologise for his derogatory, defamatory and sexist statements; and
(d) failing to uphold the dignity of the chamber and ensure it is a place where all senators are able to freely and respectfully contribute to debate and deliberations, as expected of senators by the Australian people.

_Statements by leave:_ Senator Leyonhjelm, the Assistant Minister to the Prime Minister (Senator McGrath) and the Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made statements relating to the motion.

_Leave refused:_ Senator Di Natale sought leave to make a statement relating to the motion. 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 making a statement.

Debate ensued.

Senator Di Natale, by leave, withdrew the motion to suspend standing orders.

Main question put.

The Senate divided—

**AYES, 29**

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**NOES, 28**

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* Tellers

Question agreed to.

**After 5 pm—**

28 **First speech**

Pursuant to order, Senator Anning made his first speech.
29 Documents—Consideration

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

Motion to take note of document no. 1 moved by Senator Bartlett. Consideration to resume on Thursday at general business.

30 Committee reports and government responses—Tabling and consideration

Senator Williams, at the request of the Chair of the Community Affairs Legislation Committee (Senator Brockman), tabled the following documents:

Community Affairs Legislation Committee—Reports—Additional information—
Social Services Legislation Amendment (Drug Testing Trial) Bill 2018 [Provisions].
Social Services Legislation Amendment (Housing Affordability) Bill 2017 [Provisions].

Senator Williams, at the request of the Chair of the Economics References Committee (Senator Ketter), tabled the following documents:

Economics References Committee—Report—Australia’s steel industry: forging ahead—Additional information.

Pursuant to order, Senator Williams, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:


Pursuant to order, the Chair of the Economics References Committee (Senator Ketter) tabled the following report and documents:

Economics References Committee—Selection process for a national radioactive waste management facility in South Australia—Report, dated August 2018, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Patrick moved—that the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Dean Smith in continuation.

Senator Williams, at the request of the Chair of the Joint Committee of Public Accounts and Audit (Senator Dean Smith), tabled the following report and documents:

Public Accounts and Audit—Joint Statutory Committee—
Executive minutes and responses to the committee recommendations in reports—


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

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

Senator Ketter, on behalf of the Parliamentary Joint Committee on Law Enforcement, tabled the following document:

Law Enforcement—Joint Statutory Committee—Final report—Inquiry into crystal methamphetamine (ice)—Corrigendum.

The Minister for Indigenous Affairs (Senator Scullion) tabled the following document:


The following committee reports and government response presented out of sitting (see entry no. 2, 13 August 2018) were considered:

Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—Interim report. Motion to take note of report moved by Senator Dodson and debated. Debate adjourned till the next day of sitting.

Economics References Committee—Governance and operation of the Northern Australia Infrastructure Facility (NAIF)—Report. Motion to take note of report moved by Senator Bartlett. Debate adjourned till the next day of sitting.

Rural and Regional Affairs and Transport References Committee—Current and future regulatory requirements that impact on the safe commercial and recreational use of Remotely Piloted Aircraft Systems (RPAS), Unmanned Aerial Systems (UAS) and associated systems—Report. Motion to take note of report moved by Senator Williams. Debate adjourned till the next day of sitting.

Finance and Public Administration References Committee—Report—Gender segregation in the workplace and its impact on women’s economic equality—Government response. Motion to take note of document moved by Senator Urquhart. Debate adjourned till the next day of sitting.

31 Finance industry—Document

Senator Ketter, by leave, tabled the following document:

Finance industry—Petitioning document from 5539 signatories concerning fairness and trust in the finance industry.
Notice

The Leader of the Australian Greens (Senator Di Natale) gave a notice of motion as follows: To move on the next day of sitting—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.

Australian Institute of Health and Welfare Amendment Bill 2018—Explanatory memorandum—Addendum

The Minister for Indigenous Affairs (Senator Scullion) tabled an addendum to the explanatory memorandum relating to the Australian Institute of Health and Welfare Amendment Bill 2018.

Committee membership

The Deputy President (Senator Lines) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Indigenous Affairs (Senator Scullion), by leave, moved—that senators be discharged from and appointed to committees as follows:

Education and Employment References Committee—
Appointed—Substitute member: Senator Urquhart to replace Senator Bilyk for the committee’s inquiry into the mental health of first responders, emergency workers and volunteers

Electric Vehicles—Select Committee—
Appointed—Participating member: Senator Patrick.

Question put and passed.
35 **Customs Amendment (Illicit Tobacco Offences) Bill 2018**  
**Primary Industries Levies and Charges Collection Amendment Bill 2018**  
**Social Services Legislation Amendment (Drug Testing Trial) Bill 2018**

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

- Message no. 437, dated 14 August 2018—A Bill for an Act to amend the *Customs Act 1901*, and for related purposes.
- Message no. 435, dated 13 August 2018—A Bill for an Act to amend the law relating to social security, and for related purposes.

The Minister for Indigenous Affairs (Senator Scullion) 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 Scullion moved—That these bills be now read a second time.  
On the motion of Senator Scullion the debate was adjourned till the next day of sitting.

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

36 **Committee membership**

A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

- Message no. 434, dated 13 August 2018—  
  Joint Standing Committee on Foreign Affairs, Defence and Trade, Mr Drum in place of Mr van Manen  
  Joint Committee of Public Accounts and Audit, Mr Hastie in place of Ms Ley.

37 **Great Barrier Reef Foundation—Answer to question—Document**

The Minister for Indigenous Affairs (Senator Scullion) tabled the following document:

Great Barrier Reef Foundation—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 14 August 2018, providing information concerning a question without notice asked by Senator Keneally on 13 August 2018.

38 **Community Affairs Legislation Committee—Report—Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018**

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

39 Notice
The Chair of the Finance and Public Administration References Committee (Senator McAllister) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 14 November 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) any potential expansion of the 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 adequacy of the public information campaign, and
   (ii) the prevalence of ‘informed consent’ amongst users;
(e) measures that are necessary to remedy deficiencies in the My Health Record system; and
(f) any other matters.

40 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 10.30 pm: Debate was interrupted while Senator Dodson was speaking.

41 Adjournment
Pursuant to order, the Senate adjourned at 10.30 pm till Wednesday, 15 August 2018 at 9.30 am.

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

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate