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1 **Meeting of Senate**

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

2 **Documents**

The Clerk tabled the following documents pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislation (FRL) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

- **Corporations Act 2001**

- **Environment Protection and Biodiversity Conservation Act 1999**—Threat Abatement Plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations (2018) [F2018L01562].

- **Fisheries Management Act 1991**—Western Tuna and Billfish Fishery Management Plan 2005—Western Tuna and Billfish Fishery (Overcatch and Undercatch) Determination 2018 [F2018L01561].


3 **Badges—Statement by President**

The President reminded senators that, in accordance with rulings of past Presidents, displaying items such as badges with slogans is disorderly.

4 **Education and Employment Legislation Committee—Estimates hearings—Personal explanation**

Senator Molan, by leave, made a personal explanation relating to questions he had asked during consideration by the Education and Employment Legislation Committee of the 2018-19 Budget estimates on 30 May 2018, and subsequent statements made by Senator Cameron.

5 **Treasury Laws Amendment (Making Sure Every State and Territory Gets Their Fair Share of GST) Bill 2018**

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

Debate resumed.

Question put and passed.

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

On the motion of Senator Cormann the bill was read a third time.

6 **My Health Records Amendment (Strengthening Privacy) Bill 2018**

Order of the day read for the adjourned debate on the motion of the Minister for Resources and Northern Australia (Senator Canavan)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

---

**In the committee**

Bill taken as a whole by leave.

Senator Polley moved the following amendments together by leave:

Clause 3, page 2 (after line 11), at the end of the clause, add:

```
Note: The provisions of the My Health Records (National Application) Rules 2017 amended or inserted by this Act, and any other provisions of those rules, may be amended or repealed by rules made under section 109 of the My Health Records Act 2012 (see subsection 13(5) of the Legislation Act 2003).
```

Schedule 1, page 9 (after line 12), at the end of the Schedule, add:

**My Health Records (National Application) Rules 2017**

18 **Paragraph 6(3)(b)**

Omit “4 months”, substitute “16 months”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 30**

- Bilyk
- Brown
- Carr
- Chisholm
- Collins
- Di Natale
- Dodson
- Farrell
- Faruqi
- Gallacher
- Hanson-Young
- Hinch
- Ketter*
- Kitching
- Lines
- Marshall
- McAllister
- McKim
- Polley
- Rice
- Siewert
- Singh
- Smith, David
- Steele-John
- Sterle
- Storer
- Urquhart
- Waters
- Whish-Wilson
- Wong
NOES, 32

Senators—

Abetz
Anning
Bernardi
Brockman
Burstyn
Bushby
Canavan
Cash

Colbeck
Duniam
Fawcett
Ferravanti-Wells
Fitfield
Georgiou
Gichuhi
Griff

Hanson
Leyonhjelm
McGrath
McKenzie
Molan
O’Sullivan
Patrick
Payne

Reynolds
Ryan
Seselja
Scullion
Seselja
Smith, Dean*
Stoker
Williams

* Tellers

Question negatived.

On the motion of the Leader of Pauline Hanson’s One Nation (Senator Hanson) the following amendments, taken together by leave, were debated and agreed to:

Clause 3, page 2 (after line 11), at the end of the clause, add:

Note: The provisions of the My Health Records (National Application) Rules 2017 amended or inserted by this Act, and any other provisions of those rules, may be amended or repealed by rules made under section 109 of the My Health Records Act 2012 (see subsection 13(5) of the Legislation Act 2003).

Schedule 1, page 9 (after line 12), at the end of the Schedule, add:

My Health Records (National Application) Rules 2017

18 Paragraph 6(3)(b)

Repeal the paragraph, substitute:

(b) the period is the period beginning on the day on which this Part commences and ending on 31 January 2019.

The Leader of the Australian Greens (Senator Di Natale) moved the following amendments together by leave:

Schedule 1, page 3 (after line 5), after item 1, insert:

1AA Subsection 6(1) (heading)

Omit “18”, substitute “14”.

1AB Subsection 6(1)

Omit “18”, substitute “14”.

1AC Subsection 6(2)

Omit “18”, substitute “14”.

1AD Subsection 6(3)

Repeal the subsection, substitute:

Healthcare recipients aged between 14 and 17

(3) For the purposes of this Act, a person is the authorised representative of a healthcare recipient aged between 14 and 17 years if the healthcare recipient, by written notice given to the System Operator in the approved form, nominates the person to be his or her authorised representative.
Schedule 1, page 4 (after line 19), after item 6, insert:

6A After subsection 51(5)

Insert:

Suspension while healthcare recipient between 14 and 17

(5A) The System Operator must, in writing, decide to suspend the registration of a healthcare recipient aged between 14 and 17 years until the healthcare recipient turns 18 if:

(a) the healthcare recipient does not have an authorised representative; and

(b) the System Operator is not satisfied that the healthcare recipient wants to manage his or her own My Health Record.

6B Paragraph 53(1)(a)

Omit “(4) or (5)”, substitute “(4), (5) or (5A)”.

6C Paragraph 53(4)(a)

Omit “(4) or (5)”, substitute “(4), (5) or (5A)”.

At 12.45 pm: The Acting Deputy President (Senator McGrath) resumed the chair and the Temporary Chair of Committees reported progress.

7 Senators’ statements

Senators made statements.

At 2 pm—

8 Questions

Questions without notice were answered.

9 Motions to take note of answers

The Leader of the Opposition in the Senate (Senator Wong) moved—That the Senate take note of the answers given by the Minister for Finance and the Public Service (Senator Cormann) and the Minister for Resources and Northern Australia (Senator Canavan) to questions without notice asked by Senators Wong and Kitching today relating to the Indonesia-Australia Comprehensive Economic Partnership Agreement and to the Minister for the Environment (Ms Price).

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 and the Public Service (Senator Cormann) to a question without notice asked by Senator Di Natale today relating to climate change.

Question put and passed.

10 Education and Employment Legislation Committee—Estimates hearings—Personal explanation

Senator Cameron, by leave, made a personal explanation relating to the personal explanation made by Senator Molan earlier today (see entry no. 4).
11 Notices

Senator Dean Smith: To move on the next day of sitting—That the Senate notes that—
(a) 3 November 2018 was the 65th anniversary of the Western Australian (WA) state flag, as it appears today;
(b) the original design of the state flag, which had the black swan facing the observer’s right, was adopted in 1870;
(c) apart from the design change made in 1953, the WA state flag is the oldest state flag; and
(d) the WA state flag continues to be a strong and enduring symbol for all Western Australians. (general business notice of motion no. 1206)

Senator Anning: To move on 26 November 2018—That the following bill be introduced: A Bill for an Act to provide for a plebiscite at the next general election in relation to migration to Australia, and for related purposes. Plebiscite (Allowing Australians to Decide Who Comes Here) Bill 2018. (general business notice of motion no. 1207)

Senators Rice and Pratt: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) 15 November 2018 marks the one year anniversary of the announcement of the resounding ‘yes’ vote in the marriage laws postal survey,
(ii) this resounding ‘yes’ vote is something to be celebrated, as is the passing of marriage equality in Australia,
(iii) the postal survey in itself is not to be celebrated, as it was opposed by the majority of LGBTIQ+ Australians and caused a lot of harm to LGBTIQ+ Australians and their families,
(iv) the historic ‘yes’ vote and the passing of marriage equality was the result of decades of tireless campaigning by brave community leaders and activists, and
(v) marriage equality is not the end of the fight for equality for LGBTIQ+ Australians and their families, many of whom still face discrimination in their daily lives; and
(b) calls on all parliamentarians to continue to work to end discrimination against LGBTIQ+ Australians and their families in all areas of their lives. (general business notice of motion no. 1208)

Senator O’Sullivan: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) multiple Australian Islamic terrorists, including the Bourke Street terrorist, ISIS suicide bombers and would-be domestic terrorists, have links to the Hume Islamic Youth Centre,
(ii) ABC’s 4 Corners journalist and executive producer, Ms Sally Neighbour, writing for The Australian in 2006, stated that Hume Islamic Youth Centre Emir Mohammed Omran is a leader of ‘...the fundamentalist Ahlus Sunnah Wal Jamaah Association – now regarded as the most radical Islamic group in Australia’,
(iii) in the 2006 article, which reported on a meeting between Sheik Mohammed Omran and Abu Bakar Bashir, head of the terrorist group Jemaah Islamiah, which was responsible for the 2002 Bali bombings, Ms Neighbour describes Sheik Omran as ‘...well-connected in international Salafist circles. A Jordanian-born migrant to Australia, his friends included the British-based al-Qa’ida luminary Abu Qatada, whom Omran hosted in Australia in 1994. Interviews with Osama bin Laden and Abu Qatada were among the items featured in the online magazine *Nida’ ul Islam* (Call to Islam), published by Omran’s acolytes in the Islamic Youth Movement and read widely in Australia’.

(iv) despite repeated cases of radicalised Islamists attending the Hume Islamic Youth Centre, Sheik Omran this week criticised calls for imams to increase actions to combat extremism – with counterclaims that his greatest power was only to call Triple 0 when confronted with a threat – and instead accused Australia’s police and security agencies of complacency over the movements of the Bourke Street Islamic terrorist,

(v) Sheik Omran, who is regarded as arguably Australia’s most senior Salafist cleric, would face significant punishment and hardship if he was to make comparable criticism of Jordanian security agencies, where it is a criminal offence to criticise the king and government officials; and

(b) calls on the Senate to:

(i) condemn radical Islam, whether in speech or deed,
(ii) call on the Islamic community in Australia to continue to condemn radical Islam in speech and deed, and reaffirm its commitment to working alongside Australian security agencies to address radicalisation in all its forms, and
(iii) call on Sheik Mohammed Omran to publically retract his criticism of police and intelligence services and denounce all radical Islamic speech and jihadism. *(general business notice of motion no. 1209)*

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) Australia’s fire and emergency (F&E) personnel have a long and proud record of serving overseas, assisting local efforts during times of need,
(ii) this service has included 17 deployments over the course of 20 years – most recently, a contingent of 140 service men and women who fought deadly fires in California in September this year,
(iii) currently, within Australia’s honours system, there are specific honours for police, military personnel and humanitarian groups that provide emergency assistance overseas, but not one specifically designated for F&E personnel,
(iv) this has had the effect of forcing F&E personnel to apply for recognition for their service under the Humanitarian Overseas Service Medal (HOSM) – an honour intended for humanitarian groups, and
(v) F&E personnel are entitled to have their service recognised with a medal struck especially for them; and
(b) calls on the Federal Government to create a new Fire and Emergency Service Overseas Medal to recognise F&E personnel who serve overseas during times of crisis. (general business notice of motion no. 1210)

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

(1) That a select committee, to be known as the Select Committee on Misconduct by Bank Agents and Associates, be established to inquire into and report upon:
   (a) the actions of lawyers, receivers, liquidators, valuers, police, real estate agents, stock squad, trustees, and anyone else involved with banks and their dealings with bank customers;
   (b) legal and regulatory frameworks that may allow impropriety by bank agents and their associates;
   (c) the redress options available to bank customers;
   (d) possible regulatory reforms to discourage misconduct by bank agents and associates; and
   (e) any related matters.

(2) That the committee present its final report on or before the second sitting day in March 2019.

(3) That the committee consist of six senators, two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, one nominated by minority groups, and Senator Anning.

(4) That:
   (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
   (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That Senator Anning be appointed as chair of the committee, and the committee elect a member as deputy chair.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.
(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President of the Senate.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 1211)

Senators Bernardi and O’Sullivan: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) New South Wales (NSW) Greens MP, Ms Jenny Leong, used parliamentary privilege to call on fellow NSW Greens MP, Mr Jeremy Buckingham, to step down as a candidate at the NSW election due to an alleged ‘act of sexual violence’ and aggressive, intimidating behaviour,

(ii) Mr Buckingham has been the subject of allegations that he inappropriately touched former staffer Ms Ella Buckland in 2011,

(iii) former Greens staffer and journalist, Ms Lauren Ingram, alleges she was violently raped by a Greens party volunteer in 2015, which she says she reported to the Greens and heard nothing for months, so she tweeted pictures of her bruising from the incident, drawing a response from the party in June 2017,

(iv) former co-convenor of the NSW Young Greens in 2017, Ms Holly Brooke, says a male party member indecently assaulted her, trying to force his hand down her pants, and alleges the Greens’ response was to suggest she teach a consent workshop to the perpetrator, a response she said was ‘more traumatic than the instance itself’,

(v) it has also been alleged that former Victorian Greens party leader, Mr Greg Barber, had a ‘men’s-only room’ in his office, and settled out of court with a former female staffer about sex discrimination and bullying,

(vi) Victorian Greens candidate, Mr Angus McAlpine, has refused to resign despite rapping about date-rape and domestic violence, and has been defended by Victorian Greens leader, Ms Samantha Ratnam,

(vii) another Victorian Greens candidate, Mr Dominic Phillips, has liked one Facebook page called ‘Period pains, Try waiting for your porn to download’ and another with a title so inappropriate it has been deemed unparliamentary,

(viii) a former Greens volunteer alleges she was sexually assaulted by another volunteer in the back of a car in Canberra on the night of the last Federal election,

(ix) Young Greens members wrote an open letter to their party in August demanding it reshape its culture around sexism within the party, with dozens resigning in disgust over handling of sexual misconduct allegations,
(x) lawyer, Mr Rory Markham, says he is advising a number of women who say the Greens party mishandled their complaints of sexual assault and harassment arising in Victoria, New South Wales and the Australian Capital Territory.

(xi) the Greens have 10 federal members of Parliament, federal party status, 27 state members of parliament, the attendant staffing resources, and have received at least $28.5 million in federal election-based public funding since 2001, and millions more in state and territory election-based public funding, and

(xii) Greens Senators Di Natale, Siewert and Hanson-Young have all used the phrase ‘the standard you walk past is the standard you accept’;

(b) calls on Senators Di Natale, Siewert, Steele-John, Hanson-Young, Rice, Waters, Faruqi, Whish-Wilson and McKim to make statements to the Senate condemning predatory and criminal behaviour within the Greens party, and apologise to the victims; and

(c) calls on the Federal Government to write to all Greens party branches providing details of support services, and advice as to the means to report inappropriate and potentially criminal behaviour. (general business notice of motion no. 1212)

Senators Williams and O’Sullivan: To move on the next day of sitting—That the Senate notes that:

(a) throughout the world, 2440 coal-fired power stations with a capacity of at least 30 megawatts continue to provide a reliable source of energy;

(b) a further 270 coal-fired power stations of similar capacity are under construction;

(c) in its latest World Energy Outlook, the International Energy Agency (the Agency) estimates the growth in demand for coal in the Asia Pacific will increase by 492 million tonnes of coal equivalent by 2040;

(d) the Agency has forecast Australia’s net exports of coal will grow by around 20% to around 430 million tonnes of coal equivalent by 2040;

(e) the Agency notes that, in Australia, in order to expand export volumes in the future, new basins and new transport infrastructure would need to be developed, including railway connections between new mines in the Galilee Basin in Queensland, such as Adani’s Carmichael mine, and export ports; and

(f) the production and export of Australian high quality coal is good for jobs in regional Australia and the broader economy. (general business notice of motion no. 1213)

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

(a) notes that:

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

(ii) during the carbon price, inflation was contained, the economy grew by 4.7% as emissions dropped by 8.2%, compared to the two-year period before the carbon price; and
(b) supports the widely held position of economists, industry and environment
groups that an economy-wide carbon price is the lowest cost, most effective
way to reduce pollution and encourage investment in the industries of the
future. (general business notice of motion no. 1214)

The Leader of the Australian Greens (Senator Di Natale): To move on the next day of
sitting—That the Senate—
(a) affirms that the best way to support our Pacific neighbours is through genuine
aid and development funding and meaningful action on climate change;
(b) notes with deep concern that our aid budget is at the lowest levels it has ever
been as a proportion of Gross National Income (GNI);
(c) is further concerned that both the Liberal and Labor parties have joined the
debt-trap diplomacy bandwagon, and that Overseas Development Assistance
loans often do not support good development outcomes and are at odds with
Australia’s aid policy; and
(d) as Prime Minister Morrison prepares to attend the APEC Leaders’ Summit in
Port Moresby on 17 and 18 November 2018, calls on the Government to
unequivocally support Australia’s grant-based aid program and commit to
reaching an aid budget of 0.7% of GNI by 2030, as per our international
commitments. (general business notice of motion no. 1215)

Senator Kitching: To move on the next day of sitting—That the Senate—
(a) notes:
(i) media reports that Greens candidate for Footscray in the Victorian state
election, Mr Angus McAlpine, made racist, sexist and homophobic
slurs, boasted about committing acts of domestic violence and
trivialised sexual assault, and
(ii) that Mr McAlpine has used this racist, sexist and violently misogynist
language as recently as this year; and
(b) calls on Ms Samantha Ratnam and the Victorian Greens to show some
leadership and immediately disendorse Mr McAlpine as a Greens candidate.
(general business notice of motion no. 1216)

Senator Dean Smith: To move on the next day of sitting—That the Senate notes that:
(a) 15 November 2018 marks 12 months since the Marriage Amendment
(Definition and Religious Freedoms) Bill 2017 was introduced into the Senate;
(b) the Marriage Amendment (Definition and Religious Freedoms) Bill 2017
passed the Senate on 29 November 2017, and the House of Representatives on
7 December 2017; and
(c) the Marriage Amendment (Definition and Religious Freedoms) Bill 2017
received royal assent on 8 December 2017. (general business notice of motion
no. 1217)

Senator Dean Smith: To move on the next day of sitting—That the Senate—
(a) condemns the shocking attack on worshippers at the Tree of Life Synagogue in
Pittsburgh, Pennsylvania on 27 October 2018;
(b) extends its sympathies to the families of those killed and injured and to the
Jewish community in the United States, Australia and throughout the world;
and
(c) praises the actions of the first responders who put duty before their own safety.
(general business notice of motion no. 1218)
Senator Waters: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to establish the National Integrity Commission, and for related purposes. *National Integrity Commission Bill 2018.* (general business notice of motion no. 1219)

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

(a) notes:

(i) that Defence Force personnel and veterans put their lives and wellbeing at risk in service of our country,

(ii) the personal toll that Defence Force individuals and their families bear to support a military career, including often and regularly moving between cities and states, and

(iii) that the rates of suicide, mental ill-health and unemployment amongst Defence Force veterans are higher than the general population; and

(b) calls on the Federal Government to reconsider the decision to spend an additional $500 million on the Australian War Memorial, and to instead redirect this funding towards support services for Defence Force volunteers and veterans. (general business notice of motion no. 1220)

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

Business of the Senate notice of motion no. 1 for 11 sitting days after today for the disallowance of the Census and Statistics (Information Release and Access) Determination 2018 [F2018L01114].

Business of the Senate notice of motion no. 1 for 13 sitting days after today for the disallowance of the Financial Framework (Supplementary Powers) Amendment (Jobs and Small Business Measures No. 2) Regulations 2018 [F2018L01133].

12 Postponements

Business was postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Rice for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till the first sitting day in 2019.

General business notice of motion no. 1200 standing in the name of Senator Brown for today, relating to Tourism Australia, postponed till 15 November 2018.

General business notice of motion no. 1205 standing in the name of Senator Anning for today, relating to abortion laws in Queensland, postponed till 15 November 2018.

13 Yemen

*Motion determined as not formal:* The Leader of the Opposition in the Senate (Senator Wong) requested that general business notice of motion no. 1195 standing in her name for today, relating to Yemen, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.
14 Parliamentary Joint Committee on the Australia Fund Bill 2018

Senator Burston, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1191—That the following bill be introduced:

A Bill for an Act to provide for a Parliamentary Joint Committee to investigate establishing an Australia Fund, and for related purposes.

Question put and passed.

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

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

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

15 International Pathology Day

Senator Urquhart, at the request of Senators Bilyk, Polley and Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1192—That the Senate—

(a) notes that:

(i) 14 November 2018 is International Pathology Day,
(ii) 35,000 people work in Australia’s pathology industry, conducting 500 million pathology tests each year,
(iii) 70% of medical treatment decisions and 100% of cancer diagnoses rely on pathology,
(iv) International Pathology Day coincides with World Diabetes Day, and
(v) early detection of conditions, like kidney disease and diabetes, improves medical outcomes and, in the case of diabetes, can halve treatment costs; and

(b) encourages all members and senators to understand and appreciate the key role pathology has in Australia’s health care system.

Question put and passed.

16 Fair Work Amendment (Restoring Penalty Rates) Bill 2018 [No. 2]

Senator Urquhart, at the request of Senator Cameron and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1193—That the following bill be introduced:

A Bill for an Act to amend the *Fair Work Act 2009*, and for related purposes.

Question put and passed.

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

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

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

17 Road safety

Senator Urquhart, at the request of Senators Sterle and Gallacher and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1196—That the Senate—

(a) notes that:
   (i) 18 November 2018 is the United Nations World Day of Remembrance for Road Traffic Victims (WDR) – a day to remember the many millions killed and injured on the world’s roads, together with their families, friends and many others who are also affected,
   (ii) it is also a day on which we thank the emergency services and reflect on the tremendous burden and cost of this daily continuing disaster to families, communities and countries, and on ways to halt it,
   (iii) during the calendar year of 2017, there were 1224 road deaths in Australia and more than 35,000 seriously injured on our roads,
   (iv) in 2018 alone, there have been 874 deaths on Australia’s roads, and
   (v) the annual economic cost of road crashes in Australia is approximately $30 billion per year;

(b) acknowledges the work of Mr Peter Frazer as President of Safer Australian Roads and Highways, and his advocacy for road safety and passion in encouraging all Australians to drive so others survive; and

(c) calls on the Federal Government to work with stakeholders and Parliament to make our roads, vehicles and all road users safe.

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

Question put and passed.

18 World Toilet Day

Senator Singh, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1197—That the Senate—

(a) recognises World Toilet Day 2018 on 19 November 2018, as the day to recognise the importance of sanitation;

(b) notes that:
   (i) an estimated 4.5 billion people around the world live without access to a safe toilet, and 892 million people still practise open defecation,
   (ii) diarrhoea caused by poor sanitation and unsafe water kills around 289,000 children every year,
   (iii) clean toilets contribute to poverty eradication by protecting people’s health and ability to work,
   (iv) globally, lack of sanitation and unsafe drinking water costs the world economy an estimated $260 billion every year in lost productivity,
United Nations’ Sustainable Development Goal (SDG) 6 aims to ensure availability and sustainable management of water and sanitation for all by 2030, and

the theme of this year’s World Toilet Day is ‘When nature calls’ and recognises the important role of nature-based solutions to the sanitation and water crisis;

also notes that, while an annual global expenditure of $158 billion is estimated to be needed to bring about the full implementation of SDG 6, as former Prime Minister Kevin Rudd and Chair of the Global Partnership on Sanitation and Water for All pointed out in a recent speech to the Mahatma Gandhi International Sanitation Convention in New Delhi, less than $50 billion is currently spent worldwide; and

calls on the Australian Government to increase its general aid commitments, including to its water, sanitation and hygiene aid programs.

World Diabetes Day

Senator Singh, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1198—That the Senate

notes that:

i. 14 November 2018 is World Diabetes Day,

ii. the theme of World Diabetes Day 2018 is ‘Family and Diabetes’,

iii. Australia has one of the highest rates of Type 1 Diabetes in the world, with around 160,000 people affected,

iv. Type 1 Diabetes Mellitus is one of the most common chronic diseases affecting children in Australia,

v. children diagnosed with Type 1 Diabetes require insulin for life to manage their diabetes and live with the reality of hypoglycaemic fits, diabetic ketoacidosis and even death, along with the long-term health impacts, and

vi. Type 1 Diabetes is responsible for significant financial and emotional burdens on those living with the disease and their families; and

calls on the Federal Government to:

i. consider extending National Diabetes Services Scheme subsidisation to flash glucose monitoring technology – which enables people with diabetes to detect their blood glucose levels without a blood sample and track their blood glucose trends on their mobile phones, following the Department of Health’s review, and

ii. extend the provision of free continuous glucose monitoring devices, which radically improve diabetic health and safety, to pregnant women and adults with severe hypoglycaemia and limited awareness of their condition, if they cannot afford the technology.

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

Question put and passed.
20 Fair Dinkum Power—Select Committee—Appointment

Senator Hanson-Young amended general business notice of motion no. 1199 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That a select committee, to be known as the Select Committee into Fair Dinkum Power, be established on 28 November 2018, to inquire into and report on 30 June 2019, on the following matters:

(a) the potential for empowering energy consumers to play a more important role in the National Electricity Market, through providing diverse services in:
   (i) energy generation,
   (ii) demand response and energy efficiency,
   (iii) grid stability and reliability services,
   (iv) alternatives to conventional network investment, and
   (v) peer-to-peer trading between households and businesses;
(b) the potential for these services to deliver lower energy costs and increased energy reliability;
(c) the changing role of retailers in the National Electricity Market, in light of the growing empowerment of consumers;
(d) the impacts of privatisation;
(e) regulatory reforms which would empower energy consumers, including the following key groups:
   (i) households, including low income households and renters,
   (ii) farms,
   (iii) small businesses, and
   (iv) major energy users;
(f) the likely long-term impacts, including to emissions, reliability and stability, of energy consumers playing a larger role; and
(g) any other related matters.

(2) That the committee consist of seven senators: two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, one nominated by the Leader of the Australian Greens, and two nominated by minority groups and independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Australian Greens or any minority party or independent senator;
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed, and notwithstanding any vacancy.
(5) That the committee elect as chair a member nominated by the Leader of the Australian Greens and, as deputy chair, a member nominated by the Leader of the Opposition in the Senate.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(7) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

(9) That the committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(10) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President of the Senate.

(11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

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

Question put.

The Senate divided—

AYES, 36

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NOES, 7

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*Tellers

Question agreed to.

21 Gender pay gap

Senator Waters, also on behalf of Senator Cameron, amended general business notice of motion no. 1202 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the Workplace Gender Equality Agency (WGEA) annual data, released on 13 November 2018, shows that the gender pay gap is still unacceptably high, at 16.2%,
(ii) men earn $25,717, or 21.3%, more than women each year on average, in full-time work across all jobs, including overtime and bonuses,

(iii) financial and insurance services remains the industry with the highest total remuneration gender pay gap at 30.3%,

(iv) construction is the industry with the second-highest gender pay gap, at 29.4%,

(v) the female-dominated industry of health care and social assistance saw a second annual increase in its gender pay gap to 16.1%,

(vi) more than half of employers do not analyse their pay data for gender pay gaps,

(vii) 41.5% of employers who did a pay gap analysis took no action to address it,

(viii) only 17.9% of organisations that conducted a gender pay gap analysis are actually reporting pay equity metrics up to the boards and governing bodies,

(ix) when it comes to paid parental leave, women account for 94.9% of all primary carer’s leave utilised, with men accounting for only 5.1%, and

(x) less than 2 in 100 companies have set targets for men’s engagement in flexible work; and

(b) calls on the Federal Government to:

(i) increase the resourcing for WGEA, strengthen its powers, and require large employers to publicly report their gender pay gap, and

(ii) prohibit the use of pay gag clauses in private employment contracts, which disguise the gender pay gap in the private sector.

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

22 Australian Broadcasting Corporation

Senator Hanson-Young amended general business notice of motion no. 1180 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the Australian Broadcasting Corporation Act 1983 states that the ‘corporation or prescribed companies [are] to be the only providers of Commonwealth-funded international broadcasting services’,

(ii) the Abbott Government stripped funding for the Australia Network from the Australian Broadcasting Corporation (ABC), and

(iii) the Morrison Government has indicated that it plans to work ‘with our commercial media operators to ensure the Pacific can connect to quality Australian media content’; and

(b) calls on the Federal Government to reinstate the Australia Network and award public funding for broadcasting in the Asia-Pacific to the ABC.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston) and Senators Chisholm and Hanson-Young, by leave, made statements relating to the motion. Question put.
The Senate divided—

AYES, 13

Senators—

Di Natale
Faruqi
Griff
Hanson-Young

Hinch
McKim
Patrick

Rice
Siewert*
Steele-John

Storer
Waters
Whish-Wilson

NOES, 39

Senators—

Abetz
Anning
Bernardi
Bilyk
Brockman
Brashby
Canavan
Chisholm
Colbeck
Collins

Duniam
Farrell
Ferravanti-Wells
Fifield
Gallacher
Georgiou
Gichuhi
Hanson
Hume

Kitching
Leyonhjelm
Lines
Marshall
McAllister
McCarthy
McGrath
Molan
O’Neill

Kitching
Ryn
Ryan
Ruston
Sterle
Stokes
Sterle
Watt
Williams

* Tellers

Question negatived.

23 Carbon risk

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. 1188—That the Senate—

(a) notes that investors, industry and the Parliament all acknowledge that a future carbon price, in some form, is inevitable, with companies already factoring carbon prices into their investment decisions;

(b) further notes that any decision to indemnify companies from future carbon risk would fundamentally undermine any future policy decisions of this Parliament;

(c) agrees with the comments of the Shadow Minister for Climate and Energy that ‘investors need to understand very clearly that we do not support that. That would be an extraordinary waste of taxpayers’ money’;

(d) signals to all potential contractors seeking to be indemnified from future carbon risk that those contracts will not be honoured; and

(e) acknowledges that, given this prior warning, any future rescinding of these contracts would not constitute sovereign risk.

Question put.

The Senate divided—

AYES, 13

Senators—

Di Natale
Faruqi
Griff
Hanson-Young

Hinch
McKim
Patrick

Rice
Siewert*
Steele-John

Storer
Waters
Whish-Wilson
24 Centrelink—Serco pilot program—Review by KPMG—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. 1194—That there be laid on the table by the Minister representing the Minister for Human Services and Digital Transformation, by 10 am on 26 November 2018, the independent review by KPMG of the Serco pilot program, which saw an additional 250 staff engaged to answer phone calls at Centrelink through Serco.

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

Question put.
The Senate divided—

AYES, 35

Senators—

Abetz
Anning
Bernardi
Bilyk
Broekman
Bushby
Canavan
Chisholm
Colbeck
Collins

Georgiou
Griff
Hanson
Hanson-Young
Hinch
Keneally
Ketter
Kitching
Leyonhjelm
Lines
Marshall
McAllister
McCarthy
McGrath
Molan
O’Neill
Rice
Siewert

Smith, David
Sterle
Storer
Waters
Watt
Whish-Wilson

NOES, 22

Senators—

Abetz
Brockman
Bushby*
Canavan
Cash
Colbeck

Duniam
Fawcett
Fierravanti-Wells
Fierravanti-Wells
Gichuhi
Hume

McGrath
McKenzie
Molan
O’Sullivan
Reynolds
Williams

Ruston
Ryan
Scullion
Stoker
Williams

* Tellers

Question agreed to.
25 Great Barrier Reef Marine Park—Cruise ship pollution—Order for production of documents

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1201—that there be laid on the table by the Minister representing the Minister for Infrastructure, Transport and Regional Development, by 26 November 2018:

(a) all documents or correspondence between the Australian Maritime Safety Authority (AMSA) and Carnival Australia, or its cruise line brand P&O Cruises Australia, in relation to the spilling of 27,000 litres of food waste and grey water into the Great Barrier Reef Marine Park on or around 26 August 2018, since the date of the incident;

(b) all documents or correspondence between AMSA and the Great Barrier Reef Marine Park Authority, in relation to the spilling of 27,000 litres of food waste and grey water into the Great Barrier Reef Marine Park on or around 26 August 2018, since the date of the incident; and

(c) all notifications, breaches and compliance actions taken by AMSA in relation to shipping pollution incidents for the last two years.

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

Question put.

The Senate divided—

AYES, 31

Senators—

Bilyk
Chisholm
Collins
Di Natale
Faruq
Gallacher
Georgiou
Griff
Hanson
Hanson-Young
Hinch
Keneally
Ketter
Kitching
Lines
Marshall
McAllister
McCarthy
McKim
O’Neill
Patrick
Rice
Siewert
Smith, David
Steele-John
Sterle
Storer
Urquhart*
Waters
Watt
Whish-Wilson

NOES, 25

Senators—

Abetz
Anning
Bernardi
Brockman
Bushby*
Canavan
Cash
Colbeck
Duniam
Fawcett
Ferravanti-Wells
Fifield
Gichuhi
Hume
Leyonhjelm
McGrath
McKenzie
Molan
O’Sullivan
Reynolds
Ruston
Ryan
Scullion
Stoker
Williams

* Tellers

Question agreed to.

26 Gretals Australia Pty Ltd—Grant—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. 1204—that there be laid on the table by the Minister representing the Prime Minister, Senator Cormann, by 10 am on 26 November 2018, all documents regarding the application, and decision to award government funding to Gretals Australia Pty Ltd.

Question put.
The Senate divided—

AYES, 31

Senators—

Bernardi  Hanson-Young  McAllister  Steele-John
Bilyk  Hinch  McCarthy  Sterle
Chisholm  Keneally  McKim  Storer
Collins  Ketter  O’Neill  Urquhart*
Di Natale  Kitching  Patrick  Waters
Faruqi  Leyonhjelm  Rice  Watt
Gallacher  Lines  Stiewert  Whish-Wilson
Griff  Marshall  Smith, David

NOES, 25

Senators—

Abetz  Duniam  Hanson  Reynolds
Anning  Fawcett  Hume  Ruston
Brockman  Fieravanti-Wells  McGrath  Ryan
Bushby*  Fifield  McKenzie  Scullion
Canavan  Georgiou  Molan  Stoker
Cash  Gichuhi  O’Sullivan  Williams
Colbeck

* Tellers

Question agreed to.

27 Whaling

Motion determined as not formal: Senator Whish-Wilson requested that general business notice of motion no. 1203 standing in his name for today, relating to whaling operations undertaken by Japan, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

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

28 Notices

Senator Hanson-Young, by leave, gave a notice of motion as follows: To move on the next day of sitting—that the Senate—

(a) notes the Flinders University research published in *Nature’s Scientific Reports*, which shows that ‘climate change and human activity are dooming species at an unprecedented rate via a plethora of direct and indirect, often synergic, mechanisms’;

(b) notes that climate change is, without a doubt, the biggest threat to life on our planet; and

(c) calls on the Federal Government to develop and implement a serious climate and energy policy, with a plan to reduce carbon pollution and overhaul our environmental laws to protect life on earth. (general business notice of motion no. 1221)

Senator Storer, by leave, gave a notice of motion as follows: To move on the next day of sitting—that the Senate—

(a) notes that:

(i) Australia is blessed with world-class renewable energy and energy storage resources,
the price of renewable energy continues to decline, setting new records year on year,
utility-scale wind and solar farms are the cheapest form of new-build electricity generation in Australia today,
Australia has the highest penetration of rooftop solar in the world, with close to two million households having installed solar systems to help them to reduce their power bills, and
South Australia’s Honesdale Power Reserve, the world’s biggest grid connected lithium-ion battery, is showing how new technology can put downward pressure on electricity prices and allow for the successful integration of high levels of wind and solar energy; and
(b) agrees that renewable energy, coupled with energy storage technologies, can provide ‘fair dinkum power’ that is cheap, reliable and clean. (general business notice of motion no. 1222)

29 Discussion of matter of public importance—Support for local workers
The Acting Deputy President (Senator Marshall) informed the Senate that the following matter of public importance submitted by Senator Urquhart under standing order 75 had been selected for discussion today:

Putting local workers first, including cracking down on 457 visas; using Australian grade steel; and protecting local manufacturers.

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

30 Committee reports and government responses—Tabling and consideration
Senator Hume, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following report:


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


The Assistant Minister for Agriculture and Water Resources (Senator Colbeck) tabled the following document:

31 Senator McKim—Visa application—Correspondence—Order for production of documents—Document

The Assistant Minister for Agriculture and Water Resources (Senator Colbeck) tabled the following document:

Senator McKim—Visa application—Correspondence—Order of 13 November 2018—Letter to the President of the Senate from the Minister for Finance and the Public Service (Senator Cormann), dated 14 November 2018, responding to the order.

32 Committee membership

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

The Assistant Minister for Agriculture and Water Resources (Senator Colbeck), by leave, moved—That senators be discharged from and appointed to committees as follows:

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute member: Senator Siewert to replace Senator McKim for the committee’s inquiry into the provisions of the Federal Circuit and Family Court of Australia Bill 2018 and related bill on 10 December 2018

Participating member: Senator McKim

Legal and Constitutional Affairs References Committee—

Appointed—Substitute member: Senator Rice to replace Senator McKim for the committee’s inquiry into discrimination by faith-based educational institutions.

Question put and passed.

33 ASIC Corporations (Banking Code of Practice) Instrument—Proposed disallowance

Senator Whish-Wilson, pursuant to notice, moved business of the Senate notice of motion no. 1—That the ASIC Corporations (Banking Code of Practice) Instrument 2018/700, made under the Corporations Act 2001, be disallowed [F2018L01102].

Debate ensued.

Question put.

The Senate divided—

AYES, 10

Senators—

Di Natale  Hinch  Siewert*  Waters
Faruq  McKim  Steele-John  Whish-Wilson
Hanson-Young  Rice
Question negatived.

34 Environment and Communications References Committee—Proposed reference

Senator Whish-Wilson, also on behalf of Senator Hanson-Young, pursuant to notice, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 30 March 2019:

The impact of seismic testing on fisheries and the marine environment, with particular reference to:

(a) the regulation of seismic testing, and the responsibilities of federal and state governments;

(b) the consultation process regarding the approval of seismic testing;

(c) how potential impacts are taken into account during the consultation process;

(d) applications for seismic testing in the Otway Basin; off the coast of Newcastle, New South Wales; and the waters surrounding Kangaroo Island, South Australia;

(e) recent scientific findings; and

(f) any other related matters.

Debate ensued.

Question put.

The Senate divided—

AYES, 12

Senators—

Di Natale
Faruqi
Griff

Hanson-Young
McKim
Patrick

Rice
Siewert*
Steele-John

Storer
Waters
Whish-Wilson

NOES, 27

Senators—

Abetz
Bushby
Canavan
Carr
Cash
Chisholm
Colbeck

Duniam
F ierravanti-Wells
Gallacher
Hume
Ketter
Kitching
Lines

McCarty
McGrath
McKenzie
Molan
O’Sullivan
Pratt
Ryan

Singh
Smith, David
Smith, Dean
Sterle
Stoker
Storer
Urquhart*

* Tellers

Question negatived.
35 Adjournment
The President proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.41 pm till Thursday, 15 November 2018 at 9.30 am.

36 Attendance

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate