THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 114

MONDAY, 10 SEPTEMBER 2018

Contents

1 Meeting of Senate .......................................................... 3633
2 Documents........................................................................ 3633
3 Committees—Leave to meet during sittings ......................... 3641
4 Vacancy in the representation of Queensland—Choice of Larissa Waters .... 3642
5 Temporary chairs of committees ........................................ 3643
6 Ministry, ministerial and party arrangements—Document.......................... 3643
7 Private senators’ bills—Consideration .................................... 3643
8 Animal Export Legislation Amendment (Ending Long-haul Live Sheep Exports) Bill 2018 ......................................................... 3643
9 Coal-Fired Power Funding Prohibition Bill 2017 ....................... 3646
10 Private Health Insurance Legislation Amendment Bill 2018
   A New Tax System (Medicare Levy Surcharge—Fringe Benefits)
   Amendment (Excess Levels for Private Health Insurance Policies)
   Bill 2018
   Medicare Levy Amendment (Excess Levels for Private Health Insurance
   Policies) Bill 2018........................................................... 3646
11 Questions........................................................................... 3648
12 Motions to take note of answers ....................................... 3648
13 Notices............................................................................. 3648
14 Leave of absence ............................................................ 3653
15 Postponements.................................................................. 3653
16 Committees—Extensions of time to report ............................ 3654
17 Slavery............................................................................. 3654
18 Social Services Legislation Amendment (Ending the Poverty Trap)
   Bill 2018 ............................................................................ 3655
19 Container deposit schemes.................................................. 3655
20 Discussion of matter of public importance—Electricity prices ............ 3656
21 Documents—Consideration.................................................. 3656
22 Department of Human Services—Child support system upgrade—Order for
   production of documents—Documents............................................ 3656
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Great Barrier Reef Foundation—Grant—Order for production of documents—Documents</td>
</tr>
<tr>
<td>24</td>
<td>Great Barrier Reef Foundation—Order for production of documents—Document</td>
</tr>
<tr>
<td>25</td>
<td>Committee membership</td>
</tr>
<tr>
<td>26</td>
<td>Education and Other Legislation Amendment (VET Student Loan Debt Separation) Bill 2018</td>
</tr>
<tr>
<td>27</td>
<td>Student Loans (Overseas Debtors Repayment Levy) Amendment Bill 2018</td>
</tr>
<tr>
<td>28</td>
<td>Governor-General’s messages—Assent to laws</td>
</tr>
<tr>
<td>29</td>
<td>Environment and Communications Legislation Committee—Report—Telecommunications Legislation Amendment Bill 2018</td>
</tr>
<tr>
<td>30</td>
<td>Private Health Insurance Legislation Amendment Bill 2018</td>
</tr>
<tr>
<td>31</td>
<td>A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Amendment (Excess Levels for Private Health Insurance Policies) Bill 2018</td>
</tr>
<tr>
<td>32</td>
<td>Medicare Levy Amendment (Excess Levels for Private Health Insurance Policies) Bill 2018</td>
</tr>
<tr>
<td>33</td>
<td>Aged Care (Single Quality Framework) Reform Bill 2018</td>
</tr>
<tr>
<td>34</td>
<td>Therapeutic Goods Amendment (2018 Measures No. 1) Bill 2018</td>
</tr>
<tr>
<td>35</td>
<td>Health Insurance (Approved Pathology Specimen Collection Centres) Tax Amendment Bill 2018</td>
</tr>
<tr>
<td>36</td>
<td>Imported Food Control Amendment Bill 2017</td>
</tr>
<tr>
<td>37</td>
<td>Adjournment</td>
</tr>
<tr>
<td>38</td>
<td>Attendance</td>
</tr>
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1 Meeting of Senate
The Senate met at 10 am. 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):

[Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated]

Auditor-General’s reports for 2018-19
1. No. 4—Performance audit—Operational efficiency of the Australian Commission for Law Enforcement Integrity: Australian Commission for Law Enforcement Integrity. [Received 28 August 2018]

2. No. 5—Performance audit—Statistical Business Transformation Program – managing risk: Australian Bureau of Statistics. [Received 4 September 2018]

Document in response to an order for the production of documents
3. Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 1 August 2018, dated August 2018. [Received 29 August 2018]

Government documents
4. Australian Radiation Protection and Nuclear Safety Act 1998—Direction under section 41 of the Act. [Received 24 August 2018]

5. Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2018. [Received 6 September 2018]

6. Australian Sports Commission (Sport Australia)—Corporate plan for 2018-22. [Received 31 August 2018]

7. Crimes Act 1914—Report for 2016-17 on the Ombudsman’s activities in monitoring controlled operations conducted by the Australian Commission for Law Enforcement Integrity, the Australian Criminal Intelligence Commission and the Australian Federal Police.

8. National Health and Medical Research Council (NHMRC)—Corporate plan for 2018-19. [Received 28 August 2018]

Response to Senate resolution

Documents pursuant to continuing orders
10. Entity contracts for 2017-18—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—
Agriculture and Water Resources portfolio. [Received 6 September 2018]
Attorney-General’s portfolio. [Received 31 August 2018]
Education and Training portfolio. [Received 31 August 2018]
Environment and Energy portfolio. [Received 28 August 2018]
Finance portfolio. [Received 31 August 2018]
Foreign Affairs and Trade portfolio. [Received 31 August 2018]
Health portfolio. [Received 29 August 2018]
Home Affairs portfolio. [Received 4 September 2018]
Infrastructure, Regional Development and Cities portfolio. [Received 28 August 2018]
Jobs and Innovation portfolio (Resources and Northern Australia). [Received 28 August 2018]
Prime Minister and Cabinet portfolio. [Received 31 August 2018]
Social Services portfolio. [Received 28 August 2018]

11. Indexed lists of departmental and agency files for the period 1 January to 30 June 2018—Statements pursuant to the order of the Senate of 30 May 1996, as amended—
   Agriculture and Water Resources portfolio. [Received 24 August 2018]
   Australian Taxation Office. [Received 24 August 2018]
   Department of Social Services. [Received 28 August 2018]
   Department of Education and Training. [Received 31 August 2018]
   Infrastructure, Regional Development and Cities portfolio. [Received 3 September 2018]

12. Report on outstanding orders for documents as at 30 June 2018. [Received 29 August 2018]

Committee reports presented out of sitting

The following reports and documents were presented and authorised for publication on the dates indicated pursuant to standing order 38(7)(a):

13. Procedure—Standing Committee—Proposal to replace the parliamentary prayer with an invitation to prayer or reflection—Progress report, dated 7 September 2018. [Received 7 September 2018]

References initiated by the Selection of Bills Committee

   Legal and Constitutional Affairs Legislation Committee—
16. Modern Slavery Bill 2018 [Provisions]—Report, dated August 2018, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 24 August 2018]

The Clerk tabled the following documents pursuant to statute:

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

Aged Care Act 1997—User Rights Amendment (Home Care Pricing) Principles 2018 [F2018L01209].

Australian Capital Territory (Planning and Land Management) Act 1988—National Capital Plan – Amendment 90 – Block 5 Section 65 Deakin [F2018L01189].

Banking Act 1959—
Banking exemption No. 2 of 2018 [F2018L01253].  
Banking (prudential standard) determination No. 4 of 2018 – Prudential Standard APS 221 Large Exposures [F2018L01190].


Broadcasting Services Act 1992—
Broadcasting Services (Online Content Service Provider Rules) 2018 [F2018L01203].  
Variation to Licence Area Plan – Bathurst Radio – 2018 (No. 1) [F2018L01201].  
Variation to Licence Area Plan – Newcastle Radio – 2018 (No. 1) [F2018L01200].


Civil Aviation Act 1988—
Civil Aviation Regulations 1988—Number of Cabin Attendants (Alliance Airlines) Direction 2018—CASA 66/18 [F2018L01244].  

Civil Aviation Safety Regulations 1998—
Aerial Application Proficiency Check Instrument 2018—CASA EX104/18 [F2018L01232].  
Aeronautical Experience for NVIS Rating or Endorsement Exemption 2018—CASA EX105/18 [F2018L01219].  
Approved Course of Training (Multi-crew Cooperation) Exemption 2018—CASA EX102/18 [F2018L01226].  
Basic Instrument Flight Training Exemption 2018—CASA EX103/18 [F2018L01233].  
English Language Proficiency Assessments Exemption 2018—CASA EX111/18 [F2018L01214].
Flight Examiner Rating for CAO 82.0 Check Pilots Exemption 2018—CASA EX100/18 [F2018L01228].
Flight Instructors (Training in Principles and Methods of Instruction) Exemption 2018—CASA EX114/18 [F2018L01220].
Flight Reviews Exemption 2018—CASA EX99/18 [F2018L01218].
Foreign Cadet Pilots (Medical Certificate for CPL Flight Test) Exemption 2018—CASA EX101/18 [F2018L01225].
Instrument Proficiency Checks for Aircraft Type Ratings Exemption 2018—CASA EX93/18 [F2018L01216].
Rudder Cables – Inspection/Replacement—AD/STINSON 108/3 [F2018L01268].
Stabilizer Leading Edge Attachment – Inspection—AD/STINSON 108/2 [F2018L01159].
State of Design Airworthiness Directives—AD/STINSON 108/1 [F2018L01153].

Commissioner of Taxation—Public Rulings—
Product Rulings—
Addendum—PR 2018/7.

Corporations Act 2001—
Amendments to Australian Accounting Standards – Reduced Disclosure Requirements—AASB 2018-3 [F2018L01152].
ASIC Corporations (Amendment) Instrument 2018/483 [F2018L01157].

Currency Act 1965—
Currency (Perth Mint) Amendment Determination (No. 3) 2018 [F2018L01174].
Currency (Royal Australian Mint) Determination (No. 5) 2018 [F2018L01202].

Defence Act 1903—Defence Amendment (Oaths and Affirmations) Regulations 2018 [F2018L01252].


Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens – Western Australian Pilbara Fish Trawl Managed Fishery, August 2018—EPBC303DC/SFS/2018/12 [F2018L01158].
Amendment to the lists of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (209) (8 August 2018) [F2018L01187].
Determination that a distinct population of biological entities is a species under section 517 (208) (8 August 2018) [F2018L01186].

List of Specimens taken to be Suitable for Live Import Amendment (Growling Grass Frog) Instrument 2018 [F2018L01259].

Farm Household Support Act 2014—Farm Household Support (Farm Assets Value Limit) Minister’s Rules 2018 [F2018L01204].


Federal Financial Relations Act 2009—
Federal Financial Relations (General Purpose Financial Assistance) Determination No. 111 (June 2018) [F2018L01260].
Federal Financial Relations (General Purpose Financial Assistance) Determination No. 112 (29 June 2018) [F2018L01265].
Federal Financial Relations (General Purpose Financial Assistance) Determination No. 113 (July 2018) [F2018L01266].

Financial Sector (Collection of Data) Act 2001—Financial Sector (Collection of Data) (reporting standard) determination No. 41 of 2018 – ARS 221.0 Large Exposures [F2018L01195].

Food Standards Australia New Zealand Act 1991—
Australia New Zealand Food Standards Code — Schedule 20 — Maximum residue limits Variation Instrument No. APVMA 6, 2018 [F2018L01205].
Food Standards (Application A1144 – Re-categorising Coconut Milk for Food Additive Permissions) Variation [F2018L01146].
Food Standards (Application A1151 – β-Galactosidase from Papiliotrema terrestris as a Processing Aid (Enzyme) Variation [F2018L01147].
Food Standards (Application A1153 – Endo xylanase from Trichoderma reesei as a Processing Aid) Variation [F2018L01148].
Food Standards (Proposal M1015 – Maximum Residue Limits (2017)) Variation [F2018L01151].

Foreign States Immunities Act 1985—
Foreign States Immunities (Emergency Prevention and Management) Regulations 2018 [F2018L01255].
Foreign States Immunities (Taxation) Regulations 2018 [F2018L01256].


Higher Education Support Act 2003—
Higher Education Provider Approval Revocation 2018 [F2018L01191].
Higher Education Support Higher Education Provider Approval Revocation 2018 [F2018L01193].
Other Grants Guidelines (Education) Amendment (No. 1) 2018 [F2018L01172].

Legislation Act 2003—
Legislation (Airport Instruments) Sunset-altering Declaration 2018 [F2018L01210].
Legislation (Deferral of Sunsetting—Bankruptcy Regulations) Certificate 2018 [F2018L01168].
Legislation (Deferral of Sunsetting—Fisheries Administration Regulations) Certificate 2018 [F2018L01227].
Legislation (Deferral of Sunsetting—Imported Food Control Regulations) Certificate 2018 [F2018L01229].
Legislation (Deferral of Sunsetting—Industrial Chemicals (Notification and Assessment) Regulations) Certificate 2018 [F2018L01208].
Legislation (Deferral of Sunsetting—Southern Bluefin Tuna Regulations) Certificate 2018 [F2018L01207].

Migration Act 1958—
Migration Regulations 1994—
Migration (LIN 18/090: Arrangements for Medical Treatment (Visitor) (Class UB) Visa Applications) Instrument 2018—LIN 18/090 [F2018L01194].


National Consumer Credit Protection Act 2009—
ASIC Credit (Amendment) Instrument 2018/665 [F2018L01149].
ASIC Credit (Unsuitability—Credit Cards) Instrument 2018/753 [F2018L01264].
National Health Act 1953—

National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2018 (No. 8)—PB 78 of 2018 [F2018L01212].

National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2018—PB 82 of 2018 [F2018L01181].

National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2018 (No. 7)—PB 77 of 2018 [F2018L01211].

National Health (Listed drugs on F1 or F2) Amendment Determination 2018 (No. 7)—PB 81 of 2018 [F2018L01222].

National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2018 (No. 9)—PB 74 of 2018 [F2018L01223].

National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2018 (No. 2)—PB 80 of 2018 [F2018L01239].


National Health (Weighted average disclosed price – October 2018 reduction day) Amendment Determination 2018—PB 79 of 2018 [F2018L01240].


Offshore Minerals Act 1994—

Offshore Minerals (Exploration Activities) Regulations 2018 [F2018L01248].

Offshore Minerals (Fees) Regulations 2018 [F2018L01245].

Offshore Minerals (Multiple Applications for Exploration or Mining Licences) Regulations 2018 [F2018L01246].


Primary Industries (Customs) Charges Act 1999—Primary Industries (Customs) Charges Amendment (Potatoes and Vegetables) Regulations 2018 [F2018L01236].

Private Health Insurance Act 2007—Private Health Insurance (Prostheses) Rules 2018 (No. 2) [F2018L01213].

Radiocommunications Act 1992—Radiocommunications (Use by Corrective Services NSW of PMTS Jamming Devices at Lithgow Correctional Centre) Exemption Determination 2018 [F2018L01185].

Remuneration Tribunal Act 1973—Remuneration Tribunal Amendment Determination (No. 1) 2018 [F2018L01258].


Therapeutic Goods Act 1989—
Therapeutic Goods (Complementary Medicines—Information that Must Accompany Application for Registration) Determination August 2018 [F2018L01156].
Therapeutic Goods (Complementary Medicines—Information that Must Accompany Application for Section 26AE Listing) Determination August 2018 [F2018L01155].
Therapeutic Goods (OTC Medicines—Information that Must Accompany Application for Registration) Determination August 2018 [F2018L01154].

Veterans’ Entitlements Act 1986—
Amendment Statement of Principles concerning loss of teeth (Balance of Probabilities)—No. 84 of 2018 [F2018L01176].
Amendment Statement of Principles concerning loss of teeth (Reasonable Hypothesis)—No. 83 of 2018 [F2018L01171].
Amendment Statement of Principles concerning motor neurone disease—No. 88 of 2018 [F2018L01198].
Amendment Statement of Principles concerning tooth wear (Balance of Probabilities)—No. 86 of 2018 [F2018L01170].
Amendment Statement of Principles concerning tooth wear (Reasonable Hypothesis)—No. 85 of 2018 [F2018L01169].
Amendment Statements of Principles concerning malignant neoplasm of the breast—
No. 81 of 2018 [F2018L01166].
No. 82 of 2018 [F2018L01167].
Statement of Principles concerning adrenal insufficiency (Balance of Probabilities)—No. 72 of 2018 [F2018L01183].
Statement of Principles concerning adrenal insufficiency (Reasonable Hypothesis)—No. 71 of 2018 [F2018L01182].
Statement of Principles concerning bronchiolitis obliterans organising pneumonia (Balance of Probabilities)—No. 80 of 2018 [F2018L01179].
Statement of Principles concerning bronchiolitis obliterans organising pneumonia (Reasonable Hypothesis)—No. 79 of 2018 [F2018L01178].
Statement of Principles concerning reactive arthritis (Balance of Probabilities)—No. 76 of 2018 [F2018L01165].
Statement of Principles concerning reactive arthritis (Reasonable Hypothesis)—No. 75 of 2018 [F2018L01164].
Statement of Principles concerning scrub typhus (Balance of Probabilities)—No. 78 of 2018 [F2018L01163].
Statement of Principles concerning scrub typhus (Reasonable Hypothesis)—No. 77 of 2018 [F2018L01162].
Statement of Principles concerning sinusitis (Balance of Probabilities)—No. 74 of 2018 [F2018L01177].
Statement of Principles concerning sinusitis (Reasonable Hypothesis)—No. 73 of 2018 [F2018L01175].
Veterans’ Entitlements (Statements of Principles—Category 1B Stressor) Amendment Determination 2018—No. 87 of 2018 [F2018L01188].

The Clerk tabled the following documents pursuant to order:
Entity contracts for 2017–18—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—
  Communications and the Arts portfolio.
  Industry, Innovation and Science portfolio.
  Jobs and Small Business portfolio.
Indexed lists of departmental and agency files for the period 1 January to 30 June 2018—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—
  Australian Public Service Commission.
  Comcare and Seafarers Safety, Rehabilitation and Compensation Authority.
  Department of Jobs and Small Business.
  Fair Work Commission.
  Fair Work Ombudsman.
  Finance portfolio.

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 3.05 pm.
Electoral Matters—Joint Standing Committee—
  private meetings otherwise than in accordance with standing order 33(1), from 9.40 am, for the committee’s inquiry into the 2016 election, on Wednesday, 12 September and Wednesday, 19 September 2018.
  public meeting on Wednesday, 19 September 2018, from 10 am, to take evidence for the committee’s inquiry into the Commonwealth Electoral Amendment (Lowering Voting Age and Increasing Voter Participation) Bill 2018.
Environment and Communications Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 12.55 pm, for the committee’s inquiry into the Telecommunications Legislation Amendment Bill 2018.
Environment and Communications References Committee—public meeting today, from 5.30 pm, to take evidence for the committee’s inquiry into the regulatory framework governing water use.

Legal and Constitutional Affairs Legislation Committee—today—
private meeting otherwise than in accordance with standing order 33(1), from 4 pm.
public meeting, from 4.15 pm, to take evidence for the committee’s inquiry into the Migration (Validation of Port Appointment) Bill 2018.

Legal and Constitutional Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 4 pm.

National Broadband Network—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 12 September 2018, from 4.30 pm.

4 Vacancy in the representation of Queensland—Choice of Larissa Waters

The President informed the Senate of the resignation, on 27 August 2018, of Senator Bartlett and advised that, pursuant to section 21 of the Constitution, he had notified the Governor of Queensland that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:
Vacancy in the representation of Queensland—Letters from—
Senator Bartlett to the President, dated 27 August 2018.
President of the Senate to the Governor of Queensland (His Excellency the Honourable Paul de Jersey, AC), dated 27 August 2018 [copy].

The President further announced that he had received, through the Governor-General, from the Governor of Queensland, a copy of the certificate of the choice by the Legislative Assembly of Queensland of Larissa Waters as a senator to fill the vacancy caused by the resignation of Senator Bartlett.

The President tabled a copy of the certificate as follows:

Government House
Queensland

His Excellency General the Honourable Sir Peter Cosgrove AK, MC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600
Your Excellency

I have the honour to inform you that I, Paul de Jersey AC, the Governor of the State of Queensland in the Commonwealth of Australia, in accordance with the provisions of Section 15 of the Constitution of the Commonwealth of Australia, do hereby certify that Ms Larissa Waters of Pullenvale, Queensland was chosen on the sixth day of September, 2018, by the Legislative Assembly of Queensland to hold the place in the Senate of the Parliament of the Commonwealth, rendered vacant through the resignation of Senator the Honourable Andrew Bartlett.

Yours sincerely,
Paul de Jersey
Governor
10 September 2018.

Senator sworn: Senator Waters, pursuant to the Constitution of the Commonwealth of Australia, made and subscribed the affirmation of allegiance at the table.
5 Temporary chairs of committees
The President tabled warrants, dated 10 September 2018, revoking the warrants nominating Senators Fawcett and Reynolds as temporary chairs of committees, and nominating Senators Hume and McGrath as additional temporary chairs of committees.

6 Ministry, ministerial and party arrangements—Document
The Leader of the Government in the Senate (Senator Cormann) tabled a document showing all members of the Morrison Ministry and ministerial representation, dated 28 August 2018.


7 Private senators’ bills—Consideration
The Minister for Communications and the Arts (Senator Fifield) moved—That the following general business orders of the day be considered today at the time for private senators’ bills:


No. 67 Coal-Fired Power Funding Prohibition Bill 2017.

Question put and passed.

8 Animal Export Legislation Amendment (Ending Long-haul Live Sheep Exports) Bill 2018
Order of the day read for the adjourned debate on the motion of the Leader of Derryn Hinch’s Justice Party (Senator Hinch), also on behalf of Senator Storer—That this bill be now read a second time.

Debate resumed.

Closure: Senator Siewert moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 31

<table>
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<tr>
<th>Senators—</th>
<th>Gallacher</th>
<th>McKim</th>
<th>Steele-John</th>
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<td>Bilyk</td>
<td>Griff</td>
<td>Moore</td>
<td>Storer</td>
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<tr>
<td>Brown</td>
<td>Hanson-Young</td>
<td>Patrick</td>
<td>Urquhart*</td>
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<tr>
<td>Carr</td>
<td>Hinch</td>
<td>Polley</td>
<td>Watts</td>
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<tr>
<td>Chisholm</td>
<td>Keneally</td>
<td>Pratt</td>
<td>Watt</td>
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<tr>
<td>Di Natale</td>
<td>Ketter</td>
<td>Rice</td>
<td>Whish-Wilson</td>
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<tr>
<td>Dodson</td>
<td>Lines</td>
<td>Siewert</td>
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<td>Farrell</td>
<td>McAllister</td>
<td>Singh</td>
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<td>Faruqi</td>
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Question agreed to.
Main question put.
The Senate divided—

**AYES, 31**

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<tr>
<th>Senators—</th>
<th>Fawcett</th>
<th>Gallacher</th>
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<td>Hanson</td>
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<td>Burston</td>
<td>Gichuhi</td>
<td>Hume</td>
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<td>Hume</td>
<td>Leyonhjelm</td>
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<td>Duniam</td>
<td>Leyonhjelm</td>
<td>Payne</td>
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* Tellers

**NOES, 27**

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<th>Senators—</th>
<th>Macdonald</th>
<th>McGraith</th>
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<td>Martin</td>
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<td>McGraith</td>
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<td>McKenzie</td>
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<td>Hanson</td>
<td>Molan</td>
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<td>Paterson</td>
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<td>Duniam</td>
<td>Leyonhjelm</td>
<td>Payne</td>
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* Tellers

Question agreed to.
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, debated.

**Closure:** The Leader of the Australian Greens (Senator Di Natale) moved—that the question be now put.

Question—that the question be now put—put.
The committee divided—

AYES, 31

Senators—

Bilyk
Cameron
Carr
Chisholm
Di Natale
Dodson
Farrell
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter*
Kitching
Lines
McAllister
McKim
Moore
Patrick
Pratt
Rice
Siewert
Smith, David
Sterle
Storer
Urquhart
Waters
Whish-Wilson
Wong

NOES, 28

Senators—

Abetz
Birmingham
Brockman
Burston
Bushby
Canavan
Colbeck
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
Martin
McGrath
McKenzie
Molan
Paterson
Payne
Reynolds
Ryan
Scullion
Seselja
Smith, Dean*
Williams

*Tellers

Question agreed to.
Question—That the bill stand as printed—put and passed.
Bill reported without amendment.

On the motion of Senator Faruqi the report from the committee was adopted.
Senator Faruqi, at the request of Senators Hinch and Storer, moved—That this bill be
now read a third time.
Closure: The Leader of the Opposition in the Senate (Senator Wong) moved—That
the question be now put.
Question—That the question be now put—put.
The Senate divided—

AYES, 31

Senators—

Bilyk
Brown
Cameron
Carr
Chisholm
Di Natale
Dodson
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter*
Lines
McAllister
McKim
Moore
Patrick
Pratt
Rice
Siewert
Smith, David
Sterle
Storer
Urquhart
Waters
Watt
Whish-Wilson
Wong
The Senate divided—

AYES, 31

Senators—

Bilyk
Brown
Cameron
Carr
Chisholm
Di Natale
Dodson
Faruqi

Gallacher
Griff
Hanson—Young
Hinch
Ketter*
Lines
McAllister
McKim

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

Sterle
Storer
Urquhart
Waters
Whish-Wilson
Wong

NOES, 28

Senators—

Abetz
Birmingham
Brockman
Burston
Bushby
Canavan
Colbeck

Duniam
Fawcett
Fierravanti-Wells
Fifield
Gichuhi
Hanson
Hume

Leyonhjelm
Macdonald
Martin
McGrath
McKenzie
Molan
Paterson

Payne
Reynolds
Ryan
Scullion
Seselja
Smith, Dean*
Williams

Question agreed to.

Bill read a third time.

9 Coal-Fired Power Funding Prohibition Bill 2017

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

Debate resumed.

At 12.20 pm: Debate was interrupted while the Leader of Pauline Hanson’s One Nation (Senator Hanson) was speaking.

10 Private Health Insurance Legislation Amendment Bill 2018

A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Amendment (Excess Levels for Private Health Insurance Policies) Bill 2018

Medicare Levy Amendment (Excess Levels for Private Health Insurance Policies) Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for Communications and the Arts (Senator Fifield)—That these bills be now read a second time.
Debate resumed.

Senator Polley moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for putting insurer profits before patients, forcing Australians to either drop their private health insurance, or pay more and more for less and less”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Senators—

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NOES, 31

Senators—

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*Tellers

Question negatived.

The Leader of the Australian Greens (Senator Di Natale) moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government, as a matter of urgency, to refer to the Productivity Commission the matter of whether the private health insurance rebate promotes the economically efficient operation of the health system”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

| Bernardi | Farni | Lines | Rice |
| Cameron | Gallacher | Marshall | Siewert |
| Carr | Griff | McAllister | Smith, David |
| Chisholm | Hanson-Young | McKim | Steele-John |
| Collins | Keneally | Moore | Sterle |
| Di Natale | Ketter* | Patrick | Waters |
| Dodson | Kitching | Polley | Watt |
| Farrell | Leyonhjelm | Pratt | Whish-Wilson |
Question agreed to.
Main question, as amended, put and passed.
Bills read a second time.

After 2 pm—

11 Questions
Questions without notice were answered.

12 Motions to take note of answers
Senator Marshall 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 Gallacher today relating to the Morrison Government.
Debate ensued.
Question put and passed.
Senator Whish-Wilson 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 Whish-Wilson today relating to whaling operations in the Southern Ocean.
Question put and passed.

13 Notices
Senator Polley: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) September is Dementia Awareness Month,
   (ii) the theme for 2018 is ‘Small actions. Big difference’, which highlights the small actions people can take to make a big difference for someone living with dementia, their families and carers,
   (iii) dementia is the leading cause of death for Australian women, and will be the leading cause of all deaths in Australia within the next five years, and
   (iv) there are an estimated 425,416 Australians currently living with dementia and around 250 people are diagnosed each day;
(b) acknowledges:
   (i) Dementia Australia’s Dementia Friends program, which is already transforming the way we think, act and talk about dementia, and
the thousands of Australians, including dementia ambassadors, politicians, businesses, communities and individuals who have already signed up to be a Dementia Friend; and

(c) urges all levels of government to:
   (i) take action to raise awareness of dementia so that people living with dementia remain included, accepted and connected within their own community, and
   (ii) encourage those in their communities to pledge their support by becoming a Dementia Friend. (general business notice of motion no. 1017)

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

(a) notes that:
   (i) 3 to 9 September 2018 was National Stroke Week,
   (ii) stroke is a leading cause of death and disability in Australia,
   (iii) in 2017, there were 56,000 cases of new and recurrent strokes in Australia,
   (iv) the financial cost of stroke in Australia is estimated to be $5 billion per year, and
   (v) more than 80% of strokes can be prevented by reducing risk factors through healthy lifestyle choices;
   (b) urges the Australian Government to ensure appropriate investment in stroke prevention, research and support services; and
   (c) urges all members and senators to help raise awareness of the FAST mnemonic ('Facial drooping, Arm weakness, Speech difficulties and Time to call emergency services') for recognising the symptoms of a stroke, and what to do in the event of a stroke. (general business notice of motion no. 1018)

Senators Singh and Storer: To move on the next day of sitting—That the Senate notes that—

(a) 1 September 2018 was National Wattle Day;
(b) since 1993, the Australian Republic Movement has supported National Wattle Day celebrations throughout Australia;
(c) this year Australians joined together at barbecues across the country to celebrate National Wattle Day, and to rally support for an Australian republic; and
(d) a significant and growing majority of Australians prefer an Australian to be Australia’s Head of State. (general business notice of motion no. 1019)

Senators Hinch, Storer and Waters: To move on the next day of sitting—That the Senate—

(a) recognises:
   (i) the notion that the Federal Government is less prone to corruption than its counterparts is not supported by evidence,
   (ii) that the potential risks for corruption at a national level have increased significantly in recent years due to several factors including, but not limited to, increased government control of information, increased funding needs of political campaigns and the growth of the lobbying industry,
(iii) that these risks are not currently being adequately mitigated through
toffence provisions, public sector standards or supervision by various
regulatory bodies, and
(iv) that, in the most recent Corruption Perceptions Index, Australia was
ranked 13th out of 168 countries;

(b) notes that:
(i) a national independent commission against corruption should be
established,
(ii) this independent commission should be called the National Independent
Commission Against Corruption (NICAC), and
(iii) NICAC should follow the recommendations of Griffith University,
namely, that the national commission act as a peak body through which
all Commonwealth integrity and corruption complaints can be lodged; and

(c) calls on the Federal Government to begin the implementation of NICAC as
soon as possible, so that all Australians can have confidence in the integrity of
their Parliament, government and public institutions. (general business notice of
motion no. 1020)

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) acknowledges Guardian Australia’s ‘Deaths Inside’ database, released in
August 2018, and their reporting on First Nations people’s deaths in custody;
(b) expresses deep concern that there has been no comprehensive monitoring of
deaths in custody since the Royal Commission into Aboriginal Deaths in Custody;
(c) is horrified that there have been 407 deaths of First Nations’ peoples in custody
since the Royal Commission into Aboriginal Deaths in Custody almost 30 years
ago, and that in the past 10 years, 147 First Nations peoples have died in
custody and more than half of those who died had not been convicted of a
crime;
(d) urges the Federal Government to undertake an urgent and public audit of the
recommendations made by the Royal Commission into Aboriginal Deaths in Custody, and make it a priority to implement the outstanding recommendations; and
(e) calls on the Federal Government to show leadership and call an urgent meeting
with the states and territories to develop and commit to an action plan on how
the states, territories and the Commonwealth will address deaths in custody and the
high rates of Aboriginal incarceration. (general business notice of motion no. 1021)

Senator Siewert: To move on 13 November 2018—That the Social Security (Declared
Program Participant) Determination 2018, made under the Social Security Act 1991, be
disallowed [F2018L00777].

Senators Hinch, Faruqi and Storer: To move on the next day of sitting—That the
Senate—
(a) recognises that:
(i) on 10 September 2018, the Senate passed the Animal Export Legislation
Amendment (Ending Long-haul Live Sheep Exports) Bill 2018 – the
vote for the third reading resulted in ayes 31, noes 28, and
(ii) a number of Government MPs have publicly voiced their support for this bill; and

(b) calls on the Morrison Government to:
   (i) allow Government members of the House of Representatives (MPs) to support the procedural motions to bring the Animal Export Legislation Amendment (Ending Long-haul Live Sheep Exports) Bill 2018 on for debate, and
   (ii) give its MPs a conscience vote on this important issue. (general business notice of motion no. 1022)

Senator Bernardi: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to Commonwealth places and services and facial recognition, and for related purposes. Commonwealth Places and Services (Facial Recognition) Bill 2018. (general business notice of motion no. 1023)

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

(a) on Wednesday, 12 September 2018, the business of the Senate notice of motion proposing the disallowance of items 1 and 2 of Schedule 1 of the Great Barrier Reef Marine Park Amendment (Hammerhead Shark) Regulations 2018, standing in the name of Senator Whish-Wilson for that day, be called on no later than 6.15 pm; and

(b) if consideration of the motion listed in paragraph (a) is not concluded at 6.30 pm, the questions on the unresolved motion shall then be put.

The Chair of the Select Committee on the Future of Work and Workers (Senator Watt): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on the Future of Work and Workers be extended to 19 September 2018. (general business notice of motion no. 1024)

Senator Hanson-Young: To move on the next day of sitting—That there be laid on the table by the Minister for Resources and Northern Australia, by no later than 5 pm on 14 September 2018:

(a) all documents relating to the financial and logistical support to facilitate the vote held by the Viliwarinah Yura Aboriginal Corporation on 18 and 19 August 2018 produced since the commencement of the National Radioactive Waste Management Facility site selection process; and

(b) all documents relating to setting up the administrative arrangements between the Australian Electoral Commission, the Flinders Ranges Council and the Department of Industry, Innovation and Science, including the document entitled, 29 May 18 – AEC Contact May 2018, referred to on page 39 of the Flinders Ranges Council Agenda 12 June 2018 – Agenda Reports & Attachments. (general business notice of motion no. 1025)

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

(1) That the Senate notes that, in response to questioning from Senator Patrick, during the additional estimates hearings of the Rural and Regional Affairs and Transport Legislation Committee on cross-portfolio Murray-Darling Basin Plan matters on 25 May 2018, Commonwealth Environmental Water Holder, Ms Jody Swirepik, confirmed that she had received an induction briefing prepared by the Commonwealth Environmental Water Office.
That there be laid on the table by the Minister representing the Minister for the Environment, by no later than 6.30 pm on 14 September 2018, all documents provided to the Commonwealth Environmental Water Holder, Ms Jody Swirepik, as an induction briefing, including its cover brief and all attachments. (general business notice of motion no. 1026)

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

(a) notes that:

(i) the alarming practice of so-called conversion and reparative therapies on LGBTIQ+ people continue in Australia,

(ii) the United Nations Human Rights Commissioner, Amnesty International and a number of religious and community leaders have called for the criminalisation of such practices,

(iii) the conversion movement extends further than formalised therapeutic practices, with gender and sexual orientation change efforts pervading an unknown proportion of religious groups, faith-based organisations, schools and the counselling industry, and

(iv) all LGBTIQ+ people should be able to live and practise faith without pressure to change or suppress their sexual orientation, gender identity or gender expression;

(b) calls on all parliamentarians to:

(i) condemn all forms of gender and sexual orientation change efforts,

(ii) acknowledge the harm that these practices cause to individuals, families and communities, and

(iii) support interventions to stop the broader conversion movement pervading religious groups, faith-based organisations, schools and the counselling industry in implicit ways; and

(c) calls on the Federal Government to legislate for the criminalisation of such practices. (general business notice of motion no. 1027)

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

(a) notes that Virgin Australia has joined Grill’d and many small business operators across Australia by banning all plastic straws and stirrers from their flights and lounges, resulting in an estimated 260,000 plastic straws and 7.5 million plastic stirrers a year removed from operations;

(b) further notes that single-use plastics do significant environmental damage; and

(c) congratulates Virgin Australia for this act of leadership in reducing single-use plastics across their services. (general business notice of motion no. 1028)

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

(a) notes that the International Whaling Commission (IWC) will be meeting in Brazil this week to discuss Japan’s proposal for a partial repeal of a moratorium on commercial whaling that has held since 1985;

(b) further notes that the Government has sent the Assistant Minister for International Development and the Pacific, Senator Ruston, to represent Australia for two days of the IWC; and

(c) calls on the Federal Government to send the Minister for the Environment to Brazil immediately for the final days of the IWC. (general business notice of motion no. 1029)
The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate—

(a) notes that:

(i) on 27 August 2018, the UN-mandated Fact-Finding Mission issued a summary report documenting Myanmar security forces’ abuses against the Rohingya population, including murder, rape and torture, and that these acts amounted to crimes against humanity and war crimes,

(ii) the Fact-Finding Mission also concluded that there was enough evidence to prompt further investigations into whether the crime of genocide was committed, and

(iii) the Fact-Finding Mission determined there was significant evidence to warrant the prosecution of senior military officials, and named six senior commanders, including Myanmar military Supreme Commander, Senior General Min Aung Hlaing and his deputies;

(b) welcomes the fact that the Australian Government supported the establishment of the Fact-Finding Mission on Myanmar;

(c) commends Australian lawyer, Mr Chris Sidoti, for his service as one of the three commissioners of the Fact-Finding Mission; and

(d) in light of the Fact-Finding Mission’s report, calls on the Australian Government to:

(i) impose targeted sanctions on key members of the Myanmar military, starting with the six senior commanders named in the report,

(ii) publicly support a referral of the situation in Myanmar by the United Nations Security Council to the International Criminal Court, and

(iii) immediately suspend all Australian military cooperation with Myanmar, and publicly support a global arms embargo. (general business notice of motion no. 1030)

14 Leave of absence

Senator Bushby, by leave, moved—That leave of absence be granted to the following senators, on account of parliamentary business:

(a) Senator Cash from 10 to 13 September 2018;

(b) Senator O’Sullivan from 10 to 20 September 2018;

(c) Senator Ruston from 10 to 12 September 2018; and

(d) Senator Stoker for 10 and 11 September 2018.

Question put and passed.

Senator Urquhart, by leave, moved—That leave of absence be granted to Senator O’Neill from 10 to 12 September 2018, on account of parliamentary business.

Question put and passed.

15 Postponements

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for 11 September 2018, proposing the disallowance of the Social Security (Parenting payment participation requirements – classes of persons) Instrument 2018 (No. 1), postponed till 12 September 2018.

Business of the Senate notices of motion nos 1 and 2 standing in the name of Senator Siewert for 19 September 2018, proposing the disallowance of instruments made under the Social Security (Administration) Act 1999, postponed till 17 October 2018.

16 Committees—Extensions of time to report
The following committees were granted extensions of time to report:

Economics References Committee—Financial and tax practices of for-profit aged care providers, extended to 27 November 2018.

Legal and Constitutional Affairs Legislation Committee—Migration (Validation of Port Appointment) Bill 2018, extended to 12 September 2018

Procedure—Standing Committee—Proposed amendments to standing order 50, extended to 13 September 2018.

17 Slavery
Senator Urquhart, at the request of Senator Moore and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1014—

That the Senate—

(a) notes:

(i) that 23 August 2018 was the United Nations Educational, Scientific and Cultural Organization’s International Day for the Remembrance of the Slave Trade and its Abolition – the day intends to inscribe the tragedy of the slave trade in the memory of all,

(ii) that, on 23 August 1791, a group of enslaved men and women in the western part of Santo Domingo, which is now Haiti, began an uprising – this uprising conveyed a universal demand for human freedom and played a critical role in the abolition of the transatlantic slave trade,

(iii) United Nations General Assembly Resolution 68/237 proclaiming the International Decade for People of African Descent, spanning from 2015 to 2024 – this resolution is aiming to eradicate racial discrimination,

(iv) Australia’s commitment to the Sustainable Development Goals, in particular SDG10, which calls for reduced inequalities within and among countries, and

(v) that the Australian Parliament is currently considering an Act to address modern slavery; and

(b) acknowledges:

(i) the opportunity to remember the causes, methods and consequences of the transatlantic slave trade, and

(ii) the importance of preventing racism, injustice and discrimination in all its forms to ensure that all persons are availed equal rights.

Question put and passed.
18 Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1016—That the following bill be introduced:

A Bill for an Act to amend the law relating to social services, and for related purposes.

Question put and passed.

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

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

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

19 Container deposit schemes

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1015—That the Senate—

(a) notes:

(i) that South Australia, the Northern Territory, New South Wales and the Australian Capital Territory all have a container deposit system in place,

(ii) that Queensland’s container deposit scheme will come into place on 1 November 2018,

(iii) that Western Australia is planning to implement a container deposit scheme in 2020,

(iv) that South Australia has had a container deposit scheme in place for decades, and has continuously had the highest rate of beverage container recycling in the country, and

(v) the recommendation contained in the report of the Environment and Communications References Committee on the waste and recycling industry in Australia, calling for a nationwide container deposit scheme; and

(b) calls on the Victorian and the Tasmanian governments to introduce a container deposit scheme.

Statements by leave: Senator Whish-Wilson and the Minister for Communications and the Arts (Senator Fifield), by leave, made statements relating to the motion.

Question put and passed.
20 Discussion of matter of public importance—Electricity prices
The Deputy President (Senator Lines) informed the Senate that the following matter of public importance submitted by Senator Bernardi under standing order 75 had been selected for discussion today:

The need for the Government to take immediate and meaningful steps to reduce electricity prices for all Australians.

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

21 Documents—Consideration
Documents tabled earlier today (see entry no. 2) were considered as follows:

Motion to take note of documents no. 11 moved by Senator McAllister.
Consideration to resume on Thursday at general business.

22 Department of Human Services—Child support system upgrade—Order for production of documents—Documents
The Assistant Minister for Defence (Senator Fawcett) tabled the following documents:
Department of Human Services—Child support system upgrade—Order of 21 August 2018—Letter to the President of the Senate from the Minister for Communications and the Arts (Senator Fifield), dated 10 September 2018, and attachment, as follows—
Letter to the President of the Senate from the Minister for Human Services and Digital Transformation (Mr Keenan), responding to the order and raising public interest immunity claims.

23 Great Barrier Reef Foundation—Grant—Order for production of documents—Documents
The Assistant Minister for Defence (Senator Fawcett) tabled the following documents:
Great Barrier Reef Foundation—Grant—Order of 21 August 2018—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 10 September 2018, responding to the order and raising public interest immunity claim, and attachments.

24 Great Barrier Reef Foundation—Order for production of documents—Document
The Assistant Minister for Defence (Senator Fawcett) tabled the following document:
Great Barrier Reef Foundation—Order of 15 August 2018—Letter to the President of the Senate from the Minister for Industry, Science and Technology (Mrs KL Andrews), dated 10 September 2018, responding to the order.

25 Committee membership
The Acting Deputy President (Senator Sterle) informed the Senate that the President had received a letter requesting changes in the membership of committees.

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

Appropriations, Staffing and Security—Standing Committee—
Discharged—Senators Birmingham and Fawcett
Appointed—Senators Fifield and McGrath

Charity Fundraising in the 21st Century—Select Committee—
Appointed—Participating members: Senators Fierravanti-Wells and McGrath
Community Affairs Legislation and References Committees—
   Discharged—
     Senator Brockman
     Participating member: Senator Gichuhi
   Appointed—
     Senator Gichuhi
     Participating members: Senators Brockman, Fierravanti-Wells and McGrath

Economics Legislation and References Committees—
   Appointed—Participating members: Senators Fierravanti-Wells and McGrath

Education and Employment Legislation and References Committees—
   Discharged—
     Senator Gichuhi
     Participating member: Senator Brockman
   Appointed—
     Senator Brockman
     Participating members: Senators Fierravanti-Wells, Gichuhi and McGrath

Electric Vehicles—Select Committee—
   Appointed—Participating members: Senators Fierravanti-Wells and McGrath

Electoral Matters—Joint Standing Committee—
   Discharged—Senator Reynolds
   Appointed—
     Senator McGrath
     Participating member [for the committee’s inquiry into the 2016 election]:
     Senator Fierravanti-Wells

Environment and Communications Legislation and References Committees—
   Appointed—Participating members: Senators Fierravanti-Wells and McGrath

Finance and Public Administration Legislation and References Committees—
   Appointed—Participating members: Senators Fierravanti-Wells and McGrath

Foreign Affairs, Defence and Trade—Joint Standing Committee—
   Discharged—Senators Fawcett and Reynolds
   Appointed—Senators Abetz and Fierravanti-Wells

Foreign Affairs, Defence and Trade Legislation Committee—
   Discharged—Senators Fawcett and Reynolds
   Appointed—Senators Fierravanti-Wells and McGrath

Foreign Affairs, Defence and Trade References Committee—
   Discharged—
     Senators Fawcett and Reynolds
     Participating member: Senator Abetz
   Appointed—
     Senators Abetz and McGrath
     Participating member: Senator Fierravanti-Wells

Future of Work and Workers—Select Committee—
   Appointed—Participating members: Senators Fierravanti-Wells and McGrath

House—Standing Committee—
   Discharged—Senator Fawcett
   Appointed—Senator Dean Smith
Law Enforcement—Joint Statutory Committee—
  Discharged—Senator Colbeck
  Appointed—Senator Hume
Legal and Constitutional Affairs Legislation and References Committees—
  Appointed—Participating members: Senators Fierravanti-Wells and McGrath
National Broadband Network—Joint Standing Committee—
  Appointed—Participating members: Senators Fierravanti-Wells and McGrath
Obesity epidemic in Australia—Select Committee—
  Discharged—Senator Colbeck
  Appointed—Senator Stoker
  Participating members: Senators Fierravanti-Wells and McGrath
Privileges—Standing Committee—
  Discharged—Senator Colbeck
  Appointed—Senator Fierravanti-Wells
Procedure—Standing Committee—
  Discharged—Senators Birmingham and Dean Smith
  Appointed—Senators Hume and Fifield
Publications—Standing Committee—
  Discharged—Senator Reynolds
  Appointed—Senator Fierravanti-Wells
Red Tape—Select Committee—
  Appointed—Participating members: Senators Fierravanti-Wells and McGrath
Royal Commission into Institutional Responses to Child Sexual Abuse—Joint Select Committee—
  Appointed—Participating members: Senators Fierravanti-Wells and McGrath
Rural and Regional Affairs and Transport Legislation Committee—
  Discharged—Senator Colbeck
  Appointed—Senator McGrath
  Participating member: Senator Fierravanti-Wells
Rural and Regional Affairs and Transport References Committee—
  Appointed—Participating members: Senators Fierravanti-Wells and McGrath
Selection of Bills—Standing Committee—
  Discharged—Senators Birmingham and Fawcett
  Appointed—Senators Fifield and Dean Smith
Senators’ Interests—Standing Committee—
  Discharged—Senator Colbeck
  Appointed—Senator McGrath
Stillbirth Research and Education—Select Committee—
  Appointed—Participating members: Senators Fierravanti-Wells and McGrath
Trade and Investment Growth—Joint Standing Committee—
  Discharged—Senator Colbeck
  Appointed—Senator Martin
Treaties—Joint Standing Committee—
Discharged—Senator Fawcett
Appointed—Senator McGrath.
Question put and passed.

26 Education and Other Legislation Amendment (VET Student Loan Debt Separation) Bill 2018
Student Loans (Overseas Debtors Repayment Levy) Amendment Bill 2018
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 460, dated 23 August 2018—A Bill for an Act to separate VET student loan debts from HELP debts, and for other purposes.
Message no. 458, dated 22 August 2018—A Bill for an Act to amend the Student Loans (Overseas Debtors Repayment Levy) Act 2015, and for related purposes.
The Assistant Minister for Defence (Senator Fawcett) 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 Fawcett moved—that these bills be now read a second time.
Explanatory memorandum: Senator Fawcett tabled a revised explanatory memorandum relating to the Education and Other Legislation Amendment (VET Student Loan Debt Separation) Bill 2018.
On the motion of Senator Fawcett the debate was adjourned till the next day of sitting.

27 Governor-General’s messages—Assent to laws
Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:
24 August 2018—Messages nos—
32—
Counter-Terrorism Legislation Amendment Act (No. 1) 2018 (Act no. 74, 2018)
Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2018 (Act no. 75, 2018)
33—
Legislation Amendment (Sunsetting Review and Other Measures) Act 2018 (Act no. 78, 2018)
34—Public Sector Superannuation Legislation Amendment Act 2018 (Act no. 80, 2018).
35—
Treasury Laws Amendment (APRA Governance) Act 2018 (Act no. 81, 2018)
Treasury Laws Amendment (Illicit Tobacco Offences) Act 2018 (Act no. 82, 2018)
Treasury Laws Amendment (Tax Integrity and Other Measures No. 2) Act 2018 (Act no. 84, 2018).

36—
Underwater Cultural Heritage Act 2018 (Act no. 85, 2018)


31 August 2018—Messages nos—

38—
Biosecurity Legislation Amendment (Miscellaneous Measures) Act 2018 (Act no. 88, 2018)
Customs Amendment (Illicit Tobacco Offences) Act 2018 (Act no. 89, 2018).

39—
Migration and Other Legislation Amendment (Enhanced Integrity) Act 2018 (Act no. 90, 2018)
Primary Industries Levies and Charges Collection Amendment Act 2018 (Act no. 91, 2018)
Space Activities Amendment (Launches and Returns) Act 2018 (Act no. 92, 2018).

40—

41—
Broadcasting Legislation Amendment (Foreign Media Ownership, Community Radio and Other Measures) Act 2018 (Act no. 95, 2018)
Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018 (Act no. 96, 2018)

28 Environment and Communications Legislation Committee—Report—Telecommunications Legislation Amendment Bill 2018

Pursuant to order, Senator Williams, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Duniam), tabled the following report and documents:

In the committee

Bills taken together and as a whole by leave.

Question—That the Private Health Insurance Legislation Amendment Bill 2018 stand as printed—divided, at the request of the Leader of the Australian Greens (Senator Di Natale), in respect of Schedules 1 and 2.

Explanatory memorandum: The Minister for Indigenous Affairs (Senator Scullion) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the Private Health Insurance Legislation Amendment Bill 2018.

Schedules debated and agreed to.

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

**Private Health Insurance Legislation Amendment Bill 2018:**

Clause 2, page 2 (table item 3), omit the table item, substitute:
3. Schedule 3 The day after this Act receives the Royal Assent.

Schedule 3, item 4, page 10 (after line 6), after subsection 20ZHA(1), insert:

(1A) Before entering the place, the Private Health Insurance Ombudsman must give the occupier of the place at least 48 hours’ written notice of the Private Health Insurance Ombudsman’s intention to enter the place.

Schedule 3, items 6 and 7, page 11 (lines 28 to 32), omit the items, substitute:

**6 Subsection 34(2C)**

Omit “to a member of staff mentioned in section 31 all or any of his or her powers or functions under this Act, other than his or her powers under section 20R and 20V”, substitute “all or any of the Private Health Insurance Ombudsman’s functions or powers under this Act (other than those under section 20R, paragraph 20SB(4)(b) and section 20V) to a person whom the Private Health Insurance Ombudsman considers has expertise appropriate to the function or power delegated”.

Schedule 3, item 8, page 12 (line 4), omit “1 July 2018”, substitute “the day this item commences”.

Schedule 3, item 9, page 12 (line 7), omit “1 July 2018”, substitute “the day this item commences”.

The Private Health Insurance Legislation Amendment Bill 2018, as amended, agreed to and reported with amendments, and the remaining bills agreed to and reported without amendments.
On the motion of Senator Scullion the report from the committee was adopted and the bills read a third time.

30 Aged Care (Single Quality Framework) Reform Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for Communications and the Arts (Senator Fifield)—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, debated.

The Leader of Derryn Hinch’s Justice Party (Senator Hinch) moved the following amendments together by leave:

Clause 2, page 2 (table item 1), omit the table item, substitute:

1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table.

2. Schedule 1, The day the Act receives the Royal Assent.

3. Schedule 2, The day after this Act receives the Royal Assent.

Schedule 1, item 10, page 4 (line 19), omit “Act”, substitute “Schedule”.

Page 4 (after line 28), at the end of the bill, add:

Schedule 2—Further amendments

Aged Care Act 1997

1 Paragraph 54-1(1)(b)

Repeal the paragraph, substitute:

(b) to maintain an adequate and safe ratio of appropriately skilled staff to care recipients, to ensure that the care needs of care recipients are met;

2 At the end of section 54-1

Add:

(3) For the purposes of paragraph (1)(b), the ratio of appropriately skilled staff to care recipients is an adequate and safe ratio if, for aged care provided by an approved provider at a particular time, the ratio of appropriately skilled staff to care recipients is equal to or greater than
the minimum ratio required to be provided by the Quality of Care Principles for:
(a) the number of care recipients receiving care through the aged care service at that time; and
(b) the type of care and level of care provided.

3 At the end of Division 54 of Part 4.1
Add:

54-6 Staff to Care Recipient Ratio Standards

(1) The Quality of Care Principles must set out Staff to Care Recipient Ratio Standards. Staff to Care Recipient Ratio Standards are standards for quality of care and quality of life for the provision of aged care.

(2) The Staff to Care Recipient Ratio Standards must set out the minimum ratio of appropriately skilled staff to care recipients required to provide care at an aged care service at a particular time taking into account:
(a) the number of recipients receiving care at that time; and
(b) the type of care provided; and
(c) the level of care provided.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 13

Di Natale
Faruqi
Griff
Hanson-Young
Hinch
McKim
Patrick

Rice
Siewert*
Steele-John

Storer
Waters
Whish-Wilson

NOES, 33

Abetz
Bernardi
Birmingham
Brockman
Burston
Bushby
Chisholm
Colbeck
Duniam

Fawcett
Fierravanti-Wells
Gallacher
Gichuhí
Hanson
Hume
Leyonhjelm
Macdonald

Martin*
McAllister*
McCarthy
McGrath
Molan
Moore
Molander
Payne

Polley
Pratt
Reynolds
Singh
Smith, David
Smith, Dean
Sterle
Williams

*Tellers

Question negatived.

Bill further debated, agreed to and reported without amendment.

On the motion of the Assistant Minister for Home Affairs (Senator Reynolds) the report from the committee was adopted and the bill read a third time.
31 Therapeutic Goods Amendment (2018 Measures No. 1) Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for Communications and the Arts (Senator Fifield)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Assistant Minister for Treasury and Finance (Senator Seselja) the bill was read a third time.

32 Health Insurance (Approved Pathology Specimen Collection Centres) Tax Amendment Bill 2018

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

Debate resumed.

Explanatory memorandum: The Assistant Minister for Treasury and Finance (Senator Seselja) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

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.

On the motion of Senator Seselja the following amendment was debated and agreed to:

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

2. Schedule 1 The later of:
   (a) 1 December 2018; and
   (b) the day after this Act receives the Royal Assent.

Bill, as amended, agreed to and reported with an amendment.

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

33 Imported Food Control Amendment Bill 2017

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

Debate resumed.

At 9.50 pm: Debate was interrupted while Senator Williams was speaking.
34 Adjournment
The Acting Deputy President (Senator Ketter) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.07 pm till Tuesday, 11 September 2018 at midday.

35 Attendance

RICHARD PYE
Clerk of the Senate