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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.

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

Documents presented by the President
Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015—Remonstrances from—
1. Legislative Assembly for the Australian Capital Territory [agreed to on 16 August 2018].
2. Legislative Assembly of the Northern Territory [agreed to on 23 August 2018].
3. Vacancy in the representation of Queensland—Certificate of the choice by the Legislative Assembly of Queensland of Ms Larissa Waters, dated 10 September 2018 [original].

Committee report presented out of sitting
The following report and documents were presented and authorised for publication on 14 September 2018 pursuant to standing order 38(7)(a):

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.]

Therapeutic Goods Act 1989—Medical Device Standards Order (Endotoxin Requirements for Medical Devices) 2018 [F2018L01280].
The Clerk tabled the following documents pursuant to order:

- Indexed lists of departmental and agency files for the period 1 January to 30 June 2018—Statement of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Environment and Energy portfolio.

3 Committees—Leave to meet during sittings

Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

- Future of Work and Workers—Select Committee—Tuesday, 18 September 2018, from 1 pm.
- Human Rights—Joint Statutory Committee—today, from 5.30 pm.
- Legal and Constitutional Affairs References Committee—today, from 11 am.
- National Broadband Network—Joint Standing Committee—Wednesday, 19 September 2018, from 4.30 pm.
- Rural and Regional Affairs and Transport References Committee—Wednesday, 19 September 2018, from 3 pm.

4 Future Submarine Project—Final cost estimate template—Order for production of documents—Explanation

Pursuant to order (see entry no. 22, 22 August 2018), the Minister for Foreign Affairs (Senator Payne) provided an explanation relating to an order for the production of documents concerning the Future Submarine Competitive Evaluation Process.

Senator Patrick moved—that the Senate take note of the explanation.

Debate ensued.

Question put and passed.

Senator Patrick, by leave, moved—that, until such time as the Senate by resolution is satisfied that the order for the production of documents relating to the submarine project (no. 862) has been complied with, the Minister representing the Minister for Defence Industry shall be prohibited from sitting in the front bench seats reserved for Ministers and be allocated a seat by the President in another seat.

Question put.

The Senate divided—

AYES, 15

Senators—

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No. 118—17 September 2018

NOES, 37

Senators—

Abetz
Anning
Bilyk
Birmingham
Brockman
Burston
Bushby
Cameron
Carr
Colbeck

Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Hinch
Hume
Keneally

Ketter*
Marshall
McAllister
McCarthy
Molan
Moore
Paterson
Payne
Pratt

Reynolds
Ruston
Ryan
Smith, David
Smith, Dean
Stoker
Storer
Urquhart
Watt

* Tellers

Question negatived.

5 Productivity Commission Amendment (Addressing Inequality) Bill 2017

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

That this bill be now read a second time.

Debate resumed.

At 12.20 pm: Debate was interrupted while Senator Dean Smith was speaking.

6 Consideration of legislation

The Assistant Minister for Treasury and Finance (Senator Seselja), by leave, moved—

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the

Tobacco Plain Packaging Amendment Bill 2018, allowing it to be considered during

this period of sittings.

Document: Senator Seselja tabled the following document:

Consideration of legislation—Statement of reasons for introduction and

passage of the Tobacco Plain Packaging Amendment Bill 2018 in the 2018

spring sittings.

Question put and passed.

7 Treasury Laws Amendment (Black Economy Taskforce Measures No. 1)

Bill 2018

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

read a second time—and on the amendment moved by Senator Whish-Wilson:

At the end of the motion, add “but the Senate:

(a) notes that:

(i) the explanatory memorandum to the Anti-Money Laundering and

Counter-Terrorism Financing Bill 2006 forecast a second tranche of

legislation that would regulate real estate agents, jewellers, and a

range of non-financial transactions provided by accountants and

lawyers,

(ii) in April 2016, the Government released the statutory review of the

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

that contained a recommendation for the Government to develop

options for regulating lawyers, conveyancers, accountants,

high-value dealers, real estate agents and trust and company service

providers under the Act,
(iii) the Government commenced consultation on the regulation of lawyers, conveyancers, accountants, high-value dealers, real estate agents and trust and company service providers under the Act, and submissions to this consultation closed in January 2017.

(iv) the Financial Action Task Force’s April 2015 Mutual Evaluation Report on Australia’s measures to combat money laundering and terrorist financing stated that Australia is an attractive destination for foreign proceeds of crime, particularly corruption-related proceeds flowing into real estate, and

(v) the December 2017 OECD Phase 4 Report on Australia’s implementation of the OECD Anti-Bribery Convention recommended that Australia address the risk that the real estate sector could be used to launder the proceeds of foreign bribery; and

(b) calls on the Government to introduce legislation that would address money laundering through real estate”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

Bilyk  Gallacher  McCarthy  Siewert
Brown  Griff  McKim  Singh
Carr  Hanson-Young  Moore  Smith, David
Chisholm  Hinch  O’Neill  Steele-John
Di Natale  Keneally  Patrick  Urquhart*
Dodson  Ketter  Polley  Waters
Farrell  Marshall  Pratt  Watt
Faruqi  McAllister  Rice  Whish-Wilson

NOES, 29

Senators—

Abetz  Fieravanti-Wells  Macdonald  Ruston
Anning  Fifield  Martin  Ryan
Birmingham  Georgiou  McKenzie  Scullion
Bushby  Gichuhi  Molan  Seselja
Cash  Hanson  Paterson  Smith, Dean
Colbeck  Hume  Payne  Stoker
Duniam  Leyonhjelm  Reynolds  Williams*
Fawcett

* Tellers

Question agreed to.

Main question, as amended, 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 amendment:

Page 2 (after line 11), after clause 3, insert:

4 Review of operation of amendments

(1) The Minister must cause a review of the operation of the amendments made by Schedule 1 of this Act.

(2) The review must start as soon as practicable after 2 years after Royal Assent.

(3) The Minister must cause a written report about the review to be prepared.

(4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.

(5) The report is not a legislative instrument.

Debate ensued.

Closure: Senator Cameron moved—that the question be now put.

Question—that the question be now put—put.

The committee divided—

AYES, 38

Senators—

Anning
Bernardi
Bilyk
Brown
Cameron
Carr
Chisholm
Collins
Di Natale
Dodson
Farrell
Faruqi
Gallacher
Georgiou
Hanson
Hanson-Young
Hinch
Keneally
Ketter*
Leyonhjelm
Marshall
McAllister
McCarthy
McKim
Moore
O’Neill
Polley
Pratt
Rice
Siewert
Singh
Smith, David
Steele-John
Storer
Urquhart
Waters
Whish-Wilson

NOES, 30

Senators—

Abetz
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gichuhi
Griff
Hume*
Macdonald
Martin
McKenzie
Molan
Paterson
Patrick
Payne
Reynolds
Ruston
Ryan
Scullion
Seselja
Smith, Dean
Stoker
Williams

*Tellers

Question agreed to.

Question—that the amendment be agreed to—put and passed.

Bill, as amended, debated.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Marshall) reported progress.
Opposition Deputy Whip—Appointment

The Leader of the Opposition in the Senate (Senator Wong), by leave, informed the Senate of the appointment of Senator Watt as Opposition Deputy Whip.

Questions

Questions without notice were answered.

Document: The Minister for Finance and the Public Service (Senator Cormann) tabled the following document:

Aged care—Article by Bernard Keane from news website Crikey, ‘Morrison is right on aged care funding: reports of cuts are fiction’, dated 17 September 2018.

Further questions without notice were answered.

Motions to take note of answers

Senator Polley moved—that the Senate take note of the answers given by the Minister for Indigenous Affairs (Senator Scullion) to questions without notice asked by Opposition senators today relating to aged care funding. Debate ensued.

Question put and passed.

Senator Steele-John 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 Steele-John today relating to the abuse and neglect of people with disability.

Question put and passed.

Notices

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams): To move 15 sitting days after today—

No. 1—that the Australian Radiation Protection and Nuclear Safety Amendment (2018 Measures No. 1) Regulations 2018, made under the Australian Radiation Protection and Nuclear Safety Act 1998, be disallowed [F2018L00850].

No. 2—that the Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment (2018 Measures No. 1) Regulations 2018, made under the Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998, be disallowed [F2018L00851].

No. 3—that the Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 2) Regulations 2018, made under the Financial Framework (Supplementary Powers) Act 1997, be disallowed [F2018L00839].

No. 4—that the Financial Framework (Supplementary Powers) Amendment (Foreign Affairs and Trade Measures No. 1) Regulations 2018, made under the Financial Framework (Supplementary Powers) Act 1997, be disallowed [F2018L00841].
Senator Anning: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the past comments made by Minister Dutton supporting the plight of the white South African farmers and suggesting that they be given priority for humanitarian visas, and
   (ii) Australia’s acceptance of an additional 12,000 Syrian and Iraqi refugees between 2015 and 2017 to address displacement caused by the Syrian civil war and the fight against Islamic State;
(b) recognises the current situation of white South Africans is dire as a result of state-sanctioned persecution, resulting in racially motivated murders;
(c) as a matter of principle, strongly condemns any and all calls for the killing, marginalisation, persecution, victimisation and targeting of any racial minority group in the Republic of South Africa by any of its officials, past or present; and
(d) calls on the Government to immediately implement a humanitarian visa program, similar to the Syrian visas, for white South Africans. (general business notice of motion no. 1062)

Senator Anning: To move on the next day of sitting—That the Senate—
(a) notes that Australians are increasingly fearful of the violent thuggish behaviour seen running rampant, particularly on the streets of Melbourne;
(b) recognises that the tough job our police force have will only get more burdensome as our social cohesion breaks down due to massive third world immigration;
(c) recognises the right to self-defence as an inalienable right, which should not be limited or curtailed by government intervention; and
(d) supports in principle ‘Stand Your Ground’ self-defence laws which:
   (i) remove the duty to retreat, and
   (ii) presumes that the defendant had genuine fear for their life. (general business notice of motion no. 1063)

Senators Wong, McAllister and Singh: To move on 20 September 2018—That the Senate—
(a) welcomes the arrival of the Nobel Peace Ride to Canberra at the end of its 900 km bicycle journey from Melbourne;
(b) notes that the ride is touring the Nobel Peace Prize medal awarded to the International Campaign Against Nuclear Weapons (ICAN), and raising awareness of the United Nations Treaty on the Prohibition of Nuclear Weapons;
(c) acknowledges that civil society and non-government organisations in Australia and internationally, who form the global movement to secure a ban on nuclear weapons, including ICAN, do important work; and
(d) recognises that, as a non-nuclear armed nation and a good international citizen, Australia can make a significant contribution to promoting disarmament, the reduction of nuclear stockpiles, and the responsible use of nuclear technology, and has historically done so, including through the Canberra Commission in 1995 and the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND). (general business notice of motion no. 1064)
Senators Steele-John and Siewert: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) on 16 September 2018, the Prime Minister announced a royal commission into Australia’s aged care system, ahead of the Australian Broadcasting Corporation’s Four Corners report on the treatment of older Australians in aged care homes,
   (ii) the media has extensively reported on violence, abuse, and neglect against people with disability,
   (iii) the Community Affairs References Committee held an inquiry into violence, abuse, and neglect against people with disability in institutional and residential settings during the 44th Parliament,
   (iv) on 25 November 2015, the Community Affairs References Committee tabled its report containing 30 recommendations, the headline recommendation calling for a royal commission into the issue,
   (v) on 2 March 2017, the Government responded to the recommendations in this report, where it refused to commit to a royal commission,
   (vi) in May 2017, more than 120 academics from around Australia signed an open letter urging the Prime Minister to act on the headline recommendation of the Senate inquiry, and a civil society statement from Disabled People’s Organisations Australia, and endorsed by 163 organisations and groups and over 380 individuals, called for a royal commission, and
   (vii) on 4 December 2018, the Senate passed a motion calling on the Government to reconsider its decision and commit to a royal commission into violence, abuse, and neglect of people with disability in institutional and residential settings; and

(b) calls on the Government to extend the Royal Commission into Aged Care Quality and Safety to include violence, abuse, and neglect against people with disability in institutional and residential settings. (general business notice of motion no. 1065)

Senator Patrick: To move on the next day of sitting—That the Senate directs that the Legal and Constitutional Affairs Legislation Committee, in relation to its inquiry into the provisions of the Federal Circuit and Family Court of Australia Bill 2018 and a related bill, must only conduct public hearings after submissions to the inquiry have closed on 23 November 2018 and before 15 April 2019. (general business notice of motion no. 1066)

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

(a) acknowledges that the Government’s recent announcement of a royal commission into aged care is a necessary and appropriate response to evidence of systemic problems within the sector;

(b) notes that:
   (i) since 2009 there have been 10 federal inquiries into the aged care sector, as well as a number of state parliamentary inquiries,
   (ii) reports have consistently recommended increasing staffing levels to ensure that there are enough nurses and other qualified professionals on duty to provide a minimum standard of care,
international research suggests that higher registered nurse staffing levels, higher total staffing levels and a high skills mix (ratio of registered nurses to other nursing staff) are associated with better quality care, and

as it stands, the Department of Health’s published list of anticipated terms of reference for the upcoming royal commission does not mention staffing levels; and

calls on the Government to:

(i) amend existing accreditation standards to include a requirement for providers of aged care services to publish their staff-to-resident ratios in the interests of greater transparency, and

(ii) include in the royal commission’s terms of reference a direction to examine the impact of staffing levels on quality of care. 

Senators O’Neill, Ketter and Di Natale: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that the fear of insurance implications has been shown to deter the uptake of potentially life-saving clinical genetic testing and research participation,

(ii) the unanimous report into the life insurance industry tabled by the Parliamentary Joint Committee on Corporations and Financial Services on 27 March 2018, which revealed that genetic data is not presently sufficiently accurate or reliable, particularly in relation to the increasingly popular direct to consumer genetic testing, for a duty to disclose to be appropriate,

(iii) that the Committee was unanimously of the view that a ban on the use of predictive genetic test results in life insurance underwriting be implemented, at least in the medium term, in a form similar to the United Kingdom moratorium,

(iv) that there are concerns that the current self-regulation model applied to use of genetic data by the life insurance industry is conflicted and a co-regulatory approach would strike an appropriate balance between safeguarding against the improper use of genetic information by the life insurance industry, while still allowing it to operate efficiently,

(v) that the Government was due to respond to the unanimous report three months after it was tabled, and

(vi) that the Government is yet to respond to the unanimous report; and

(b) calls on the Government to respond to the report, particularly around genetic information. 

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

(a) notes that:

(i) the Newstart payment has barely increased in real terms in the past 24 years,

(ii) nearly half of Newstart recipients have been on their respective payments for at least two years, and more than 15% for at least five years,
(iii) the Business Council of Australia has stated that ‘we need a robust and targeted welfare safety net that ensures displaced workers don’t fall into poverty while finding their feet. This could include increasing the inadequate Newstart allowance’, and

(iv) a report released in September 2018 by Deloitte Access Economics, commissioned by the Australian Council of Social Service, found that increasing a range of allowance payments, including Newstart, by $75 a week would:

(A) increase the size of the economy by $4 billion a year from an initial injection of $3.3 billion a year, this being a conservative appraisal of the size and life of the prosperity dividend flowing from the increase,

(B) see the lowest quintile receive 28 times the relative boost to its disposable incomes, providing a tightly targeted fairness impact, with the bulk of relative improvements in disposal incomes overwhelmingly going to Australia’s lowest income families, and

(C) increase regional income per head to the least well-off districts across Australia, meaning that regional communities most in need of help would receive it; and

(b) urges the Government to immediately increase Newstart by $75 a week to generate the above prosperity and fairness impacts. (general business notice of motion no. 1069)

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

(a) notes that the International Whaling Commission (IWC) has rejected Japan’s bid to overturn a long-standing ban on commercial whaling;

(b) notes further that Japan has threatened to withdraw from the IWC and indicated its intention to continue hunting for ‘scientific’ purposes; and

(c) calls on the Government to:

(i) commit to sending a vessel to patrol the Southern Ocean this summer, and

(ii) investigate Australia’s legal options in the International Court of Justice. (general business notice of motion no. 1070)

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

(a) notes:

(i) that, on 17 September 2018, the Guardian Australia launched a series of damning articles about the practices of lobbyists in the Australian Parliament,

(ii) that the article states that ‘Big business is gaining almost unfettered access to the corridors of Australia’s Parliament owing to an oversight regime that is weak, unenforced, opaque and unable to keep track of the revolving door between lobbying and government’, and
(iii) high profile cases, such as former Resources Minister Mr Ian MacFarlane taking up a job as head of the Queensland Resources Council almost immediately after quitting politics, and Mr Bruce Billson, former Minister for Small Business, being employed by the Franchise Council of Australia (FCA) in March 2016, before actually leaving the Parliament; and

(b) calls on the Government to

(i) urgently tighten the ministerial code of conduct to preclude ministers from taking up jobs as lobbyists within 5 years of leaving Parliament, and

(ii) ensure that meaningful penalties are put in place for former ministers who breach the code of conduct. (general business notice of motion no. 1071)

The Assistant Minister for International Development and the Pacific (Senator Ruston): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Treasury Laws Amendment (Supporting Australian Farmers) Bill 2018, allowing it to be considered during this period of sittings.

Document: Senator Ruston tabled the following document:
Consideration of legislation—Statement of reasons for introduction and passage of the bill in the 2018 spring sittings.

Notice of motion withdrawn: Senator Leyonhjelm withdrew general business notice of motion no. 1058 standing in his name for today, relating to the establishment of marine parks in New South Wales.

12 Leave of absence
Senator Bushby, by leave, moved—That leave of absence be granted to Senator McGrath from 17 to 20 September 2018, for personal reasons.
Question put and passed.
Senator Urquhart, by leave, moved—That leave of absence be granted to the following senators for today:

(a) Senator Kitching, for personal reasons; and

(b) Senator Lines, on account of parliamentary business.
Question put and passed.

13 Postponements
Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Whish-Wilson for today, proposing a reference to the Environment and Communications References Committee, postponed till 19 September 2018.

Business of the Senate notice of motion no. 2 standing in the name of Senator Urquhart for today, proposing a reference to the Environment and Communications References Committee, postponed till 18 September 2018.
14 **Committees—Extensions of time to report**

The following committees were granted extensions of time to report:

- Economics References Committee—Non-conforming building products, extended to 27 November 2018.
- Environment and Communications References Committee—
  - Australian content on broadcast, radio and streaming services, extended to 4 December 2018.
  - Gaming micro-transactions, extended to 17 October 2018.
  - Regulatory framework governing water use, extended to 17 October 2018.

15 **Leave of absence**

Senator Georgiou, by leave, moved—that leave of absence be granted to Senator Georgiou from 10 to 13 September 2018, for personal reasons.

Question put and passed.

16 **Committees—Allocation of departments—Variation**

The Assistant Minister for International Development and the Pacific (Senator Ruston), at the request of the Minister for Communications and the Arts (Senator Fifield) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—that the order of the Senate of 31 August 2016, as amended on 12 and 15 February 2018, relating to the allocation of departments and agencies to legislative and general purpose standing committees, be amended to read as follows:

- **Community Affairs**
  - Health
  - Social Services, including Human Services

- **Economics**
  - Industry, Innovation and Science
  - Treasury

- **Education and Employment**
  - Education and Training
  - Jobs and Small Business

- **Environment and Communications**
  - Communications and the Arts
  - Environment and Energy

- **Finance and Public Administration**
  - Finance
  - Parliament
  - Prime Minister and Cabinet

- **Foreign Affairs, Defence and Trade**
  - Defence, including Veterans' Affairs
  - Foreign Affairs and Trade

- **Legal and Constitutional Affairs**
  - Attorney-General
  - Home Affairs

- **Rural and Regional Affairs and Transport**
  - Agriculture and Water Resources
Infrastructure, Regional Development and Cities.

Question put and passed.

17 Great Barrier Reef Foundation—Grant—Order for production of documents

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1050—

(1) That the Senate notes that:

(a) on 21 August 2018, the Senate agreed to an order for the production of documents directed at the Minister representing the Minister for the Environment and Energy for documents relating to the grant of $444 million to the Great Barrier Reef Foundation (the Foundation), including documents demonstrating due diligence was carried out on the Foundation;

(b) on 10 September 2018, the duty minister tabled the index to a due diligence report prepared by the Australian Government Solicitor but did not table the body of the report, making a public interest immunity claim of legal professional privilege;

(c) to the extent that the report fulfils a due diligence task, it cannot be characterised as legal advice and, therefore, cannot attract the privilege – it is noted that the document comprised largely information that is available online free of charge or for a nominal fee, such as company details, insolvency notice search results, media searches, ASIC personal name search results, and AUSTLII case searches;

(d) the Senate does not accept legal professional privilege as a basis for a claim of public interest immunity unless it is established that there is some particular harm to be apprehended by the disclosure of the information;

(e) in Egan v Chadwick, Chief Justice Spigelman held that ‘in performing its accountability function, the Legislative Council may require access to legal advice on the basis of which the Executive acted, or purported to act...access to such advice will be relevant in order to make an informed assessment of the justification for the Executive decision. In my opinion, access to legal advice is reasonably necessary for the exercise by the Legislative Council of its functions’; and

(f) as a country that upholds the rule of law, the Government must not rely on conventions, no matter how longstanding, that are contrary to established principles in law.

(2) That the Senate does not accept the public interest immunity claim made by the then Minister representing the Minister for the Environment and Energy (Senator Birmingham) in relation to the due diligence report prepared by the Australian Government Solicitor, and requires the Minister representing the Minister for the Environment to table the due diligence report, in accordance with the order for the production of documents agreed to by the Senate on 21 August 2018, with any appropriate redactions where there is some particular harm to be apprehended, accompanied by a properly made out claim for public interest immunity identifying the harm.

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, 40

Senators—

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NOES, 26

Senators—

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*Tellers

Question agreed to.

18 Asylum seeker women in detention on Nauru

Senator Waters, also on behalf of Senator McKim, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1060—

That the Senate—

(a) notes:

(i) that, on 12 September 2018, it was reported that, in June 2018, lawyers representing the Department of Home Affairs argued in court against bringing to Australia a pregnant woman suffering female genital mutilation (FGM) in detention on Nauru for a surgical abortion,

(ii) that whistleblower allegations, reported in August 2017, that Australian Border Force (ABF) impliedly facilitated a change in policy to require requests for abortion to be referred to the Nauruan Overseas Medical Referral (OMR) committee and the Republic of Nauru Hospital, which have opposed all abortion referrals since, and

(iii) the specific medical needs of women in detention with unwanted pregnancies, including the associated post-traumatic stress and physical risks for women suffering FGM; and

(b) calls on the Federal Government to:

(i) reverse the recently introduced process which requires all requests for terminations to go before the OMR and the Republic of Nauru Hospital,

(ii) require ABF to take decisions which are underpinned by Australian medical standards, and

(iii) stop arguing in court to prevent pregnant women needing specialised medical attention from receiving that attention in Australia.
Statements by leave: Senator Waters and the Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made statements relating to the motion.

Question put and passed.

19 First Nations Media

Senator Siewert, also on behalf of Senator McCarthy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1061—

That the Senate—

(a) notes that First Nations Media visited Parliament House in August this year to brief members of Parliament on their culturally significant programming and services;

(b) acknowledges that First Nations Media organisations provide First Nations people with a voice through ownership of their own media and economic opportunities through provision of local jobs, and are a primary and essential service carrying relevant news, music and information content in language and in culturally appropriate forms;

(c) acknowledges that First Nations Media provides opportunity for meaningful professional development in regions where there are often very limited employment opportunities;

(d) expresses deep concern that volunteers at First Nations Media services and organisations cannot count this meaningful work towards their Community Development Program (CDP) obligations;

(e) calls on the Federal Government to ensure that all CDP and ‘work for the dole’ placements are meaningful opportunities that assist with improving education and training, and ensure that those in regions subjected to the CDP are able to have their volunteer time at First Nations Media recognised as part of their mutual obligation requirements; and

(f) urges the Federal Government to implement First Nations Media’s nine calls for action and fund them appropriately.

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 China—Uighur and other Turkic Muslim minorities

Motion determined as not formal: The Leader of the Australian Greens (Senator Di Natale) requested that general business notice of motion no. 1059 standing in his name for today, relating to Uighur and Turkic Muslim minorities in China, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senator Di Natale and the Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made statements relating to the motion.
21 Discussion of matter of public importance—Abortion laws
The President informed the Senate that the following matter of public importance submitted by Senator Siewert under standing order 75 had been selected for discussion today:

The need for Australian governments to recognise that abortion should not be regulated by antiquated criminal laws crafted in the 1800s, which penalise a woman’s decisions over her own body – especially in Queensland and New South Wales.

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

22 Documents—Consideration
The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

23 Commonwealth Environmental Water Holder—Order for production of documents—Document
The Assistant Minister for Defence (Senator Fawcett) tabled the following document:

Commonwealth Environmental Water Holder—Order of 11 September 2018—Letter to the President of the Senate from the Minister for Resources and Northern Australia (Senator Canavan), dated 14 September 2018, responding to the order.

24 Veterans’ Entitlements Amendment Bill 2018—Explanatory memorandum—Addendum
The Assistant Minister for Defence (Senator Fawcett) tabled an addendum to the explanatory memorandum relating to the Veterans’ Entitlements Amendment Bill 2018.

25 Treasury Laws Amendment (Black Economy Taskforce Measures No. 1) Bill 2018
Order of the day read for the further consideration of the bill in committee of the whole.

In the committee
Consideration resumed of the bill, as amended.
Debate resumed.
Closure: Senator Ketter moved—That the question be now put.
Question—That the question be now put—put.
The committee divided—

AYES, 31

Senators—

NOES, 29

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* Tellers

Question agreed to.

Question—That the bill, as amended, be agreed to—put and passed.

Bill reported with an amendment.

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

26 Treasury Laws Amendment (Enhancing ASIC’s Capabilities) Bill 2018

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

Debate resumed.

Senator Whish-Wilson moved the following amendment:

At the end of the motion, add, “but the Senate:

(a) notes that:

(i) the Productivity Commission inquiry report into competition in the Australian financial system recommended that to ‘address gaps in the regulatory architecture related to lack of effective consideration of competitive outcomes in financial markets, the ACCC should be given a mandate by the Australian Government to champion competition in the financial system’,

(ii) clause (g) of the terms of reference of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry requires it to ‘consider the effectiveness and ability of regulators of financial services entities to identify and address misconduct by those entities’, and

(iii) the Royal Commission will submit an interim report by 30 September 2018 identifying policy-related issues arising from the first four rounds of hearings,

(iv) the closing submissions of the Royal Commission to the fifth round of hearings on superannuation:

(A) identify policy issues related to superannuation,

(B) submit that ‘the case studies suggest that the approach of neither APRA nor ASIC to regulation of superannuation entities is sufficient to achieve specific or general deterrence’, and
(C) cite two examples of ASIC’s approach ‘which raise questions as to whether it has struggled to date to act as an effective conduct regulator’; and

(b) calls on the Government to:

(i) give in principle support for the recommendation of the Productivity Commission that the Australian Competition and Consumer Commission be appointed ‘competition champion’; and

(ii) await the interim report of the Royal Commission, which is due on 30 September 2018, before seeking to make any changes to the regulatory structure for banking, superannuation and financial services”.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.

Main 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.

Question—That the bill stand as printed—divided, at the request of Senator Whish-Wilson, in respect of Schedule 1.

Schedule debated.

Question—That Schedule 1 stand as printed—put.

The committee divided—

AYES, 33

Abetz Gallacher McAllister Reynolds
Bernardi Georgiou McCarthy Ruston
Bilyk Griff Molan Seselja
Brockman Hanson Moore Smith, David
Bushby Hinch O’Neill Smith, Dean
Colbeck Hume* Paterson Stoker
Duniam Keneally Patrick Urquhart
Fawcett Ketter Pratt Williams
Fierravanti-Wells

NOES, 10

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

* Tellers

Schedule agreed to.

Bill agreed to and reported without amendment.
On the motion of the Assistant Minister for Treasury and Finance (Senator Seselja) the report from the committee was adopted and the bill read a third time. All Australian Greens senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

27 Order of business—Rearrangement
The Assistant Minister for Treasury and Finance (Senator Seselja) moved—that—
(a) government business order of the day no. 3 (Treasury Laws Amendment (2018 Measures No. 4) Bill 2018) be postponed till the next day of sitting; and
(b) intervening business be postponed till after consideration of the government business order of the day relating to the Tobacco Plain Packaging Amendment Bill 2018.

Question put and passed.

28 Tobacco Plain Packaging Amendment Bill 2018
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Home Affairs (Senator Reynolds)—That this bill be now read a second time.
Debate resumed.

At 9.50 pm: Debate was interrupted while the Assistant Minister for Agriculture and Water Resources (Senator Colbeck) was speaking.

29 Adjournment
The Acting Deputy President (Senator Leyonhjelm) proposed the question—that the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.05 pm till Tuesday, 18 September 2018 at midday.

30 Attendance

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate