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

2 Documents
The Clerk tabled the following documents pursuant to statute:

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


The Clerk tabled the following documents pursuant to order:

- Departmental and agency appointments and vacancies—Budget estimates 2019-20 (Supplementary)—Letter of advice pursuant to the order of the Senate of 24 June 2008—Prime Minister and Cabinet portfolio.
- Departmental and agency grants—Budget estimates 2019-20 (Supplementary)—Letters of advice pursuant to the order of the Senate of 24 June 2008—Department of Agriculture.
- Prime Minister and Cabinet portfolio.

3 Emergency Response Fund Bill 2019
Emergency Response Fund (Consequential Amendments) Bill 2019
Order of the day read for the adjourned debate on the motion of the Minister for Families and Social Services (Senator Ruston)—That these bills be now read a second time.
Debate resumed.
Senator Faruqi moved the following amendment:

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

(a) notes that the fossil fuel industry is contributing to climate change, leading to more frequent and more intense natural disasters;

(b) notes that imposing a 10 per cent royalty on projects subject to the Petroleum Resource Rent Tax would raise $5 billion in real terms over two years;

(c) is of the opinion that the Education Investment Fund should not be abolished and should only be used for education and research infrastructure; and

(d) calls upon the Government to introduce legislation to place a Commonwealth royalty on oil and gas projects to create a resilience and emergency relief fund for natural disasters”.

Debate ensued.
Document: Senator Patrick, by leave, tabled the following document:
Letter from Senator Carr to Senator Patrick, dated 26 September 2019, concerning the Education Investment Fund.

Debate continued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 7

Senators—
Faruqi
Hanson-Young

McKim
Siewert*

Steele-John
Waters

Whish-Wilson

NOES, 43

Senators—
Abetz
Antic
Askew
Bernardi
Bragg
Brockman
Brown
Canavan
Chandler
Ciccone
Colbeck

Cormann
Davey
Duniam
F ierravanti-Wells
Gallacher
Gallagher
Green
Griff
Hanson
Hume
Keneally

Kitching
McAllister
McCarthy*
McDonald
McKenzie
McMahon
O’Sullivan
Paterson
Patrick
Pratt
Rennick

Roberts
Scarr
Sheldon
Smith, Dean
Smith, Marielle
Sterle
Stoker
Van
Walsh
Watt

*Tellers

Question negatived.

Main question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

On the motion of Senator Watt the following requests for amendments were debated and agreed to:

Emergency Response Fund Bill 2019:

That the House of Representatives be requested to make the following amendments:

Clause 14, page 13 (line 8), after “28”, insert “or 28A”.

Clause 14, page 13 (line 13), after “32”, insert “or 32A”.

Clause 20, page 18 (after line 29), after subclause (1), insert:

(1A) The Emergency Management Minister may, on behalf of the Commonwealth:
(a) make an arrangement with; or
(b) make a grant of financial assistance to;
a person or body for:

(c) the carrying out of a project that is directed towards achieving any or all of the following:
   (i) resilience to a future natural disaster that could affect an area (whether directly or indirectly);
   (ii) preparedness for a future natural disaster that could affect an area (whether directly or indirectly);
   (iii) reduction of the risk of a future natural disaster that could affect an area (whether directly or indirectly);
   (iv) the long-term sustainability of a community or communities in an area that is at risk of being affected (whether directly or indirectly) by a future natural disaster; or

(d) the provision of a service that is directed towards achieving any or all of the following:
   (i) resilience to a future natural disaster that could affect an area (whether directly or indirectly);
   (ii) preparedness for a future natural disaster that could affect an area (whether directly or indirectly);
   (iii) reduction of the risk of a future natural disaster that could affect an area (whether directly or indirectly);
   (iv) the long-term sustainability of a community or communities in an area that is at risk of being affected (whether directly or indirectly) by a future natural disaster; or

(e) the adoption of technology that is directed towards achieving any or all of the following:
   (i) resilience to a future natural disaster that could affect an area (whether directly or indirectly);
   (ii) preparedness for a future natural disaster that could affect an area (whether directly or indirectly);
   (iii) reduction of the risk of a future natural disaster that could affect an area (whether directly or indirectly);
   (iv) the long-term sustainability of a community or communities in an area that is at risk of being affected (whether directly or indirectly) by a future natural disaster; or

(f) a matter that is incidental or ancillary to a matter mentioned in paragraph (c), (d) or (e).

Note: See also section 24 (constitutional limits).

Clause 20, page 18 (line 30), after “(1)”, insert “or (1A)”.
Clause 20, page 19 (line 1), after “(1)”, insert “or (1A)”.
Clause 20, page 19 (line 3), after “(1)”, insert “or (1A)”.
Clause 20, page 19 (line 4), “Subsection (1) does not”, substitute “Subsections (1) and (1A) do not”.
Heading to clause 28, page 24 (line 18), at the end of the heading, add “—general”.
Clause 28, page 24 (line 22), omit “section 20”, substitute “subsection 20(1)”.
Clause 28, page 25 (line 3), omit “section 20”, substitute “subsection 20(1)”.
Clause 28, page 25 (line 9), omit “section 20”, substitute “subsection 20(1)”.  
Clause 28, page 25 (line 20), omit “section 20”, substitute “subsection 20(1)”.  
Clause 28, page 25 (line 31), omit “section 34”, substitute “subsection 34(1)”.  
Page 26 (after line 9), after clause 28, insert:

28A Transfers from the Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account—resilience etc.

Amounts payable under arrangements

(1) If:

(a) one or more arrangements have been, or will be, made under subsection 20(1A); and

(b) the Emergency Management Minister is satisfied that one or more amounts (the committed amounts) will become payable by the Commonwealth during a financial year under those arrangements;

the Emergency Management Minister may, during the financial year, request the Finance Minister to transfer a specified amount (which must equal the total of the committed amounts) from the Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account.

(2) The Emergency Management Minister must not make more than one request under subsection (1) in relation to a particular amount that will become payable by the Commonwealth under a subsection 20(1A) arrangement.

(3) To avoid doubt, the Emergency Management Minister may make 2 or more requests under subsection (1) during a financial year.

Grants

(4) If the Emergency Management Minister decides that one or more grants should be made under subsection 20(1A) during a financial year to persons other than a State or Territory, the Emergency Management Minister may, during the financial year, request the Finance Minister to transfer a specified amount (which must equal the total amount of the grants) from the Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account.

Note: For a grant to a State or Territory, see section 32A (channelling State/Territory grants through the COAG Reform Fund).

(5) The Emergency Management Minister must not make more than one request under subsection (4) in relation to a particular subsection 20(1A) grant.

(6) To avoid doubt, the Emergency Management Minister may make 2 or more requests under subsection (4) during a financial year.

Transfer

(7) If:

(a) during a financial year, the Emergency Management Minister requests the Finance Minister under subsection (1) or (4) to transfer an amount from the Emergency Response Fund Special
Account to the Home Affairs Emergency Response Fund Special Account; and
(b) the Finance Minister is satisfied that the transfer will not contravene subsection 34(2) (annual limit);
the Finance Minister must, in writing, direct that a specified amount (which must equal the requested amount) is to be:
(c) debited from the Emergency Response Fund Special Account; and
(d) credited to the Home Affairs Emergency Response Fund Special Account;
on a specified day during the financial year.
(8) A direction under subsection (7) is not a legislative instrument.
(9) The Finance Minister must give a copy of a direction under subsection (7) to the Treasurer and the Emergency Management Minister.

Heading to clause 32, page 28 (line 4), at the end of the heading, add “—general”.
Clause 32, page 28 (line 7), omit “section 20”, substitute “subsection 20(1)”.
Clause 32, page 28 (line 17), omit “section 34”, substitute “subsection 34(1)”.

Page 28 (after line 24), after clause 32, insert:

32A Channelling State/Territory grants through the COAG Reform Fund—resilience etc.

(1) If the Emergency Management Minister decides that a grant of financial assistance should be made to a State or Territory under subsection 20(1A), the Emergency Management Minister must, by writing, direct that, on a specified day, a specified amount (which must equal the amount of the grant) is to be:
(a) debited from the Emergency Response Fund Special Account; and
(b) credited to the COAG Reform Fund.

(2) The direction must be expressed to be given in order to enable the amount to be debited from the COAG Reform Fund for the purpose of making the grant.

(3) The Emergency Management Minister must not give a direction under subsection (1) if doing so would contravene subsection 34(2) (annual limit).

(4) Two or more directions under subsection (1) may be set out in the same document.

(5) A direction under subsection (1) is not a legislative instrument.

(6) The Emergency Management Minister must give a copy of a direction under subsection (1) to the Treasurer and the Finance Minister.

Clause 33, page 28 (line 26), after “paragraph 32(1)(b)”, insert “or 32A(1)(b)”.
Clause 34, page 30 (line 5), before “The total”, insert “(1)”.

Clause 34, page 30 (after line 7), at the end of the clause, add:

(2) The total amount debited from the Emergency Response Fund Special Account under sections 28A and 32A during a financial year must not exceed $50 million.
Clause 36, page 31 (line 17), omit “28 and 32”, substitute “28, 28A, 32 and 32A”.
Clause 59, page 44 (line 8), omit “or 28”, substitute “, 28 or 28A”.
Clause 61, page 45 (line 27), omit “28, 31 or 32”, substitute “28, 28A, 31, 32 or 32A”.
Clause 63, page 46 (line 22), omit “limit”, substitute “limits”.

Document: Senator Watt, by leave, tabled the following document:
Emergency Response Fund Bill 2019—Statement of reasons for amendments being framed as requests.

Question—That the Emergency Response Fund (Consequential Amendments) Bill 2019 stand as printed—divided, at the request of Senator Faruqi, in respect of Schedule 2.
The Minister for Finance (Senator Cormann) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator Griff) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bills, made progress and asked leave to sit again.

Senator Cormann moved—That the committee have leave to sit again at a later hour.
Closure: Senator Cormann moved—That the question be now put.

Question—That the question be now put—put and passed.
Main question put and passed.

4 Consideration of legislation
The Minister for Finance (Senator Cormann), by leave, moved—That—
(a) if consideration of the Emergency Response Fund Bill 2019 and a related bill has not concluded by 11.45 am today, the questions on all remaining stages, including the questions on all circulated amendments, shall then be put without debate; and
(b) paragraph (a) of this motion shall operate as a limitation of debate under standing order 142.

Question put and passed.

5 Emergency Response Fund Bill 2019
Emergency Response Fund (Consequential Amendments) Bill 2019
Order of the day read for the further consideration of the bills in committee of the whole.

In the committee


Question—That Schedule 2 stand as printed—put.
The committee divided—

AYES, 41

Senators—

Antic
Askew
Ayres
Bernardi
Bragg
Brockman*
Chandler
Ciccone
Colbeck
Cormann
Davey

Duniam
Gallacher
Gallagher
Green
Hanson
Henderson
Hughes
Hume
Lambie
McAllister

McCarthy
McDonald
McKenzie
McMahon
O’Sullivan
Paterson
Patrick
Rennick
Roberts
Ruston

Ryan
Scarr
Seselja
Smith, Dean
Smith, Marielle
Sterle
Stoker
Van
Walsh
Watt

NOES, 7

Senators—

Faruqi
Hanson-Young
Steele-John
Siewert*
Waters

McKim
Siewert*
Waters

Whish-Wilson

*Tellers

Schedule agreed to.

Senator Lambie moved the following amendments together by leave:

Emergency Response Fund Bill 2019:

Clause 3, page 2 (line 20) to page 3 (line 2), omit the paragraph beginning “The balance of the Education Investment Fund Special Account”, substitute:

- The Finance Minister may transfer amounts from the Education Investment Fund Special Account to the Emergency Response Fund Special Account.

Clause 4, page 5 (lines 3 to 5), omit the definition of Education Investment Fund.

Clause 4, page 5 (lines 8 and 9), omit “before that section was repealed”.

Clause 4, page 7 (lines 1 to 3), omit the definition of investment of the Education Investment Fund.

Clause 8, page 9 (lines 7 to 11), omit the paragraph beginning “The balance of the Education Investment Fund Special Account”, substitute:

- The Finance Minister may transfer amounts from the Education Investment Fund Special Account to the Emergency Response Fund Special Account.

Clauses 10 and 11, page 10 (lines 9 to 28), omit the clauses, substitute:

10 Transfers from the Education Investment Fund Special Account

(1) The Finance Minister may, by legislative instrument, direct that, on a specified day, a specified amount is to be:

(a) debited from the Education Investment Fund Special Account; and

(b) credited to the Emergency Response Fund Special Account.
(2) The specified amount must not exceed the amount debited from the Education Investment Fund Special Account.

(3) The specified amount must not exceed an amount that is equal to three-quarters of the balance of the Education Investment Fund Special Account immediately before the commencement of this section.

Clause 16, page 14 (after line 31), at the end of paragraph 16(a), add:

(vii) paragraph 136(1)(j) or 137(e) of the Nation-building Funds Act 2008;

Clause 16, page 15 (after line 10), at the end of paragraph 16(b), add:

(vii) paragraph 136(1)(k) or 137(f) of the Nation-building Funds Act 2008;

Clause 16, page 15 (after line 24), at the end of paragraph 16(c), add:

(vii) a paragraph of subsection 136(1) or section 137 of the Nation-building Funds Act 2008;

Clause 16, page 15 (line 35) to page 16 (line 3), omit subparagraphs (f)(ii) and (iii), substitute:

(ii) in connection with the operation of the Agency.

Emergency Response Fund (Consequential Amendments) Bill 2019:

Schedule 2, page 10 (line 1) to page 15 (line 31), omit the Schedule, substitute:

Schedule 2—Other amendments

Nation-building Funds Act 2008

1 At the end of Division 4 of Part 3.2

Add:

145A Education Investment Fund Special Account limited to purpose of vocational education and training infrastructure

(1) On and after this section’s commencement, the purpose of the Education Investment Fund Special Account is limited to only making payments in relation to the creation or development of vocational education and training infrastructure.

(2) Subsection (1) does not affect payments that were authorised under section 176 before this section’s commencement.

2 At the end of section 176

Add:

(9) The Finance Minister must not make an authorisation under subsections (1), (2), (4) or (5) on or after this section’s commencement.

3 At the end of Division 4 of Part 3.4

Add:

187A EIF Education Portfolio Special Account limited to purpose of vocational education and training infrastructure

(1) On and after this section’s commencement, the purpose of the EIF Education Portfolio Special Account is limited to only making payments in relation to the creation or development of vocational education and training infrastructure.


(2) Subsection (1) does not affect payments that were specified in a direction made under section 183 before this section’s commencement.

Debate ensued.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 5

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<td>Griff</td>
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NOES, 49

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* Tellers

Limitation of debate: The time allotted for the consideration of the bills expired (see entry no. 4).


Senator Faruqi, by leave, withdrew amendments to the Emergency Response Fund Bill 2019 circulated by the Australian Greens.


The Acting Deputy President (Senator Griff) resumed the chair and the Chair of Committees reported accordingly.

Question—That the remaining stages of the bills be agreed to and the Emergency Response Fund (Consequential Amendments) Bill 2019 be now read a third time—put and passed.

The Emergency Response Fund (Consequential Amendments) Bill 2019 read a third time.
6 Petition
The following petition, lodged with the Clerk by Senator Fierravanti-Wells, was received:

From 10,000 petitioners, requesting that the Senate pass a Religious Freedom Act that contains protections for religious believers.

Statement by leave: Senator Fierravanti-Wells, by leave, made a statement relating to the petition.

7 Notices
Senator Faruqi: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) the Wallarah 2 Coal Project is a proposed longwall underground mining operation northwest of central Wyong on the New South Wales Central Coast,
   (ii) the proposed mine would produce 4 to 5 million tonnes per annum of thermal coal each year for 28 years, leading to more than 264 million tonnes of carbon dioxide being released into the atmosphere, and
   (iii) the Wallarah 2 Coal Project poses a serious risk to the Central Coast’s drinking water supply; and

(b) calls on the Federal Government to protect the water of Central Coast communities, and cancel all environmental approvals granted under Federal law. (general business notice of motion no. 211)

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

(a) notes that the Family Matters Report 2019 found that:
   (i) First Nations children are now 10.2 times more likely to be in out-of-home care than non-Indigenous children, which is an all-time high,
   (ii) the number of First Nations children in out-of-home care will more than double in size in the next 10 years without urgent action, and
   (iii) almost 1 in 3 First Nations peoples are living in poverty, and this contributes to the over-representation of First Nations children in out-of-home care; and

(b) calls on the Federal Government to implement the key recommendations of this report, including to:
   (i) develop a national comprehensive First Nations children’s strategy that includes generational targets to eliminate over-representation, and addresses the causes of Aboriginal and Torres Strait Islander child removal,
   (ii) invest in quality First Nations community-controlled integrated early years services through a specific program with targets to increase coverage in areas of high First Nations peoples population and high levels of disadvantage,
   (iii) establish state-based and national First Nations children’s commissioners to enable improved government accountability and oversight, and
   (iv) end legal orders for permanent care and adoption for First Nations children, replaced by a focus on supporting their connections to kin, culture and community. (general business notice of motion no. 212)
Senator Walsh: To move on the next day of sitting—That the Senate—
   (a) recognises that, according to the Poverty in Australia Report 2018:
      (i) in Australia, 968,000 people from wage-earning households are living in poverty,
      (ii) as a proportion of all Australians living in poverty, this group has increased from 32% in 2013-14 to 38%, and
      (iii) more than half of these households are families with children;
   (b) notes that:
      (i) 1.9 million Australians are looking for work or for more work,
      (ii) this Government has presided over the worst wages growth on record, and
      (iii) Australia’s economic growth is the lowest in a decade; and
   (c) calls on the Federal Government to combat working poverty by getting wages moving, raising the rate of Newstart, ceasing their attacks on Australian workers and their unions, and by reversing the cuts to penalty rates to ensure that Australian families have a better quality standard of living. (general business notice of motion no. 213)

Senator Waters: To move on the next day of sitting—That the Senate—
   (a) notes that:
      (i) this week, Origin Energy has commenced drilling as part of its Beetaloo Exploration Program in the Beetaloo Basin,
      (ii) the final report of the Independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs in the Northern Territory concluded that gas extraction projects in the McArthur region, including the Beetaloo Basin, could contribute more than 6% of Australia’s emissions,
      (iii) the Intergovernmental Panel on Climate Change has stated that reductions in gas production in the near term will be required to meet international reduction targets committed to in the Paris Agreement,
      (iv) approximately 90% of regional water demand in the Northern Territory is supplied by groundwater – communities and traditional owners throughout the Northern Territory continue to express concern regarding the impact of hydraulic fracturing on these critical groundwater resources,
      (v) the majority of submissions to the Northern Territory inquiry opposed fracking, and the final report noted the ‘strong antipathy surrounding hydraulic fracturing for onshore shale gas’,
      (vi) traditional owners have called on Origin Energy to immediately halt fracking operations in the Beetaloo Basin,
      (vii) the impact of the Beetaloo Basin project on water resources has not been assessed under the Environment Protection and Biodiversity Conservation Act 1999, and
      (viii) the Environment and Communications Legislation Committee inquiry into the Landholders’ Right to Refuse (Gas and Coal) Bill 2015 received more than 370 submissions, the vast majority of which supported landholders and traditional owners being given the right to refuse to allow mining and fracking on their land; and
(b) calls on the Federal Government to:
   (i) support calls by traditional owners for Origin Energy to immediately
       halt operations within the Beetaloo Basin,
   (ii) support the Landholders’ Right to Refuse (Gas and Coal) Bill 2015 to
        ban fracking and ensure that traditional owners and landholders are
        empowered to refuse damaging mining and fracking activities occurring
        on their land, and
   (iii) expand the application of the water trigger provisions of the
        Environment Protection and Biodiversity Conservation Act 1999 to the
        impacts of shale gas projects on water resources. (general business
        notice of motion no. 214)

Notices of motion withdrawn:
The Chair of the Standing Committee on Regulations and Ordinances (Senator
Ferravanti-Wells), pursuant to notice of intention given on 16 October 2019,
withdrew business of the Senate notices of motion as follows:
Nos 1 and 3 for six sitting days after today, proposing the disallowance of the
following instruments:
Agricultural and Veterinary Chemicals Legislation Amendment (Timeshift
Applications and Other Measures) Regulations 2019 [F2019L00357]
Customs (Prohibited Imports) Amendment (Collecting Tobacco Duties)
Regulations 2019 [F2019L00352]
Nos 1 and 2 for eight sitting days after today, proposing the disallowance of the
following instruments:
Health Insurance (Diagnostic Imaging Services Table) Regulations 2019
[F2019L00563]
Migration Amendment (New Skilled Regional Visas) Regulations 2019
[F2019L00578]
Senator Urquhart, at the request of Senators Sheldon and Bilyk, withdrew general
business notice of motion no. 159 standing in their names for today, relating to family
law issues.

8 Leave of absence
Senator Siewert, by leave, moved—That leave of absence be granted to Senator
Di Natale for today, for personal reasons.
Question put and passed.

9 Selection of Bills—Standing Committee—Report no. 7 of 2019
The Chair of the Selection of Bills Committee (Senator Dean Smith) tabled the
following report:

   SELECTION OF BILLS COMMITTEE
   REPORT NO. 7 OF 2019

1. The committee met in private session on Wednesday, 16 October 2019 at
   7.20 pm.
2. The committee recommends that—
   (a) the provisions of the Education Legislation Amendment (Tuition
       Protection and Other Measures) Bill 2019, the VET Student Loans (VSL
       Tuition Protection Levy) Bill 2019 and the Higher Education Support
(HELP Tuition Protection Levy) Bill 2019 be referred immediately to the Education and Employment Legislation Committee but was unable to reach agreement on a reporting date:

(b) contingent upon introduction in the House of Representatives, the provisions of the Farm Household Support Amendment (Relief Measures) Bill (No. 1) 2019 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 7 November 2019; and

(c) contingent upon introduction in the House of Representatives, the provisions of the Native Title Legislation Amendment Bill 2019 be referred immediately to the Legal and Constitutional Affairs Legislation Committee but was unable to reach agreement on a reporting date.

3. The committee recommends that the following bills not be referred to committees:
   - Defence Service Homes Amendment Bill 2019
   - Medical and Midwife Indemnity Legislation Amendment Bill 2019
   - Paid Parental Leave Amendment (Work Test) Bill 2019
   - Treasury Laws Amendment (2019 Measures No. 2) Bill 2019

4. The committee deferred consideration of the following bills to its next meeting:
   - Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019
   - Air Services Amendment Bill 2018
   - Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Bill 2019
   - Australian Citizenship Amendment (Citizenship Cessation) Bill 2019
   - Australian Sports Anti-Doping Authority Amendment (Enhancing Australia’s Anti-Doping Capability) Bill 2019
   - Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Bill 2019
   - Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019
   - Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
   - Customs Amendment (Safer Cladding) Bill 2019
   - Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019
   - Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019
   - Discrimination Free Schools Bill 2018
   - Education Legislation Amendment (2019 Measures No. 1) Bill 2019
   - Family Law (Self-Assessment) Bill 2019
   - Great Australian Bight Environment Protection Bill 2019
   - Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Bill 2019
   - National Integrity (Parliamentary Standards) Bill 2019
   - Protecting Australian Dairy Bill 2019
   - Regional Forest Agreements Legislation (Repeal) Bill 2017
Dean Smith
Chair
17 October 2019.

Senator Dean Smith moved—That the report be adopted.

The Minister for Families and Social Services (Senator Ruston) moved the following amendment:

At the end of the motion, add “and:

(a) in respect of the:
   (i) Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019 and related bills, the Education and Employment Legislation Committee report by 22 November 2019, and
   (ii) Native Title Legislation Amendment Bill 2019, the Legal and Constitutional Affairs Legislation Committee report by 28 February 2020; and

(b) the following bills not be referred to committees:
   Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019
   Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019
   Telecommunications (Interception and Access) Amendment (Assistance and Access Amendments Review) Bill 2019”.

Question—That the amendment be agreed to—divided at the request of Senator Siewert.

Question—That paragraph (a) of the amendment be agreed to—put and passed.

Question—That paragraph (b) of the amendment be agreed to—put and passed.

Main question, as amended, put and passed.

10 Postponement

General business notice of motion no. 207 standing in the name of Senator Siewert for today, relating to jobseekers, postponed till 11 November 2019.

11 Order of business—Rearrangement

The Assistant Minister for Forestry and Fisheries (Senator Duniam) moved—That—

(a) the Paid Parental Leave Amendment (Work Test) Bill 2019 be considered from 12.45 pm today; and

(b) government business be called on after consideration of that bill and considered till not later than 2 pm today.

Question put and passed.
Senator Duniam moved—That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 206 standing in the name of Senator Siewert relating to Newstart and Youth Allowance; and

(b) orders of the day relating to documents.

Question put and passed.

12 Civil Aviation (Community Service Flights — Conditions on Flight Crew Licences) Instrument—Proposed disallowance—Consideration

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Minister for Families and Social Services (Senator Ruston) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That—

(a) on Thursday, 17 October 2019, the business of the Senate notice of motion proposing the disallowance of the Civil Aviation (Community Service Flights — Conditions on Flight Crew Licences) Instrument 2019, standing in the name of Senator Patrick for that day, be called on for debate by no later than 3.30 pm; and

(b) if consideration of the motion listed in paragraph (a) is not concluded at 4 pm, the questions on the unresolved motion shall then be put.

Question put and passed.

13 Hours of meeting and routine of business—Variation

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Minister for Families and Social Services (Senator Ruston) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, on Monday, 11 November 2019, to enable senators to attend Remembrance Day services:

(a) the Senate meet at 12.30 pm;

(b) the routine of business from 12.30 pm till 2 pm shall be consideration of private senators’ bills; and

(c) any proposal pursuant to standing order 75 shall not be proceeded with.

Question put and passed.

14 Productivity Commission Amendment (Addressing Inequality) Bill 2017—Restoration to Notice Paper

Senator Gallagher, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 209—

(1) That so much of the standing orders be suspended as would prevent this resolution having effect.

(2) That the second reading of the Productivity Commission Amendment (Addressing Inequality) Bill 2017 be restored to the Notice Paper.

Question put and passed.

Senator Gallagher moved—that this bill be now read a second time.

Debate adjourned till the next day of sitting, Senator Gallagher in continuation.
15 **Fair Work Amendment (Restoring Penalty Rates) Bill 2018 [No. 2]—Restoration to Notice Paper**

Senator Gallagher, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 210—

(1) That so much of the standing orders be suspended as would prevent this resolution having effect.

(2) That the Fair Work Amendment (Restoring Penalty Rates) Bill 2018 [No. 2] be restored to the Notice Paper and consideration of the bill resume at the stage reached in the 45th Parliament.

Question put and passed.

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

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

16 **Community Affairs References Committee—Reference—Possible cancer cluster on the Bellarine Peninsula**

Senator Henderson, also on behalf of Senators Askew, Kitching and Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matter be referred to the Community Affairs References Committee for inquiry and report:

Investigations into a possible cancer cluster on the Bellarine Peninsula, Victoria, with particular reference to:

(a) the health concerns of local residents;

(b) the incidence of cancer cases in the area, and any possible environmental or other contributing factors;

(c) the evidence, approach and outcomes concerning the Victorian Chief Health Officer’s investigation of cancer rates on the Bellarine Peninsula; and

(d) any other related matter.

Question put and passed.

17 **Rural and Regional Affairs and Transport References Committee—Reference—Australia’s dairy industry**

The Leader of Pauline Hanson’s One Nation (Senator Hanson) amended business of the Senate notice of motion no. 5 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the third sitting day in March 2020:

The performance of Australia’s dairy industry and the profitability of Australian dairy farmers since deregulation in 2000, with particular reference to:

(a) the ability of Dairy Australia to act independently and support the best interests of both farmers and processors;

(b) the accuracy of statistical data collected by Dairy Australia and the Australian Bureau of Statistics;

(c) the funding of Dairy Australia and the extent of its consultation and engagement on the expenditure of levies revenue;
(d) the merits of tasking the ACCC to investigate how it can regulate the price of milk per litre paid by processors to dairy farmers to ensure a viable dairy industry;
(e) alternative approaches to supporting a viable dairy sector;
(f) the introduction of a mandatory industry code of practice; and
(g) any related matters.

*Statements by leave:* The Assistant Minister for Forestry and Fisheries (Senator Duniam) and Senator Patrick, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 33**

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**NOES, 28**

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<td>Simondinos</td>
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* Tellers

Question agreed to.

18 **Foreign Affairs, Defence and Trade References Committee—Proposed reference—Proposed Indonesia, Hong Kong and Peru trade deals**

Senator Lambie, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—that the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 28 November 2019:

(1) The proposed Indonesia, Hong Kong and Peru trade deals, with particular reference to the impact of the agreements on Australia’s:

   (a) economy and trade;
   (b) domestic labour market testing obligations and laws regarding wages, conditions and entitlements of Australian workers and temporary work visa holders;
   (c) investment; and
   (d) social, cultural and environmental policies, including as a result of interactions with investor-state dispute settlement provisions.
(2) That, in conducting the inquiry, the committee shall review the agreement to ensure it is in Australia’s national interest, and have regard to the report of the Joint Standing Committee on Treaties on the proposed agreements.

Statements by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam) and Senator Patrick, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 12

Faruqi Hanson-Young Patrick Steele-John
Griff Lambie* Roberts Waters
Hanson McKim Stiewert Whish-Wilson

NOES, 49

Abetz Cormann Kitching Ruston
Antic Davey Lines Ryan
Askew Dodson McDonald Scarr
Ayres Duniam McGraith Sheldon
Bernardi Farrell McKenzie Sinodinos
Birmingham Ferraranti-Wells McMahon Smith, Dean
Bragg Gallacher O’Sullivan Smith, Marielle
Brockman Gallagher Paterson Sterle
Canavan Green Polley Stoker
Chandler Henderson Pratt Urquhart*
Chisholm Hughes Rennick Van
Ciccone Hume Reynolds Walsh

* Tellers

Question negatived.

19 National Integrity (Parliamentary Standards) Bill 2019

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 157—that the following bill be introduced:

A Bill for an Act to enhance the integrity of the Parliament of Australia, and for related purposes.

Question put and passed.

Senator Waters 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 Waters moved—that this bill be now read a second time.

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

Debate adjourned till the next day of sitting, Senator Waters in continuation.
20 **Brain cancer**

Senator Urquhart, at the request of Senator Bilyk and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 195—

That the Senate—

(a) notes that:

(i) International Brain Tumour Awareness Week will be held from 26 October to 2 November 2019,

(ii) the five-year survival rate for malignant brain tumours, known as brain cancer, is still only 22%,

(iii) while not as deadly as brain cancer, benign tumours in certain areas of the brain can still be life-threatening and may require urgent treatment, and

(iv) even surviving a brain tumour, patients can suffer ongoing symptoms, including brain damage and paralysis;

(b) congratulates the Brain Tumour Alliance Australia and the International Brain Tumour Alliance for their ongoing advocacy for brain tumour patients; and

(c) urges the Australian Government to take whatever action is necessary to improve brain cancer and tumour survival.

Question put and passed.

21 **Youth policy**

Senator Steele-John, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 196—

That the Senate—

(a) notes that:

(i) Anti-Poverty Week is from 13 to 19 October 2019, and 17 October 2019 is the United Nations Day for the Eradication of Poverty,

(ii) it is becoming increasingly difficult for young people to obtain and retain the basic means to live and support themselves because of:

(A) an insufficient youth allowance which hinders their ability to enter meaningful employment, complete further practical or academic study and/or explore entrepreneurship, while meeting the rising costs of living,

(B) a shrinking job market and decreasing employment opportunities, and

(C) the multinational corporations which currently monopolise markets and prevent aspiring young entrepreneurs from breaking into the market,

(iii) the 2019 Grattan Institute report, *Generation gap: ensuring a fair go for younger Australians*, found that:

(A) there is a growing wealth gap which is failing young people,

(B) youth unemployment is at 13% and rising, and is far higher than that of the mean national unemployment rate of around 5%, and

(C) youth underemployment is on the rise, growing from 12% to 20% between 2006 and 2016, and

(iv) ensuring that young people can access the supports and services they need to be able to access a quality education, put food on the table, have a safe place to sleep every night and still enjoy a good life is ultimately an investment in the future; and
(b) calls on the Federal Government to:

(i) reinstate federal funding for the national peak advocacy body for young people,

(ii) reinstate a separate Federal Minister for Youth Affairs so that young people have a dedicated representative in the Federal Parliament, and

(iii) work with young people and their peak representative bodies to develop a national strategy to address increasing generational inequality, and ensure that young people can access the supports and services they need to live a good life.

Question put and passed.

22 Uluru-Kata Tjuta National Park

Senator Urquhart, at the request of Senator McCarthy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 197—That the Senate—

(a) notes that:

(i) Anangu traditional owners have been working with the tourism industry and national parks to develop visitor attraction strategies after the Uluru climb closes on 26 October 2019, and

(ii) the 2017 decision to close the climb this year was in line with the agreed process in the Uluru-Kata Tjuta National Park Management Plan 2010-2020; and

(b) calls on the Morrison Government to:

(i) support Anangu in their determination to protect their sites and tjukurpa,

(ii) support Anangu in their aspirations to share Uluru, their culture and their country with visitors who want to learn more about this significant place, and

(iii) continue to support strategies and investment that place culture and environment at the centre of the Uluru Kata Tjuta visitor experience.

Question put and passed.

23 Western Australia’s gold mining

Senator Dean Smith, also on behalf of Senators Scarr and Brockman, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 198—That the Senate—

(a) recognises the significance of the discovery of gold in the state of Western Australia;

(b) notes the following achievements for Western Australia’s gold mining and exploration sector:

(i) Western Australia continued to lead gold exploration activity in 2018-19, accounting for 70% ($673 million) of Australia’s total gold exploration expenditure,

(ii) Western Australia accounted for 212 tonnes (67%) of Australia’s total gold production in 2018-19,

(iii) gold sales by value increased 5% to almost $12 billion in 2018-19,

(iv) the gold price broke through the AUS$2000 barrier in June, averaged almost AUS$2,220 in September 2019, setting a new record high, and
(v) the gold mining and exploration sector directly employed over 31,000 people, and contributed over $291 million in royalties to Western Australia in 2018-19; and

c) acknowledges that:
  (i) Phillip (Phil) Saunders and Adam Johns discovered gold in the tributaries of the Ord River in 1882,
  (ii) Edward T. Hardman played a key role in discovery of East Kimberley goldfields (Elvire River near Halls Creek) in 1884, and
  (iii) Charles Hall and John Slattery made the first discovery of payable gold in Halls Creek, Western Australia on 14 July 1885, triggering the Kimberley gold rush.

Question put and passed.

24 Australia’s encryption legislation

Senator Urquhart, at the request of Senator Keneally and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 199—That the Senate—

(a) notes that:
  (i) it can currently take up to two years for police or security agencies to access data held in the United States on platforms like WhatsApp and Facebook, in relation to serious crime investigations, such as terrorism, violent crime, paedophilia and cybercrime,
  (ii) the Clarifying Lawful Overseas Use of Data Act (CLOUD Act), enacted in March 2018 by the United States Congress, empowers the United States Government to enter into agreements with foreign governments to radically speed up the time it takes foreign police and security agencies to access electronic data held in the US for the purpose of investigating serious crimes,
  (iii) the CLOUD Act includes a number of requirements that must be satisfied before the United States Government can enter into an agreement with a foreign government, including that the foreign government’s domestic laws must afford ‘robust substantive and procedural protections for privacy and civil liberties in light of the data collection and activities of the foreign government that will be subject to the agreement’,
  (iv) on 3 October 2019, the United Kingdom (UK) and the United States announced they had successfully concluded their negotiations and entered into an agreement under the CLOUD Act, meaning UK police and security agencies will be able to access data held in the United States for serious crime investigations substantially faster Australian police and security agencies,
  (v) unlike the UK Government, which has already concluded its CLOUD Act negotiations, the Australian Government has only just started its negotiations with the United States,
  (vi) there are widespread concerns that Australia’s encryption laws, passed last year by the Morrison Government, do not provide ‘robust substantive and procedural protections’ as required by the CLOUD Act,
(vii) amendments presented to the Senate last year, but rejected by the Government, could have provided appropriate ‘robust substantive and procedural protections’;

(viii) less than 24 hours after the announcement that Australia-United States CLOUD Act negotiations had begun on 7 October 2019, the Chairman of the United States House Judiciary Committee, Congressman Jerrold Nadler, sent a letter to the Minister for Home Affairs expressing grave concerns about the absence of ‘robust substantive and procedural protections’ in the Australian Government’s encryption laws,

(ix) the speed with which Congressman Nadler, whose committee plays a key role in approving any potential agreement between the United States and Australia, wrote his letter suggests that Australia may be a long way off from being able to access electronic data held in the United States to investigate serious crimes, such as terrorism, violent crime, paedophilia and cybercrime, and

(x) without an agreement between the United States and Australia under the CLOUD Act, victims of vile crimes, such as terrorism, violent crime, paedophilia and cybercrime, will continue to have to wait for up to two years for police to even be able to get a good start on their case;

(b) condemns the Australian Government:

(i) for not being as proactive as the UK Government has been in securing a CLOUD Act agreement with the United States, and

(ii) for isolating Australian police and security agencies from potential resources that could reduce wait times to get access to critical data, held in the United States, to aid in the investigation of serious crimes, such as terrorism, violent crime, paedophilia and cybercrime from two years to just a few days; and

(c) calls on the Federal Government to work productively with all parties in the Senate to ensure Australia’s encryption legislation can be amended to address any and all obstacles in the way of securing the best outcome for Australian police and security agencies, and the Australian people.

Statements by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam) and Senators McKim and Patrick, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 31

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Question agreed to.

25 **Rural Hardship Education Fund**

The Leader of Pauline Hanson’s One Nation (Senator Hanson) amended general business notice of motion no. 200 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate calls on the Federal Government to consider putting in place a Rural Hardship Education Fund or other options to assist geographically isolated students and their families with educational expenses during times of rural hardship to ensure their education can continue unchanged.

*Statements by leave:* The Assistant Minister for Forestry and Fisheries (Senator Duniam) and Senator Faruqi, by leave, made statements relating to the motion.

Question put and passed.

26 **Live export legislation**

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 201—that the Senate calls on the Federal Government to amend the *Australian Meat and Live-stock Industry Act 1997*, the *Export Control Act 1982* and the proposed *Export Control Act 2018* to restrict the long-haul export of live sheep and lambs during the northern hemisphere summer months of July, August or September in a five year transitional period, or at any time after that period, where the voyage is by ship and of duration exceeding 10 days, and where a place in that voyage is either the Persian Gulf or the Red Sea (regardless of whether it is the final destination).

Question put.

The Senate divided—

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Question negatived.

27 National Alcohol Strategy

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 202—That the Senate—

(a) notes that:

(i) the Federal Government is currently in the process of developing the National Alcohol Strategy 2018-2026 (NAS) which aims to reduce harmful alcohol consumption, including from binge drinking and disease or injury caused by a lifetime of drinking,

(ii) alcohol contributes to disease such as cancer and preventable harm, including Fetal Alcohol Spectrum Disorder, and is estimated to be responsible for nearly 6000 deaths in Australia each year, and

(iii) the Ministerial Drug and Alcohol Forum (MDAF) had committed to finalising the NAS by the end of 2018, but it has not met since June 2018, and the strategy is still unfinished;

(b) further notes:

(i) the concern from health groups and specialists who developed and consulted on the initial draft of the NAS, that the revised draft has been watered down following involvement of the alcohol industry,

(ii) reports that the reason the revised draft of the NAS has not been finalised is because of state and territory concerns about the alcohol industry’s interference in a public health strategy, and

(iii) that an analysis by the Foundation for Alcohol Research and Education shows the revised draft deletes a safeguard that the alcohol industry will not be eligible for membership of the NAS Reference Group, which will guide implementation, monitor progress and evaluate the strategy, and it also deletes the statement that ‘Australia does not support any ongoing role for industry in setting or developing national alcohol policy’; and

(c) calls on the Federal Government to remove the pro-industry changes that were made to the NAS, and reintroduce the safeguards against alcohol industry involvement that were deleted.
Statement by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, made a statement relating to the motion. Question put and passed.

28 Poverty rate of older women
Senator Waters, also on behalf of Senator Marielle Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 203—That the Senate—

(a) notes that:
   (i) this week is Anti-Poverty Week 2019,
   (ii) nearly one third of women over 65 live in poverty, with many experiencing or at risk of homelessness,
   (iii) according to the HILDA Statistical Report 2019, single elderly women are the lowest income family group and women aged over 65 were more likely than not to have experienced poverty in the previous 10 years,
   (iv) the effects of lower wages and time out of the workforce compound across women’s working lives – on average, women retire with 47% less superannuation than men, and almost 35% of women aged between 60 and 65 have no superannuation at all, and
   (v) approximately 23% of Newstart recipients are aged between 55 and 64; and

(b) calls on the Federal Government to help reduce the poverty rate of older women in Australia by:
   (i) immediately increasing Newstart and related payments, and
   (ii) investing in social housing, including transitional and crisis housing, and
   (iii) taking action to close the gender retirement income gap.

Question put and passed.

29 Thermal coal mines
Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 204—That the Senate agrees that, given we are in a climate emergency, no new thermal coal mines should be opened.

Statements by leave: Senators Roberts and Gallagher, by leave, made statements relating to the motion. Question put. The Senate divided—

AYES, 7

Senators—

       Faruqi          McKim         Steele-John       Whish-Wilson
       Hanson-Young    Siewert*       Waters
30 Paid Parental Leave Amendment (Work Test) Bill 2019
Order of the day read for the adjourned debate on the motion of the Minister for Trade, Tourism and Investment (Senator Birmingham)—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 Forestry and Fisheries (Senator Duniam) the bill was read a third time.

31 National Disability Insurance Scheme Amendment (Streamlined Governance) Bill 2019
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Forestry and Fisheries (Senator Duniam)—That this bill be now read a second time.

Debate resumed.

Senator Brown moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to:

(a) remove the average staffing level cap for the National Disability Insurance Agency set out in Part 2 of Budget Paper No. 4 (2019–20); and

(b) directly employ the number of people required to administer the National Disability Insurance Scheme and the National Disability Insurance Scheme Act 2013”.

Debate ensued.

On the motion of the Minister for Finance (Senator Cormann) the debate was adjourned.

Senator Cormann moved—that the resumption of the debate be an order of the day for a later hour.

Closure: Senator Cormann moved—that the question be now put.
Question—That the question be now put—put and passed.
Main question put and passed.

32 **Emergency Response Fund Bill 2019**
A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

The Minister for Finance (Senator Cormann) moved—That this bill be now read a third time.
Closure: Senator Cormann moved—That the question be now put.
Question—That the question be now put—put and passed.
Main question put and passed.
Bill read a third time.

33 **Treasury Laws Amendment (2019 Measures No. 2) Bill 2019**
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 90, dated 16 October 2019—A Bill for an Act to amend the law relating to taxation, competition, energy and superannuation, and for related purposes.
The Minister for Finance (Senator Cormann) 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 Cormann moved—That this bill be now read a second time.
Debate ensued.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Cormann the bill was read a third time.

34 **National Disability Insurance Scheme Amendment (Streamlined Governance) Bill 2019**
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Forestry and Fisheries (Senator Duniam)—That this bill be now read a second time—and on the amendment moved by Senator Brown (see entry no. 31).
Debate resumed.
At 2 pm: Debate was interrupted while Senator Siewert was speaking.

35 **Questions**
Questions without notice were answered.
36 **Motions to take note of answers**

Senator Green moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Gallagher and Watt today relating to the economy.

Debate ensued.

Question put and passed.

Senator Faruqi moved—That the Senate take note of the answer given by the Minister for Employment, Skills, Small and Family Business (Senator Cash) to a question without notice asked by Senator Faruqi today relating to recreational shooting.

Question put and passed.

37 **Postponements**

Senator McKim, by leave, postponed business of the Senate notice of motion no. 2 for today, proposing the disallowance of the Migration (Fast Track Applicant Class—Temporary Protection and Safe Haven Enterprise Visas) Instrument 2019, till the next day of sitting.

Senator Patrick, by leave, postponed business of the Senate notice of motion no. 3 for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, till the next day of sitting.

38 **Civil Aviation (Community Service Flights — Conditions on Flight Crew Licences) Instrument 2019—Proposed disallowance**

Pursuant to order (see entry no. 12), Senator Patrick moved business of the Senate notice of motion no. 1—That the Civil Aviation (Community Service Flights — Conditions on Flight Crew Licences) Instrument 2019, made under the Civil Aviation Safety Regulations 1998, be disallowed [F2019L00134].

Debate ensued.

Question put.

The Senate divided—

**AYES, 12**

- Faruqi
- Griff*
- Hanson
- Hanson-Young
- McDonald
- McKim
- Patrick
- Roberts
- Siewert
- Steele-John
- Waters
- Whish-Wilson

**NOES, 29**

- Abetz
- Antic
- Askew
- Ayres
- Bernardi
- Biýk
- Bragg
- Chandler
- Ciccone*
- Duniam
- Fierravanti-Wells
- Gallacher
- Gallagher
- Henderson
- Hume
- Lines
- McAllister
- McCarthy
- McMahon
- O'Sullivan
- Paterson
- Polley
- Pratt
- Scarr
- Smith, Dean
- Stoker
- Van
- Walsh
- Watt

* Tellers

Question negatived.
Committee reports and government responses—Tabling and consideration

Senator Ciccone, at the request of the Chair of the Procedure Committee (Senator Lines), tabled the following report:


Senator Ciccone moved—that the recommendations in the report be adopted.

Question put and passed.

Accordingly, the following amendment to standing orders and resolutions were adopted:

That each year, on the day on which the Prime Minister presents the annual report on progress in meeting the ‘Closing the Gap’ targets, the sitting of the Senate be suspended 10 minutes prior to the time set for the presentation of the report in the House of Representatives, until the ringing of the bells, to enable senators to attend.

At the end of standing order 35, add:

(3) If evidence is heard by a committee in an Indigenous Australian language the transcript of that evidence shall record both:
   (a) the evidence as submitted in the Indigenous Australian language; and
   (b) an English translation of the evidence.

The Senate resolves that, where a committee has heard evidence in an Indigenous Australian language, the transcription by Hansard staff of the evidence as submitted, and its translation into English, should be assisted by the person who gave evidence or a person from their community.

Senator Dean Smith, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—

Senator Dean Smith, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Paterson), tabled the following documents:

Budget estimates 2019-20—Finance and Public Administration Legislation Committee—Additional information received between 24 July and 14 October 2019—Prime Minister and Cabinet portfolio.
Senator Dean Smith, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:


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

Community Affairs Legislation Committee—Human Services Amendment (Photographic Identification and Fraud Prevention) Bill 2019—Report, dated October 2019, Hansard record of proceedings, additional information and submissions.

The Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley) tabled the following report:

Scrutiny of Bills—Standing Committee—Scrutiny digest 7 of 2019, dated 16 October 2019.

Senator Polley moved—that the Senate take note of the report.

Question put and passed.

The Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells) tabled the following report:


Senator Fierravanti-Wells moved—that the Senate take note of the report.

Question put and passed.

The Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) tabled the following document:

40 Australia’s integration, employment and settlement outcomes for refugees and humanitarian entrants—Order for production of document—Documents

The Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) tabled the following documents:

Australia’s integration, employment and settlement outcomes for refugees and humanitarian entrants—Order of 15 October 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 16 October 2019, responding to the order, and attachment as follows—

Letter to the President of the Senate from the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Mr Coleman), dated 15 October 2019, responding to the order, and raising a public interest immunity claim.

41 Third annual statement on veterans and their families—Ministerial statement—Document

The Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) tabled the following document:

Third annual statement on veterans and their families—Ministerial statement by the Minister for Veterans and Defence Personnel (Mr Chester), dated 16 October 2019.

General business was called on.

42 Newstart and Youth Allowance

Senator Siewert, pursuant to notice, moved general business notice of motion no. 206—That the Senate—

(a) recognises that it is Anti-Poverty Week 2019, and today marks the United Nations International Day for the Eradication of Poverty;

(b) notes that raising the rate of Newstart and Youth Allowance is one of the most effective measures the Government can undertake to reduce the rate of poverty in Australia; and

(c) calls on the Federal Government to immediately increase the rate of Newstart and Youth Allowance.

Debate ensued.

Question put and passed.

43 Notice

Senators Farrell and Sheldon gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by the last sitting day in June 2020:

The extent and amount of unlawful underpayment of employees’ remuneration by employers, with particular reference to:

(a) the reasons for wage theft and whether it is regarded by some businesses as ‘a cost of doing business’;

(b) the cost of wage and superannuation theft to the national economy;

(c) the best means of identifying and uncovering wage and superannuation theft;
(d) the taxation treatment of people whose stolen wages are later repaid to them;
(e) the most effective means of deterring wage and superannuation theft; and
(f) any related matters.

44 Documents—Orders of the day—Consideration

The following orders of the day relating to documents were considered:

President’s report to the Senate on the status of government responses to parliamentary committee reports as at 30 June 2019. Motion of Senator Urquhart to take note of document agreed to.

Universal Service Obligation—Order of 3 April 2019—Letter to the President of the Senate from the Minister for Communications and the Arts (Senator Fifield) responding to the order and raising public interest immunity claims. Motion of Senator Urquhart to take note of document agreed to.

Clean Energy Regulator—2018 Annual Statement to the Parliament on the progress towards the 2020 Large-scale Renewable Energy Target. Motion of Senator Urquhart to take note of document called on. Debate adjourned till Thursday at general business.

Crocodile management—Resolution of 12 February 2019—Letter to the President of the Senate from the Queensland Minister for Environment and the Great Barrier Reef (Ms Enoch). Motion of Senator Urquhart to take note of documents agreed to.


Fair Work Act 2009—Quarterly report by the Commonwealth Ombudsman for the period 1 October to 31 December 2018. Motion of Senator McCarthy to take note of document agreed to.

Migration Act 1958—Section 199E—Independent Health Advice Panel—Quarterly report for the period 1 April to 30 June 2019. Motion of Senator McCarthy to take note of document debated. Debate adjourned till Thursday at general business.


Paladin contract relating to Manus Island—Independent Health Advice Panel reports—Order of 12 September 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash) responding to the order, and attachments. Motion of Senator Ciccone to take note of document debated. Debate adjourned till Thursday at general business.

Access to unpublished committee documents—Report by the President to the Senate, pursuant to the resolution of the Senate of 6 September 1984—Joint Parliamentary Standing Committee on Public Works relating to inquiries into the proposals to erect migrant hostels in Randwick, NSW, and Springvale, Victoria. Motion of Senator Urquhart to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Commonwealth Ombudsman’s reports—Reports 27 to 29 of 2019 and government responses. Motion of Senator Urquhart to take note of documents agreed to.

Department of Agriculture and Water Resources—Report for 2018-19, including reports of the National Residue Survey, the Water Efficiency Labelling and Standards Scheme and the Water for the Environment Special Account. Motion of Senator McCarthy to take note of document called on. Debate adjourned till Thursday at general business.


Australian Communications and Media Authority (ACMA) and the Office of the eSafety Commissioner—Report for 2018-19. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business.


National Health Funding Pool—Report for 2018-19, including financial statements for state and territory State Pool Accounts. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business.


Orders of the day nos 13, 16 to 18, 20, 22, 23, 25, 27 to 31, 33, 34, 36 to 40, 42, 44 to 52, 54 to 56, 58 to 61 and 63 to 75 relating to documents were called on but no motion was moved.
Protection of the Sea (Prevention of Pollution from Ships) Amendment (Air Pollution) Bill 2019

Treasury Laws Amendment (2018 Measures No. 2) Bill 2019

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


Message no. 88, dated 15 October 2019—A Bill for an Act to amend the law relating to corporations, consumer credit and taxation, and for related purposes.

The Minister for Families and Social Services (Senator Ruston) 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 Ruston moved—that these bills be now read a second time.

On the motion of Senator Ruston the debate was adjourned, the resumption of the debate made an order of the day for a later hour and the bills listed as separate orders of the day.

Question put and passed.

Medical and Midwife Indemnity Legislation Amendment Bill 2019

National Health Amendment (Safety Net Thresholds) Bill 2019

New Skilled Regional Visas (Consequential Amendments) Bill 2019

Social Services Legislation Amendment (Drug Testing Trial) Bill 2019

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

Message no. 89, dated 16 October 2019—A Bill for an Act to amend the law in relation to medical and midwife indemnity, and for related purposes.

Message no. 85, dated 15 October 2019—A Bill for an Act to amend the National Health Act 1953, and for related purposes.

Message no. 82, dated 14 October 2019—A Bill for an Act to amend the law consequential to the creation of certain visas, and for related purposes.

Message no. 93, dated 17 October 2019—A Bill for an Act to amend the law relating to social security, and for related purposes.

The Minister for Families and Social Services (Senator Ruston) 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 Ruston moved—that these bills be now read a second time.

On the motion of Senator Ruston the debate was adjourned till the next day of sitting and the bills listed as separate orders of the day.
47 **Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 87, dated 15 October 2019—A Bill for an Act to amend legislation relating to the criminal law, and for related purposes.

The Minister for Families and Social Services (Senator Ruston) 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 Ruston moved—That this bill be now read a second time.

*Consideration of legislation*: Pursuant to order, the debate was adjourned till the day fixed for the Legal and Constitutional Affairs Legislation Committee to report on the bill, 7 November 2019.

48 **ANL Legislation Repeal Bill 2019**

**National Rental Affordability Scheme Amendment Bill 2019**

Messages from the House of Representatives were reported returning the following bills without amendment:


Message no. 95, dated 17 October 2019—National Rental Affordability Scheme Amendment Bill 2019.

49 **National Housing Finance and Investment Corporation Amendment Bill 2019**

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

Message no. 84, dated 15 October 2019—National Housing Finance and Investment Corporation Amendment Bill 2019.

50 **Committee membership**

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Joint Select Committee on Australia’s Family Law System, as follows:

Message no. 83, dated 14 October 2019—Mr KJ Andrews, Dr Martin, Mr LS O’Brien and Ms Steggall.

51 **Committee reports and government responses—Orders of the day—Consideration**

The following orders of the day relating to committee reports and government responses were considered:

Economics References Committee—Regional inequality in Australia—Report. Motion of Senator Urquhart to take note of report called on. Debate adjourned till the next day of sitting.

Education and Employment References Committee—Report—The appropriateness and effectiveness of the objectives, design, implementation and evaluation of jobactive—Additional information. Motion of Senator Urquhart to take note of document called on. Debate adjourned till the next day of sitting.
Education and Employment References Committee—Report—The people behind 000: Mental health of our first responders—Additional information. Motion of Senator Urquhart to take note of document agreed to.

Environment and Communications References Committee—Report—Allegations of political interference in the Australian Broadcasting Corporation—Correction. Motion of Senator Urquhart to take note of document agreed to.

Finance and Public Administration References Committee—Compliance by former Ministers of State with the requirements of the Prime Minister’s Statement of Ministerial Standards—Report. Motion to take note of report moved by Senator Urquhart. Debate adjourned till the next day of sitting.

Rural and Regional Affairs and Transport Legislation Committee—Performance of the Australian Transport Safety Bureau, and in particular its report on the June 2017 crash of a flight conducted on behalf of Angel Flight Australia—Report. Motion to take note of report moved by Senator McDonald, debated and agreed to.

Treaties—Joint Standing Committee—186th report—IA-CEPA and A-HKFTA. Motion to take note of report moved by Senator Steele-John and agreed to.

Environment and Communications References Committee—Report—Risks and opportunities associated with the use of the bumblebee population in Tasmania for commercial pollination purposes—Government response. Motion of Senator Urquhart to take note of document agreed to.

Stillbirth Research and Education—Select Committee—Government response. Motion of Senator McCarthy to take note of document called on. Debate adjourned till the next day of sitting.

Environment and Communications References Committee—Report—Allegations of political interference in the Australian Broadcasting Corporation—Government response. Motion of Senator Urquhart to take note of document called on. Debate adjourned till the next day of sitting.

Trade and Investment Growth—Joint Standing Committee—Report—Austrade’s role in attracting investment in Australia—Government response. Motion of Senator Urquhart to take note of document agreed to.

52 Auditor-General’s reports—Orders of the day—Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 35 of 2018-19—Performance audit—Governance of the Special Broadcasting Service Corporation: Special Broadcasting Service Corporation (SBS). Motion of Senator Ciccone to take note of document agreed to.


Auditor-General—Audit report no. 45 of 2018-19—Performance audit—Coordination and targeting of domestic violence funding and actions: Department of Social Services. Motion of Senator Urquhart to take note of document called on. Debate adjourned till the next day of sitting.

Auditor-General—Audit report no. 10 of 2019-20—Performance audit—Design and Governance of the Child Care Package—Department of Education. Motion of Senator McCarthy to take note of document debated and agreed to.

53 Adjournment
The Deputy President (Senator Lines) proposed the question—That the Senate do now adjourn.
The Senate adjourned at 6.37 pm till Monday, 11 November 2019 at 12.30 pm.

54 Attendance
Present, all senators except Senators Carr*, Di Natale*, Fawcett*, O’Neill* and Rice* (*on leave).

RICHARD PYE
Clerk of the Senate

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