JOURNALS OF THE SENATE

No. 18

WEDNESDAY, 18 SEPTEMBER 2019

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

Government documents
2. Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2018.

The Clerk tabled the following documents pursuant to statute:

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


Fisheries Management Act 1991—Southern and Eastern Scalefish and Shark Fishery (Closures Variation) Direction (No. 2) 2019 [F2019L01200].


Military Rehabilitation and Compensation Act 2004—
Military Rehabilitation and Compensation Amendment (Non-warlike Service) Determination 2019 (No. 1) [F2019L01199].
Military Rehabilitation and Compensation (Warlike Service) Determination 2019 [F2019L01198].

Remuneration Tribunal Act 1973—Remuneration Tribunal Amendment Determination (No. 5) 2019 [F2019L01201].


Veterans’ Entitlements Act 1986—
Statement of Principles concerning malignant neoplasm of the bladder (Balance of Probabilities)—No. 84 of 2019 [F2019L01097]—Replacement explanatory statement.
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:

- Multi-Jurisdictional Management and Execution of the Murray Darling Basin Plan—Select Committee—Thursday, 19 September 2019, from 10.30 am.
- National Broadband Network—Joint Standing Committee—from 11.30 am, on 19 September, 17 October, 14 and 28 November and 5 December 2019.
- Senators’ Interests—Standing Committee—today, from 10.30 am.

4 Privileges—Standing Committee—Statement by President—Proposed reference
The President made a statement relating to a matter of privilege raised by Senator Patrick concerning possible intimidation of crossbench senators.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that a motion relating to the matter may have precedence over all other business on the day for which the notice is given.

Document: The President tabled the following document:

Notice of motion: Senator Patrick gave a notice of motion as follows: That the following matter be referred to the Standing Committee of Privileges for inquiry and report:

Having regard to the statements made to the Senate by Senators Patrick and Lambie on 16 September 2019 and the document tabled by the President on 18 September 2019:

(a) whether there was any attempt to improperly interfere with the free performance by any senator of their duties as a senator;
(b) whether there was any attempt to improperly influence any senator in their conduct as a senator, by intimidation, force or threat of any kind; and
(c) if so, whether any contempt was committed in respect of those matters.

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

5 Explanation by Minister representing the Prime Minister—Member for Chisholm
Pursuant to order (see entry no. 19, 17 September 2019), the Minister representing the Prime Minister (Senator Cormann) provided an explanation concerning the Member for Chisholm.

The Leader of the Opposition in the Senate (Senator Wong) moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

6 Family Assistance Legislation Amendment (Extend Family Assistance to ABSTUDY Secondary School Boarding Students Aged 16 and Over) Bill 2019
Order of the day read for the adjourned debate on the motion of the Minister for Resources and Northern Australia (Senator Canavan)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be
considered in committee.
On the motion of the Minister for Families and Social Services (Senator Ruston) the
bill was read a third time.

7 Treasury Laws Amendment (Putting Members’ Interests First) Bill 2019
Order of the day read for the adjourned debate on the motion of the Assistant Minister
for Finance, Charities and Electoral Matters (Senator Seselja)—That this bill be now
read a second time.
Debate resumed.
At 12.45 pm: Debate was interrupted while Senator Ayres was speaking.

8 Senators’ statements
Senators made statements.

9 Questions
Questions without notice were answered.

10 Motions to take note of answers
Senator Gallagher moved—That the Senate take note of the answers given by the
Minister for Families and Social Services (Senator Ruston) to questions without notice
asked by Senators Brown and Gallagher today relating to the National Disability
Insurance Scheme.
Debate ensued.
Question put and passed.
The Leader of the Australian Greens (Senator Di Natale) moved—That the Senate take
note of the answer given by the Minister for Trade, Tourism and Investment (Senator
Birmingham) to a question without notice asked by Senator Steele-John today relating
to climate change protests.
Question put and passed.

11 Notices
The Minister for Defence (Senator Reynolds): To move on the next day of sitting—
That the following bill be introduced: A Bill for an Act to amend the Defence Service
Homes Act 1918, and for related purposes. Defence Service Homes Amendment
Bill 2019.

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

(1) That the Senate notes that:
   (a) Australia’s oil and gas reserves are valuable sovereign resources which
       are finite;
   (b) in 2018, natural gas and crude petroleum exports represented 11.7% of Australia’s total exports in dollar value;
   (c) the Australian Tax Office tax transparency data, released by the Australian Tax Office, provides clear indications that many oil and gas
companies operating in Australia are paying very little or no corporate tax and limited petroleum rent resource tax;

(d) by means of comparison, in a single year (2018), the following overseas national or state-owned oil and gas companies reported the following taxes to the respective governments in the amounts of:

(i) Equinor (Norway) paid A$28 billion tax on A$105 billion revenue,
(ii) Pemex (Mexico) paid A$29 billion in tax on A$99 billion revenue, and
(iii) Saudi Aramco (Saudi Arabia) paid A$67 billion on A$478 billion revenue; and

(e) research activities undertaken by both UMR Research Pty Ltd and the Commonwealth Scientific and Industrial Research Organisation support the view that the majority of Australians are of the opinion that the economic benefits of mining in Australia are not distributed fairly.

(2) That the following matters be referred to the Economics References Committee for inquiry and report on the first sitting day in March 2020:

(a) arrangements used by other countries to maximise the benefit to the public of national oil and gas reserves;
(b) arrangements that could be considered to maximise benefit to the public of Australia’s national oil and gas resources, cognisant of:
   (i) sovereign risk,
   (ii) existing property rights, and
   (iii) federal and state jurisdictions; and
(c) any related matters.

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

(a) notes that:
   (i) dolphins are highly intelligent animals, with complex physical and behavioural needs – in the wild, they live in intricate social networks, are migratory and can travel more than 100 kilometres in a single day,
   (ii) captive environments are incapable of meeting the needs of dolphins and can severely impact their health and welfare, and
   (iii) the Parliament of Canada has passed legislation banning whales, dolphins and porpoises from being bred or held in captivity in most circumstances; and

(b) calls on the Federal Government to work with states and territories to ban dolphin captivity for entertainment in Australia. (general business notice of motion no. 152)

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

(a) notes that:
   (i) the Australian Competition and Consumer Commission’s (ACCC) inquiry into northern Australian insurance found insurance premiums rose by 130% in northern Australia over the past decade, compared to just over 50% in the rest of the country,
   (ii) 82% of those surveyed by the ACCC experienced some level of underinsurance,
(iii) the ACCC has published two reports that made 28 recommendations aimed at making insurance in north Queensland fairer, and more transparent,
(iv) the ACCC has urged the Federal Government to act quickly to respond to the ACCC recommendations to improve northern Australian insurance markets,
(v) in 2015, the Member for Leichhardt described the insurance situation as being in ‘crisis’, and this week the Member for Dawson acknowledged that we are ‘at crisis point right now’, and
(vi) the Federal Government promised to fix this crisis, but they have refused to take any action; and
(b) calls on the Federal Government to act quickly to respond to the ACCC’s recommendations. (general business notice of motion no. 153)

Senators Brown and Sterle: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) 26 September 2019 will be World Maritime Day, a day commemorated by the United Nations and marked worldwide,
(ii) World Maritime Day was established to highlight the importance of shipping safety, maritime security and the marine environment,
(iii) the theme for the 2019 World Maritime Day is ‘Empowering Women in the Maritime Community’,
(iv) this year’s theme aims to highlight the important contribution women make to the maritime sector, and
(v) 80% of global trade and 90% of goods transported to, from and around Australia, is transported by sea; and
(b) joins with many international and local organisations in recognising World Maritime Day, pays tribute to the contribution of Australia’s women seafarers and the vital contribution Australia’s maritime industries and workers make to our economic, environmental and national security. (general business notice of motion no. 154)

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes that children and young people who are in youth detention centres and prisons are excluded from accessing Medicare and the Pharmaceutical Benefits Scheme;
(b) recognises that these policies disproportionately impact First Nations peoples, who are overrepresented in the criminal justice system;
(c) acknowledges that children and young people in detention should have the right to the same health services and pharmaceutical benefits as the rest of the population; and
(d) calls on the Commonwealth Government to implement the recommendations from the Royal Commission into the Protection and Detention of Children in the Northern Territory that relate to this issue:
(i) to enable the payment of Medicare benefits for medical services provided to children and young people in detention, and
(ii) to ensure that supply of pharmaceuticals to children and young people in detention is provided under the Pharmaceutical Benefits Scheme. (general business notice of motion no. 155)
The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate—

(a) thanks workers in thermal coal mining operations for their contribution to our economy, and notes that coal workers and communities are not to blame for the climate emergency we are in;

(b) notes that, to have any chance of avoiding the worst of the climate emergency, thermal coal use must be phased out; and

(c) calls on the Federal Government to develop a plan for the phasing out of thermal coal exports, with a just transition plan for all affected workers and communities so that no person is left behind without secure employment.

(General business notice of motion no. 156)

The Chair of the Economics References Committee (Senator Gallacher): 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:

Developing and delivering Australia’s sovereign naval shipbuilding capability, with particular reference to:

(a) oversight and scrutiny of the national shipbuilding plan, to support a continuous build of vessels in Australia;

(b) progress of the design, management and implementation of naval shipbuilding and submarine defence procurement projects in Australia;

(c) progress of the Naval Shipbuilding College in building workforce capability, and developing the required skills and infrastructure to design, build, maintain, sustain and upgrade current and future naval fleet;

(d) ongoing examination of contracts and scrutiny of expenditure;

(e) the implementation of Australian Industry Capability Plans;

(f) the utilisation of local content and supply chains;

(g) the transfer of intellectual property and skills to Australian firms and workers;

(h) the prospect of imminent job losses and redundancies;

(i) opportunities and multiplier effects to local jobs and the economy; and

(j) any related matters.

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

Nos 2 and 3 for eight sitting days after today, for the disallowance of the following instruments:


No. 1 for twelve sitting days after today, for the disallowance of the Migration (Fast Track Applicant Class - Temporary Protection and Safe Haven Enterprise Visas) Instrument 2019 [F2019L00506]

No. 4 for thirteen sitting days after today, for the disallowance of the Southern and Eastern Scalefish and Shark Fishery (Closures Variation) Direction 2019 [F2019L00650].
Notice of motion withdrawn: Senator Patrick, pursuant to notice of intention given on 17 September 2019, withdrew business of the Senate notice of motion no. 1 for 19 September 2019, for the disallowance of the Civil Aviation (Community Service Flights - Conditions on Flight Crew Licences) Amendment Instrument 2019 [F2019L00554].

12 Postponements
Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator McKim for today, proposing the disallowance of the Migration (Fast Track Applicant Class - Temporary Protection and Safe Haven Enterprise Visas) Instrument 2019, postponed till 16 October 2019.

Business of the Senate notice of motion no. 2 standing in the name of Senator Patrick for 19 September 2019, proposing the disallowance of the Civil Aviation (Community Service Flights - Conditions on Flight Crew Licences) Instrument 2019, postponed till 16 October 2019.

13 Committee—Extension of time to report
Community Affairs References Committee—Centrelink’s compliance program, extended to the first sitting Wednesday in March 2020.

14 Leave of absence
Senator Dean Smith, by leave, moved—That leave of absence be granted to Senator Fierravanti-Wells for 18 and 19 September 2019, for personal reasons.

Question put and passed.

Senator Bernardi, by leave, moved—That leave of absence be granted to Senator Bernardi for 19 September 2019, for personal reasons.

Question put and passed.

15 Governor-General’s opening speech—Address-in-reply—Presentation
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) the address-in-reply be presented to His Excellency the Governor-General by the President and senators who wish to accompany him; and

(b) on Thursday, 19 September 2019, the Senate adjourn at 4.30 pm, for the purpose of presenting the address-in-reply to the Governor General.

Question put and passed.
16 Public Works—Joint Statutory Committee—Reference of works

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) and pursuant to notices of motion not objected to as formal motions, moved government business notices of motion nos 2 and 3—that, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed works be referred to the Parliamentary Standing Committee on Public Works for consideration and report as soon as reasonably possible:

- Australian High Commission Property Replacement Project in Tarawa, Kiribati.
- Shoalwater Bay Training Area Remediation Project.


Question put and passed.

17 Death of Mr Adrian Drane

Senator Lambie, also on behalf of Senators Duniam and Urquhart, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 141—that the Senate—

(a) notes:
   (i) the contribution to the school community made by Mr Adrian Drane, formerly principal of Marist Regional College in Burnie, and
   (ii) the contribution made by Mr Drane to the broader community, including his efforts to help homelessness, those impacted by Tasmanian bushfires, and more recently, to work with survivors of child sexual abuse;

(b) further notes that, on the first day of school each year, Mr Drane took it upon himself to memorise not only the name of every starting student, but also how to spell it;

(c) notes with sadness that Mr Drane passed away on 16 September 2019 from pancreatic cancer, far too young; and

(d) expresses its condolences to Mr Drane’s family, friends and school at this difficult time, and recognises he lived a life informed by his faith, devoted fully to nurturing, defending and celebrating the fundamental goodness in others.

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

Question put and passed.

18 Grandparent carers

Senator Siewert, also on behalf of Senators Dean Smith, Brown, Urquhart and Marielle Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 151—that the Senate—

(a) notes that:
   (i) there are thousands of grandparents across Australia taking on the primary responsibility for raising their grandchildren,
   (ii) as at June 2018, 50% of children in relative/kinship placements were living with their grandparents, and
   (iii) recent research out of Western Australia found that grandparent carers are predominantly single older women, living on low incomes, raising an average of three grandchildren;
(b) recognises that many grandparent carers are experiencing significant financial stress;
(c) acknowledges that grandparent carers who have primary responsibility for raising their grandchildren generally do not receive the same level of financial assistance as foster carers; and
(d) calls on all levels of government to work together with the goal that grandparent carers receive adequate and appropriate support payments to support the children they are caring for.

Question put and passed.

19 Murray-Darling Basin Plan
Senator Hanson-Young, also on behalf of Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 140—That the Senate—
(a) notes that:
   (i) on 14 September 2019, the National Party voted to oppose the recovery of 450 gigalitres (GL) of water under the Murray-Darling Basin Plan,
   (ii) the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management (Mr Littleproud) has previously promised this water would be returned to the river in full, and
   (iii) the 450 GL was negotiated by South Australia as an essential part of delivering the Plan in full;
(b) condemns the National Party for opposing the delivery of 450 GL of environmental water to the Murray-Darling river system; and
(c) supports the delivery of the agreed 450 GL of water to the Murray-Darling, as required under the Murray-Darling Basin Plan.

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

Question put and passed.

20 Privatisation of power assets
Senator Urquhart, also on behalf of Senators Watt, Green, Chisholm, Bilyk, Brown, Sterle, Pratt, Dodson, Polley and Lines, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 143—That the Senate—
(a) notes that:
   (i) the Minister for Energy and Emissions Reduction has publicly threatened to use his so-called ‘big stick’ legislation to force state governments to privatise publicly-owned power assets,
   (ii) the Member for Hinkler and other National Party MPs have stated that divestment powers are ‘urgently needed to deal with the state power monopoly in Queensland’, and
   (iii) privatisation of publicly-owned power assets has led to higher power prices for consumers; and
(b) calls on the Federal Government to rule out privatisation of publicly-owned power assets in Queensland, Western Australia and Tasmania.
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.

21 Climate strikes

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 144—That the Senate declares that anyone who sacks their workers for going to the climate strikes is a bum.

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

Question put.

The Senate divided—

AYES, 8

Senators—

Di Natale
Faruqi
Hanson-Young
McKim
Siewert*
Steele-John
Waters

NOES, 48

Senators—

Abetz
Antic
Askew
Ayres
Bilyk
Bragg
Brockman
Canavan
Carr
Chandler
Ciccone
Colbeck
Cormann
Davey
Duniam
Fawcett
Gallacher
Gallagher
Green
Hanson
Henderson
Hughes
Hume
Lambie
Lines
McCarthy
McDonald
McMahon
O’Neill
O’Sullivan
Patrick
Polley
Pratt
Rennick
Roberts
Ruston
Ryan
Scarr
Sheldon
Sinodinos
Smith, Dean
Smith, Marielle
Sterle
Stoker
Van
Walsh
Watt

* Tellers

Question negatived.

22 Meat free week

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 145—That the Senate—

(a) notes that:

(i) Meat Free Week, organised by Bowel Cancer Australia, runs from 23 to 29 September 2019, and challenges participants to give up meat for seven days,

(ii) intensive animal agriculture is not only cruel to animals, but is a key contributor to the climate crisis, and

(iii) reducing the amount of meat we consume is better for our health, better for animal welfare and better for the environment; and

(b) congratulates the organisers of Meat Free Week, and encourages people to reduce their meat consumption to improve their health and for the good of animals and the planet.
Statements by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam) and the Leader of Pauline Hanson’s One Nation (Senator Hanson) and Senator Gallagher, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 9**

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*Tellers

Question negatived.

23 Environment and Communications References Committee—Great Barrier Reef 2050 Partnership Program—Government response—Order for production of document

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 148—That the Senate—

(a) notes that:

(i) the Environment and Communications References Committee tabled a report of its inquiry into the Great Barrier Reef 2050 Partnership Program on 14 February 2019, making seven recommendations, and

(ii) the President’s report to the Senate on the status of government responses to parliamentary committee reports as at 30 June 2019, indicates that a government response to the Great Barrier Reef 2050 Partnership Program report has not been tabled; and

(b) orders that there be laid on the table by the Minister representing the Minister for the Environment, by 5 pm on 14 October 2019, the government’s response to the recommendations of the report.

Question put and passed.
24 Water release in the Murray River

Senator Roberts, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 150—That the Senate—

(a) notes that:

(i) the winter crop is failing along the Murray River irrigation area owing to poor winter rains,

(ii) if this crop fails, farmers who have invested in plantings will be in serious financial difficulty and the regional communities they support will be devastated,

(iii) the potential loss of wheat and fodder will take food off the tables of consumers nationally, and necessitate food imports, eventually leading to higher prices for everyday Australians, and

(iv) currently there is 3,600 gigalitres of water in storage in the Hume and Dartmouth dams—the spring snow thaw and rains have started and the inflow into those dams has begun; and

(b) calls on the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, (Mr Littleproud) to immediately release 200 gigalitres of water from storage, for irrigation by general security licence holders to save the winter crop and to save rural communities.

Leave refused: Senator Roberts sought leave to make a statement relating to the motion. An objection was raised and leave was not granted.

Statements by leave: Senators Gallagher and Hanson-Young, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 2

Senators—

Hanson Roberts*

NOES, 52

Senators—

Abetz Davey McCarthy Siewert
Antic Di Natale McKern Sinodinos
Askew Duniam McMahon Smith, Dean
Ayres Faruqi O’Neill Smith, Marielle
Bilyk Fawcett O’Sullivan Steele-John
Bragg Gallagher Patrick Sterle
Broockman Gallagher Polley Stoker
Canavan Green Pratt Urquhart*
Carr Hanson-Young Rennick Van
Chandler Henderson Ruston Walsh
Ciccone Hughes Ryan Waters
Colbeck Hume Scarr Watt
Cormann Lines Sheldon Whish-Wilson

* Tellers

Question negatived.
25 Ministerial standards—Proposed order for production of documents

Senator Waters amended general business notice of motion no. 133 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That the Senate notes that clause 2.4 of the Prime Minister’s Statement of Ministerial Standards (the Standards) provides: “Except with the express approval of the Prime Minister, Ministers will resign or decline directorships of public or private companies and businesses on taking up office as a Minister. Approval to retain a directorship of a private company or business will be granted only if the Prime Minister is satisfied, on the advice of the Secretary of the Department of the Prime Minister and Cabinet, that no conflict of interest is likely to arise.”

(2) That there be laid on the table by the Minister representing the Prime Minister, by no later than 12 pm on 19 September 2019, the following documents:

(a) details of all approvals given to current ministers under clause 2.4 of the Standards allowing a minister to retain or accept directorships of public or private companies, including:
   (i) who the approval was granted to,
   (ii) details of the relevant company,
   (iii) when the approval was granted,
   (iv) details of any advice received from the Secretary of the Department of Prime Minister and Cabinet in relation to the approval, and
   (v) any reasons given in support of the approval; and

(b) details of all applications made by current ministers for approval under clause 2.4 of the Standards where the Prime Minister refused to grant approval for the minister to retain or accept a directorship of a public or private company, including:
   (i) who made the application,
   (ii) details of the relevant company,
   (iii) when the application was refused,
   (iv) any advice received from the Secretary of the Department of Prime Minister and Cabinet in relation to the application, and
   (v) any reasons given in support of the refusal.

Question put.
The Senate divided—

AYES, 31

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NOES, 31

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* Tellers

The ayes and noes were equal and so the question was negatived.

26 Australia’s Family Law System—Joint Select Committee—Appointment

Senator O’Sullivan, also on behalf of Senator Chandler, the Leader of Pauline Hanson’s One Nation (Senator Hanson) and Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 142—

(1) That a joint select committee, to be known as the Joint Select Committee on Australia’s Family Law System, be established to inquire into and report on the following matters:

(a) ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:

   (i) the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and

   (ii) the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;

(b) the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;

(c) beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;
(d) the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning ‘disappointment fees’, and:

(i) capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and

(ii) any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;

(e) the effectiveness of the delivery of family law support services and family dispute resolution processes;

(f) the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;

(g) any issues arising for grandparent carers in family law matters and family law court proceedings;

(h) any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;

(i) any improvements to the interaction between the family law system and the child support system;

(j) the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes; and

(k) any related matters.

(2) That the committee consist of 10 members:

(a) 3 members of the House of Representatives to be nominated by the Government Whip or Whips;

(b) 2 members of the House of Representatives to be nominated by the Opposition Whip or Whips;

(c) 1 member of the House of Representatives to be nominated by any minority party or independent member;

(d) 2 senators to be nominated by the Leader of the Government in the Senate;

(e) 1 senator to be nominated by the Leader of the Opposition in the Senate; and

(f) 1 senator to be nominated by Pauline Hanson’s One Nation.

(3) That participating members may be appointed to the committee, may participate in hearings of evidence and deliberations of the committee, and have all the rights of a member of the committee, but may not vote on any questions before the committee.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
(5) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.

(6) That the committee elect as its chair a member nominated by the Government Whip or Whips.

(7) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

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

(9) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any subcommittee any matter which the committee is empowered to examine.

(11) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

(12) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(14) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(15) That the committee or any subcommittee may conduct proceedings at any place it sees fit and sit in public or private.

(16) That the committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(17) That the committee may report from time to time, but that it present its final report by no later than 7 October 2020.

(18) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(19) That a message be sent to the House of Representatives seeking its concurrence in this resolution.
Statements by leave: Senators Gallagher, Hanson, McKim and the Minister for Finance (Senator Cormann), by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 35

Senators—
Abetz  Colbeck  Lambie  Roberts
Antic  Cormann  McDonald  Ruston
Askow Davey  McGraith  Ryan
Bernardi  Duniam  McKenzie  Scarr
Bragg  Fawcett  McMahon  Seselja
Brockman  Hanson  O’Sullivan  Sinodinos
Canavan  Henderson  Paterson  Smith, Dean*
Cash  Hughes  Patrick  Van
Chandler  Hame  Rennick

NOES, 29

Senators—
Ayres  Gallagher  O’Neill  Sterle
Bilyk  Green  Polley  Urquhart*
Brown  Hanson-Young  Pratt  Walsh
Carr  Kitching  Sheldon  Waters
Chisholm  Lines  Siewert  Watt
Di Natale  McCarthy  Smith, Marielle  Whish-Wilson
Faruq  McKim  Steele-John  Wong
Gallacher

* Tellers

Question agreed to.

27 International Overdose Awareness Day

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 146—That the Senate—

(a) notes that:
(i) 31 August 2019 marked International Overdose Awareness Day, commemorating all those who have died or been seriously injured due to drug overdose,
(ii) every year, more and more young Australians tragically, and avoidably, die at music festivals after taking pills that had not been tested, and
(iii) pill testing saves lives, by providing information to young people about the drugs they are considering taking; and

(b) calls on the Federal Government to urgently address the rising rates of harm associated with drug use by implementing and appropriately resourcing evidence-based harm reduction policies, including:
(i) provide funding for pill testing trials during this year’s summer festival season and in the community,
(ii) working with state and territory governments to cease the use of drug sniffer dogs at festivals,
(iii) greater access to needle and syringe programs across the country, including urgent roll-out of trials inside prisons,
(iv) expanded access to medically supervised injecting facilities across Australia, and
(v) promoting awareness of the life-saving opioid reversal drug, Naloxone, highlighting its availability over the counter in pharmacies.

Statement by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, made a statement relating to the motion.

Question put.
The Senate divided—

AYES, 31

Senators—
Ayres Gallacher McKim Steele-John
Bilyk Gallagher O’Neill Sterle
Brown Green Patrick Unquist*
Carr Hanson-Young Polley Walsh
Chisholm Kitching Pratt Waters
Ciccone Lambie Sheldon Watt
Di Natale Lines Siewert Whish-Wilson
Faruqi McCarthy Smith, Marielle

NOES, 32

Senators—
Abetz Chandler Hughes Roberts
Antic Colbeck Hume Ruston
Askew Cormann McDonald Ryan
Bernardi Davey McGrath Scarr
Bragg Duniam McKenzie Seselja
Brockman Fawcett O’Sullivan Sinodinos
Canavan Hanson Paterson Smith, Dean*
Cash Henderson Rennick Van

* Tellers

Question negatived.

28 Sawfish and speartooth sharks

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 147—That the Senate—

(a) notes that:

(i) the speartooth shark (Glyphis glyphis) is listed as critically endangered; and three species of sawfish (Pristis pristis, Pristis zijsron, and Pristis clavata) are listed as vulnerable on the Environment Protection and Biodiversity Conservation Act 1999 List of Threatened Fauna, and these species are also listed as globally endangered on the International Union for Conservation of Nature Red List of Threatened Species,

(ii) the Commonwealth Government’s Sawfish and River Sharks Multispecies Recovery Plan identifies fishing activities, including by-catch, as a threat to sawfish and the speartooth shark,

(iii) all habitat where these species have been recorded in the Gulf of Carpentaria is considered critical to the survival of these species, and habitat critical to the survival of these species overlaps with commercial net fishing activity,

(iv) the Gulf of Carpentaria Inshore Fin Fish Fishery (GoCIFFF) is a Queensland managed commercial fishery,
(v) the Queensland Government’s Sustainable Fisheries Strategy 2017-2027 outlines its commitment to the reform of fisheries management, and
(vi) the Minister for the Environment is currently considering the ecological sustainability of the GoCIFFF for export approval; and
(b) calls on the Minister for the Environment to ensure that, should the fishery be re-accredited for export approval, time-bound conditions are attached to protect these species, including:
(i) a requirement to ensure an independent observer and monitoring program is implemented by January 2020, and
(ii) the introduction of fishery management measures to reduce capture of sawfish and speartooth sharks in areas of critical habitat.

Senator Urquhart, by leave, moved the following amendments together:

Paragraph (b), after “species”, insert “in line with the Commonwealth Government’s effective implementation of the Sawfish and River Sharks Multispecies Recovery Plan”.
Subparagraph (b)(i), after “implemented”, insert “as soon as practicable, with a progress report to the Federal Government on implementation”.

Question—That the amendments be agreed to—put.
The Senate divided—

AYES, 33

Ayres
Bilyk
Brown
Carr
Chisholm
Ciccone
Di Natale
Faruqi
Gallacher
Gallagher
Green
Hanson-Young
Keneally
Kitching
Lambie
Lanes
McAllister

McCarthy
McKim
O’Neill
Patrick
Polley
Pratt
Sheldon
Stewart
Smith, Marielle
Steele-John
Sterle
Urquhart*
Walsh
Waters
Watt
Whish-Wilson

NOES, 32

Abetz
Antic
Askew
Bernardi
Bragg
Brockman
Canavan
Cash
Chandler
Colbeck
Davey
Duniam
Fawcett
Henderson
Hughes
Hume

McDonald
McGrath
McKenzie
McMahon
O’Sullivan
Paterson
Payne
Renwick
Roberts
Ruston
Ryan
Scarr
Seselja
Sinodinos
Smith, Dean*
Van

* Tellers

Question agreed to.

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

Main question, as amended, put.
The Senate divided—

AYES, 33

Senators—

Ayres            Gallagher        McCarthy        Smith, Marielle
Bilyk            Green           McKim          Steele-John
Brown            Hanson-Young    O’Neill        Sterle
Carr             Keneally        Patrick        Urquhart*
Chisholm         Kitching        Polley          Walsh
Ciccone          Lambie          Pratt           Waters
Di Natale        Lines            Sheldon       Watt
Faruqi           McAllister      Siewert        Whish-Wilson
Gallacher

NOES, 33

Senators—

Abetz            Colbeck         McDonald       Roberts
Antic            Davey           McGrath        Ruston
Askew            Duniam          McKenzie       Ryan
Bernardi         Fawcett         McMahon        Scarr
Bragg            Hanson          O’Sullivan      Seselja
Brockman         Henderson       Paterson        Sinodinos
Canavan          Hughes          Payne           Smith, Dean*
Cash             Hume            Rennick        Van
Chandler

* Tellers

The ayes and noes were equal and so the question was negatived.

29 Disability Support Pension

Senator Siewert, also on behalf of Senators Steele-John and Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 149—That the Senate—

(a) notes that new research from the National Centre for Social and Economic Modelling at the University of Canberra found that:

(i) the income gap between households with disability and households without is $107 a week for a household with an adult member with disability,

(ii) two of every five First Nations households relying on the Disability Support Pension as their source of income ran out of money for basic living expenses in the last 12 months, and

(iii) to close the gap in household income to provide the same standard of living, families already receiving the Disability Support Pension would need $183 more per week on average, and $343 for 200,000 disabled people receiving Newstart;

(b) recognises that the financial cost of living with disability and the declining access to the Disability Support Pension is causing significant economic, social and psychological stress and unnecessary hardship for disabled people;

(c) acknowledges that there are a significant number of disabled people and their families who are living at or below the poverty line; and

(d) calls on the Federal Government to ensure the eligibility process for the Disability Support Pension is fair, reasonable, accessible, equitable and does not generate financial hardship and economic insecurity for disabled people and their support networks.
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.

30 Discussion of matter of public importance—Aged care
The Acting Deputy President (Senator Sterle) informed the Senate that the following matter of public importance submitted by Senator Gallagher under standing order 75 had been selected for discussion today:

The Liberals’ record of inaction and cuts, which over the last six years has led to Australia’s broken aged care system.

The proposal was supported by four senators and the matter was discussed. After 5pm: The discussion was interrupted.

31 First speech
Pursuant to order, Senator McMahon made her first speech.

32 Discussion of matter of public importance—Aged care
Discussion on the matter of public importance proposed by Senator Gallagher (see entry no. 30) concluded.

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

Motion to take note of document no. 3 moved by Senator Urquhart. Consideration to resume on Thursday at general business.

34 Committee reports and government responses—Tabling and consideration
Senator Brockman, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:


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


The Acting Chair of the Standing Committee on Regulations and Ordinances (Senator Carr) tabled the following report:


Senator Carr moved—that the Senate take note of the report. Question put and passed.
35 **Drought reports—Order for production of documents—Documents**

The Minister for Families and Social Services (Senator Ruston) tabled the following documents:

Drought reports—Order of 17 September 2019—Letter to the President of the Senate from the Minister for Agriculture (Senator McKenzie) responding to the order, and attachment as follows—

Letter to the President of the Senate from the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management (Mr Littleproud).

36 **Job seeker compliance data—Order for production of documents—Documents**

The Minister for Families and Social Services (Senator Ruston) tabled the following documents:

Job seeker compliance data—Order of 17 September 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 18 September 2019, responding to the order, and attachment.

37 **Jobactive program—Order for production of documents—Documents**

The Minister for Families and Social Services (Senator Ruston) tabled the following documents:

Jobactive program—Order of 17 September 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 18 September 2019, responding to the order, and attachment.

38 **Committee membership**

The Acting Deputy President (Senator Faruqi) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Minister for Families and Social Services (Senator Ruston), by leave, moved—

That Senator Green be discharged from and Senator Dodson be appointed to the Joint Standing Committee on Northern Australia.

Question put and passed.

39 **Emergency Response Fund Bill 2019**

Emergency Response Fund (Consequential Amendments) Bill 2019

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

Message no. 69, dated 17 September 2019—A Bill for an Act to establish the Emergency Response Fund, and for other purposes.

Message no. 70, dated 17 September 2019—A Bill for an Act to deal with consequential matters arising from the enactment of the *Emergency Response Fund Act 2019*, and for other 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.
Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 14 October 2019.

40 National Housing Finance and Investment Corporation Amendment Bill 2019

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

Message no. 68, dated 17 September 2019—A Bill for an Act to amend the National Housing Finance and Investment Corporation Act 2018, 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 first day in the next period of sittings, 14 October 2019.

41 Inspector-General of Live Animal Exports Bill 2019

A message from the House of Representatives was reported returning the following bill without amendment:


42 Committee membership

Messages from the House of Representatives were reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 71, dated 17 September 2019—Joint Committee of Public Accounts and Audit, Mr Vasta in place of Mr van Manen.

Message no. 73, dated 18 September 2019—

Joint Standing Committee on the National Broadband Network, Dr Haines, appointed.

Joint Select Committee on Road Safety, Ms Bird and Mr Zappia, appointed.

43 Treasury Laws Amendment (Putting Members’ Interests First) Bill 2019

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja)—That this bill be now read a second time.

Debate resumed.

Proposed reference to committee: Senator Ciccone moved the following amendment:

At the end of the motion, add “and the bill be referred to the Economics Legislation Committee for inquiry and report by 11 October 2019”.

Debate ensued.

At 7.20 pm: Debate was interrupted while Senator Sheldon was speaking.
44 Adjournment
The Acting Deputy President (Senator Bilyk) proposed the question—That the Senate
do now adjourn.
Debate ensued.
The Senate adjourned at 7.39 pm till Thursday, 19 September 2019 at 9.30 am.

45 Attendance
Present, all senators except Senators Fierravanti-Wells*, Griff* and Rice* (*on leave).

RICHARD PYE
Clerk of the Senate

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