No. 28: Monday, 25 November 2019

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1 Meeting of Senate

The Senate met at 10 am. The President (Senator the Honourable Scott Ryan) took the chair, read prayers and made an acknowledgement of country.

2 Vacancy in the representation of New South Wales—Choice of Andrew James (Jim) Molan

The President informed the Senate that he had received, through the Governor-General, from the Governor of New South Wales, the certificate of the choice by the Parliament of New South Wales of Andrew James (Jim) Molan to fill the vacancy caused by the resignation of Senator the Honourable Arthur Sinodinos AO.

The President tabled the certificate as follows:

Friday, 15 November 2019

His Excellency General (Retd) the Honourable David Hurley AC DSC
Governor-General of the Commonwealth of Australia
Government House
YARRALUMLA ACT 2600

Your Excellency,

I have the honour to inform Your Excellency that, at a Joint Sitting of the two Houses of the Parliament of New South Wales held 14 November 2019, in accordance with the provisions of Section 15 of the Commonwealth of Australia Constitution Act, Major General (Retd) Andrew James (Jim) Molan AO DSC was duly chosen as the person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Arthur Sinodinos AO.

The Honourable Margaret Beazley AO QC
Governor of New South Wales

Senator sworn: Senator Molan, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

3 Temporary chairs of committees

The President tabled a warrant, dated 25 November 2019, nominating Senator Polley as an additional temporary chair of committees.

4 Documents

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

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

Auditor-General’s reports for 2019-20

1 No. 13—Performance audit—Implementation of the My Health Record system: Australian Digital Health Agency; Department of Health.

Documents in response to orders for the production of documents

2 Water allocation agreements—Order of 14 November 2019—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 21 November 2019, responding to the order, and attachments. [Received 21 November 2019]
Government documents
3 Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2018-19. [Received 19 November 2019]

Government responses to committee reports
5 Rural and Regional Affairs and Transport Legislation Committee—Report—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—Government response, dated November 2019. [Received 19 November 2019]

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

References initiated by the Selection of Bills Committee
7 Legal and Constitutional Affairs Legislation Committee—Customs Amendment (Product Specific Rule Modernisation) Bill 2019 [Provisions]—Report, dated November 2019, and submissions. [Received 20 November 2019]

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.]

Aboriginal and Torres Strait Islander Heritage Protection Act 1984—Aboriginal and Torres Strait Islander Heritage Protection Amendment (Bellwood Sacred Site) Declaration 2019 [F2019L01139]—Supplementary explanatory statement.

Australian Research Council Act 2001—


Civil Aviation Act 1988—
  Civil Aviation Order 48.1 Amendment Instrument 2019 (No. 1) [F2019L01473].
  Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—Civil Aviation Order 82.6 Amendment Instrument 2019 (No. 1) [F2019L01452].

Commissioner of Taxation—Public Rulings—
  Class Rulings—
    Addendum—CR 2018/52.


Corporations Act 2001—

Defence Act 1903—
  Defence Determination, Conditions of service Amendment (Employment categories salary non-reduction) Determination 2019 (No. 33) [F2019L01454].
  Salaries – Army employment categories – amendment—Defence Force Remuneration Tribunal Determination No. 8 of 2019.


Federal Financial Relations Act 2009—

Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 27 of 2019 [F2019L00830]—Replacement explanatory statement.

Health Insurance Act 1973—Health Insurance (Section 3C Pathology Services – Cystic fibrosis gene testing) Amendment Determination 2019 [F2019L01484].


Migration Act 1958—

Migration Regulations 1994—
Migration (LIN 19/211: Arrangements for Skilled Employer Sponsored Regional (Provisional) Visa Applications) Instrument 2019 [F2019L01449].
Migration (LIN 19/217: Regional Areas) Instrument 2019 [F2019L01446].
Migration (LIN 19/267: Regional Certifying Bodies and Regional Postcodes) Amendment Instrument 2019 [F2019L01447].
Migration (LIN 19/296: Arrangements for Applications for Bridging Visas) Amendment Instrument 2019 [F2019L01459].


Navigation Act 2012—
  Marine Order 27 (Safety of navigation and radio equipment) Amendment Order 2019—AMSA MO 2019/7 [F2019L01464].
  Marine Order 63 (Vessel reporting systems) 2019—AMSA MO 2019/6 [F2019L01463].


Public Governance, Performance and Accountability Act 2013—
  Commonwealth acquired shares in Emesent Holding Pty Ltd—18 October 2019.
  Commonwealth acquired shares in NextOre Pty Ltd—5 November 2019 [2].

Radiocommunications Act 1992—
  Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1) [F2019L01477].
  Radiocommunications Licence Conditions (Apparatus Licence) Amendment Determination 2019 (No. 1) [F2019L01478].

Regional Investment Corporation Act 2018—Regional Investment Corporation Operating Mandate Amendment (Drought Loans—Interest-free Period) Direction 2019 [F2019L01483].

Social Security Act 1991—
  Social Security (Australian Victim of Terrorism Overseas Payment—Specified Class of Persons) Determination 2019 [F2019L01470].

Telecommunications (Interception and Access) Act 1979—

Therapeutic Goods Act 1989—
  Poisons Standard December 2019 [F2019L01471].
  Therapeutic Goods Amendment (Approval of Advertisements) Regulations 2019 [F2019L01465].
Private senators’ bills—Consideration

The Minister for Families and Social Services (Senator Ruston) moved—that general business order of the day no. 7 (Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019) be considered today at the time for private senators’ bills. Question put and passed.

6 Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019

Order of the day read for the second reading of the bill.

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

Debate ensued.

Senator Kitching moved the following amendment:

At the end of the motion, add “and:

(a) the bill be referred to the Joint Standing Committee on Electoral Matters for inquiry and report; and

(b) further consideration of the bill be made an order of the day for the first sitting day after the committee has presented its report”.

Debate continued.

At 12.20 pm: Debate was interrupted while Senator Pratt was speaking.

7 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

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Forestry and Fisheries (Senator Duniam)—That these bills be now read a second time.

Debate resumed.
Senator Steele-John moved the following amendment:

At the end of the motion, add “but the Senate is of the opinion that:

(a) the current process for negotiating trade agreements needs to be amended to increase transparency around the negotiations and final text of agreements;

(b) all trade agreements should be subject to independent national interest assessments;

(c) investor-state dispute settlement (ISDS) provisions need to be excluded from all trade agreements; and

(d) human rights, labour, and environmental protection provisions must be included in all trade agreements.”

Debate ensued.

At 2 pm: Debate was interrupted.

8 Bushfires in New South Wales and Queensland—Ministerial statement

The Leader of the Government in the Senate (Senator Cormann), by leave, made a statement relating to the bushfires in New South Wales and Queensland.

Statements by leave: Senator Watt, the Leader of the Australian Greens (Senator Di Natale), and the Leader of Pauline Hanson’s One Nation (Senator Hanson) by leave, made statements relating to the matter.

9 Questions

Questions without notice were answered.

10 Motions to take note of answers

Senator Gallacher moved—That the Senate take note of the answer given by the Minister for Families and Social Services (Senator Ruston) to a question without notice asked by Senator Kitching today relating to the Income Compliance Programme.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by Senator Ruston to a question without notice asked by Senator Siewert today relating to the Income Compliance Programme.

11 Petition

The following petition, lodged with the Clerk by Senator Van, was received:

From 933 petitioners, requesting that the Senate call on the Government to take action concerning transmitter licences and the viability of Channel 31.

Leave refused: Senator Van sought leave to make a statement relating to the matter. An objection was raised and leave was not granted.
12 Notices

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

(1) That the Senate—

(a) notes that:

(i) the Select Committee on Charity Fundraising in the 21st Century tabled its report on 14 February 2019,

(ii) the unanimous report of Labor, Liberal, Australian Greens and United Australia Party senators called on the Australian Government to work with state and territory governments to harmonise Australia’s charity fundraising law within two years,

(iii) while government responses to committee reports are due within three months, the government response to the charity fundraising inquiry has not been forthcoming nine months after the report was tabled,

(iv) the Morrison Government’s failure to progress this important issue was highlighted when charity fundraising law reform was absent from the agenda of the Legislative and Governance Forum on Consumer Affairs – a key meeting of Commonwealth, state, territory and New Zealand consumer affairs ministers – in Queenstown, New Zealand, on 30 August 2019,

(v) without fundraising law reform, charities raising funds online are required to register and comply with seven state and territory fundraising regulatory regimes,

(vi) the charity and not-for-profit sector has been calling for reform of Australia’s charity fundraising laws for several years,

(vii) the Department of the Treasury’s 5-year review of the Australian Charities and Not-for-profits Commission (ACNC), delivered on 31 May 2018, identified fundraising law as the major reporting burden on charities, and recommended that fundraising law be harmonised across the country, and

(viii) the failure of the Morrison Government to act on reform to charity fundraising law is costing charities $15 million a year; and

(b) calls on the Morrison Government to:

(i) deliver its overdue response to the report of the Select Committee on Charity Fundraising in the 21st Century,

(ii) stand up for Australia’s charities, not-for-profits and their donors, whose donations and fundraising efforts are being needlessly eroded by unnecessary regulatory costs, and

(iii) provide national leadership and – as a matter of urgency – work with the states and territories to harmonise Australia’s complex and outdated charity fundraising laws.
That the Senate requires on Thursday, 28 November 2019, at 9.30 am, before government business is called on, the Assistant Minister for Finance, Charities and Electoral Matters to:

(a) table the Government’s overdue response to the report of the Select Committee on Charity Fundraising in the 21st Century; and

(b) attend the Senate to provide an explanation, of no more than 20 minutes, of the government response and for the delay in responding to the committee’s report.

At the conclusion of the explanation, any senator may move to take note of the explanation.

Any motion under paragraph (3) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes each. (general business notice of motion no. 269)

Senators Marielle Smith and Ciccone: To move on the next day of sitting—That the Senate—

(a) notes that 11 to 15 November 2019 was Perinatal Anxiety and Depression (PANDA) Week;

(b) recognises that:

(i) perinatal anxiety and depression is common and serious,

(ii) one in five expecting or new mums will experience perinatal anxiety or depression,

(iii) one in ten expecting or new dads will experience perinatal anxiety or depression,

(iv) 100,000 families across Australia are affected by perinatal anxiety or depression every year, and

(v) postnatal psychosis affects one or two new mums in every 1000 and that, if left untreated, the consequences of perinatal anxiety and depression can be devastating; and

(c) calls on the Federal Government to take action to raise awareness about the signs and symptoms of perinatal anxiety and depression, and encourage open and honest conversations about the mental health of expecting and new parents in communities and workplaces. (general business notice of motion no. 270)
The Minister for Families and Social Services (Senator Ruston): To move on the next day of sitting—That—

(a) if the notices of motion proposing the disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019, standing in the names of the Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells) and Senator McKim, on behalf of the Parliamentary Joint Committee on Human Rights, for three sitting days after today (28 November 2019), have not been resolved by 12.45 pm on 28 November 2019, the notices of motion be called on and considered together at 3.30 pm on 28 November 2019; and

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

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

(a) notes that the 2019 Grandparent of the Year Award was announced on 1 November 2019;

(b) congratulates the following 2019 Grandparent of the Year Award recipients: Maxine and Geoff Bolland of Willaston, South Australia, in recognition of their tireless advocacy on behalf of a growing number of grandparents working from ‘outside the system’, to keep children out of foster care and give them the opportunity to thrive;

(c) congratulates the 2019 Community Service Grandparent of the Year Award recipient Michelle Cooper of Nubeena, Tasmania; and

(d) recognises *Grandparents Day Magazine* for its promotion of important issues to grandparents, and for establishing the Grandparent of the Year Award to acknowledge and celebrate the contributions grandparents make to our community. (*general business notice of motion no. 271*)

Senator Gallagher: To move on the next day of sitting—That the Senate notes that:

(a) the work of the Australian Public Service (APS) is incredibly important to the lives of Australians;

(b) federal public servants work in a wide range of roles, from regulating the quality of life-saving medicines to providing support during times of tragedy or natural disasters;

(c) nearly two-thirds of the public service work outside of Canberra, and 70% work in implementation or service delivery; and

(d) the enduring and apolitical nature of the APS means that it plays an essential role in maintaining public trust in democratic institutions. (*general business notice of motion no. 272*)

Senators Watt, Green and Chisholm: To move on the next day of sitting—That the Senate notes that:

(a) notes that:

(i) the Department of Home Affairs employs over 130 dedicated and hardworking Queenslanders to process visa applications,

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,
the Federal Government’s plan to privatise Australia’s visa system
threatens the livelihoods of over 130 Queenslanders and their families; and

privatising Australia’s visa system will lead to increased costs of visas,
greater risks of worker exploitation, data security breaches and will make
protecting national security more difficult;

(b) condemns the Federal Government for auctioning Australian jobs off to the highest
bidder, and for undermining the integrity of our visa processing system and our
nation’s sovereignty; and

calls on the Federal Government to guarantee the protection of these 135 jobs in
Queensland, and the 2,000 jobs across Australia which will be lost under the
Morrison Government if it persists with its efforts to privatise Australia’s visa
system. (general business notice of motion no. 273)

Senator Farrell: To move on the next day of sitting:

No. 1—That the following bill be introduced: A Bill for an Act to amend the
Commonwealth Electoral Act 1918, and for related purposes. Commonwealth
Electoral Amendment (Transparency Measures—Real Time Disclosure)
Bill 2019. (general business notice of motion no. 274)

No. 2—That the following bill be introduced: A Bill for an Act to amend the
Commonwealth Electoral Act 1918, and for related purposes. Commonwealth
Electoral Amendment (Transparency Measures—Lowering the
Disclosure Threshold) Bill 2019. (general business notice of motion no. 275)

Senator Rice: To move on the next day of sitting—That there be laid on the table by the
Minister representing the Attorney-General, by no later than 5 pm on 2 December 2019, a
list of consultation meetings held by the Attorney-General, or his office or the
Attorney-General’s Department, in relation to the Religious Discrimination Bill 2019 (and
associated legislation), including the dates and the stakeholders in attendance. (general
business notice of motion no. 276)

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

(a) notes with deep concern the findings of the:

(i) Charles Sturt University’s report Islamophobia in Australia 2019, which show:

(A) between 2016 and 2017, 349 incidents of anti-Muslim racism
reported to the Islamophobia register,

(B) severe attacks requiring hospitalisation more than doubled from
2% to 5%,

(C) most incidents of racism towards Muslims involve the targeting of
women – 72% of the victims of Islamophobia were women, and
almost all were wearing a hijab or scarf at the time of the incident,

(D) attacks in public areas have become more common, with
harassment of Muslims in public areas in the presence of security
officers and CCTV jumping by 30%,

(E) the second most common place for harassment was schools and
universities, with incident reports outlining racist slurs from other
students, teachers, principals and sports coaches, and
insults targeting Muslims’ religious appearance and religion were the highest at 67% of all reported incidents, and

(ii) *All Together Now 2019* study which analysed 281 media pieces from the most popular newspapers and television shows over a 12-month period, which show:

(A) racialised identities most often discussed negatively in media included Muslim Australians, Aboriginal and Torres Strait Islanders and African Australians,

(B) Muslim Australians were the most frequently targeted, with 63 of the 281 pieces discussing Muslims specifically,

(C) Muslim women are most often targeted by negatively racialised social commentary, with perpetrators primarily being mainstream newspapers, and

(D) social commentators expressed racist views in both overt and covert ways, such as dog-whistling, decontextualisation and irony;

(b) denounces Islamophobia in all its forms;

c) condemns Islamophobia in public debate and in the media; and

(d) calls on the Federal Government to show leadership at the national level to stop the spread of Islamophobia. (*general business notice of motion no. 277*)

Senators Griff and McKim: To move on the next day of sitting—That the Senate—

(a) acknowledges that author, journalist and filmmaker, Mr Behrouz Boochani, will be appearing at the WORD Christchurch literary event on 29 November 2019;

(b) notes that Mr Boochani is also a Kurdish refugee who fled persecution in Iran, sought asylum in Australia and spent 2269 days held by Australia’s offshore processing regime;

(c) further notes that Mr Boochani’s internment in offshore detention included being jailed for eight days for reporting on a hunger strike in the centre, and twice tortured for several days in the notorious Chauka solitary confinement block for reporting on the conditions in the now-dismantled Manus detention centre to the outside world; and

(d) pays tribute to all those involved, including Amnesty International and the United Nations High Commissioner for Refugees, in securing a visa for Mr Boochani to travel to New Zealand to attend the Christchurch literary event. (*general business notice of motion no. 278*)

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

(a) acknowledges that antisemitic attacks involving face-to-face interactions surged 30% in the year to September, according to the Executive Council of Australian Jewry’s annual report on antisemitism;

(b) notes that incidents involving direct verbal antisemitic abuse, harassment and intimidation increased from 88 to 114, and graffiti attacks more than doubled from 46 to 95;

(c) further notes that, according to the report, antisemitic attacks have included physical assaults, abuse, harassment, vandalism and graffiti, threats via emails, letters, phone calls, posters, stickers and leaflets;
(d) repudiates all antisemitic attacks in Australia; and
(e) calls for increased Holocaust education in all Australian schools. (general business notice of motion no. 279)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) recent bushfires have resulted in thousands of insurance claims being filed by affected residents,
(ii) the General Insurance Code of Practice is a voluntary code that is not enforceable by regulators,
(iii) insurance contracts are not currently subject to laws protecting consumers against unfair contract terms, and
(iv) the handling and settling of insurance claims is not considered a financial service and, as such, licensees are not subject to the general obligations to do all things necessary to ensure the service is provided efficiently, honestly and fairly; and
(b) calls upon insurance companies to act with integrity, and to be as sympathetic and as prompt as is possible, when assessing and settling claims made by people affected by the recent bushfires. (general business notice of motion no. 280)

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) robodebt has caused extreme distress, trauma and hardship in the Australian community,
(ii) the Federal Government’s recent changes to the averaging process is an acknowledgement that the process is flawed,
(iii) the Federal Government failed to implement the key recommendation contained in the report by the Community Affairs References Committee, Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative, tabled on 21 June 2017, which was to suspend the program, and instead ramped up the program, relentlessly pursuing people on low incomes, and
(iv) there are questions regarding the legality of income averaging, and placing the burden of proof on the income support recipient; and
(b) calls on the Federal Government to immediately abandon automated debt recovery, to complete the review of all existing and past alleged debts in a timely manner, and to repay and compensate those who have already paid or commenced paying a robodebt which is found to be an error. (general business notice of motion no. 281)

Senator McAllister: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) 5 November 2019 was the International Day for the Elimination of Violence Against Women,
(ii) it marked the beginning of the 16 Days of Activism against Gender-Based Violence,
the 16 Days of Activism against Gender-Based Violence concludes on 10 December 2019, which is Human Rights Day,
on average, one woman a week is murdered by her current or former partner, and
eight women a day are hospitalised after being assaulted by their spouse or partner;
acknowledges that:
violence against women exists in many forms, including physical, psychological, sexual, emotional, social and financial,
the effort to end violence against women requires unwavering genuine commitment, national leadership and fundamental cultural and attitudinal change,
the responsibility to end violence against women rests with us all – from communities to individuals, governments, civil society and business, and
the government and business can make it easier for women to leave abusive and violent relationships;
recognises that the workplace represents a significant aspect of the prevention of family violence and violence against women, and notes that:
financial security and independence is vital to a woman leaving a violent relationship,
in leaving a violent relationship, women will need to search for new and safe accommodation, and access health, legal and other support services,
according to the ACTU, leaving an abusive relationship and finding new and safe accommodation costs on average $18,280 and takes an estimated 141 hours, and
many employers already provide paid family violence leave; and
calls on the Federal Government to introduce 10 days paid domestic violence leave in the National Employment Standards. (general business notice of motion no. 282)
notes that:
Norwegian oil giant, Equinor, plans to drill for oil in the pristine ocean environment of the Great Australian Bight,
the majority of Australians oppose the plan, recognising that there is no safe way to drill for oil in the remote, rough seas of the Bight and it is not worth the environmental or economic risks, and three out of four South Australians stated in an Advertiser survey, released on 22 November 2019, they would not support it even if it would drive down their fuel prices,
on 23 November 2019, a National Day of Action was held to Fight for the Bight, which saw more than 10,000 people attend more than 50 events across the country from Exmouth, Western Australia, to Townsville, Queensland, and on some of Australia’s most iconic beaches, including Bondi, Manly, Bells Beach, Byron Bay, Margaret River and Currumbin, and
(iv) according to the most recent polling from The Australia Institute, Australians want to see the Great Australian Bight protected, and more than four in five South Australians (84%) support World Heritage protection for the Bight; and

(b) calls on the Federal Government to:
   (i) back the calls of the majority of Australians and tell Equinor that they are not welcome here, and
   (ii) protect the Great Australian Bight by listing it as a World Heritage site. (general business notice of motion no. 283)

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

(1) That the Senate notes that legal professional privilege is not a recognised ground for refusing to provide information to the Senate.

(2) That there be laid on the table by the Minister representing the Minister for Government Services, by 10 am on 27 November 2019, any legal advice received by the Government, or Services Australia (Department of Human Services), relating to the decision to stop relying solely on income-averaging processes to raise debts under the Income Compliance Programme. (general business notice of motion no. 284)

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

(a) notes with deep concern that:
   (i) the 2019 report on antisemitism in Australia, published by the Executive Council of Australian Jewry, found a 30% year-on-year increase in reported incidents of antisemitic verbal abuse, harassment and intimidation,
   (ii) the rise in antisemitic and Nazi sentiment is seen even more clearly online, especially on sites used by the far-right, white supremacists, Nazis and other racists, and
   (iii) racism, more broadly, is on the rise in Australia, being fed by irresponsible sections of the media and extremist politics; and

(b) urges the Australian Government to introduce an Australian Charter of Rights, recognising that we are the only western democracy that does not protect the basic rights and freedoms of its people in either legislation or the Constitution. (general business notice of motion no. 285)

13 **Death of former member the Honourable Benjamin Charles Humphreys, AM**

The President informed the Senate of the death, on 17 November 2019, of the Honourable Benjamin Charles Humphreys, AM, a former minister and member of the House of Representatives for the division of Griffith from 1977 to 1996.
The Leader of the Government in the Senate (Senator Cormann), by leave, moved—That the Senate records its deep regret at the death, on 17 November 2019, of Benjamin Charles Humphreys AM, former Member of the House of Representatives, Minister for Veterans’ Affairs and Minister assisting the Minister for Northern Australia in the Hawke and Keating governments, places on record its appreciation for his service to the Parliament and the nation, and tenders its sympathy to his family in their bereavement.

The motion was supported and all senators present joined in a moment of silence.

Question passed.

14 **Postponements**

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Patrick for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, postponed till 27 November 2019.

General business notice of motion no. 72 standing in the name of Senator Kitching for today, proposing the establishment of a Select Committee on Integrity, postponed till 2 December 2019.

General business notice of motion no. 249 standing in the names of Senators Sheldon and Gallacher for today, relating to the road transport industry, postponed till 3 December 2019.

15 **Committees—Extensions of time to report**

The following committees were granted extensions of time to report:

Environment and Communications References Committee—Australia’s faunal extinction crisis, extended to 7 September 2020.


16 **Violence against women**

Senator Waters, also on behalf of Senator McAllister, amended general business notice of motion no. 226 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the overall national toll for women killed by violence, since the start of 2019, now stands at 50, as reported by Counting Dead Women Australia from Destroy The Joint,

(ii) there is no national government reporting program to record the ongoing toll of women killed by violence in real-time,

(iii) on average, one woman is murdered every week by her current or former partner,
according to the Australian Bureau of Statistics Personal Safety Survey 2016:

(A) more than 370,000 Australian women are subjected to violence from men each year,

(B) 1 in 3 Australian women has experienced physical violence,

(C) 1 in 5 Australian women has experienced sexual violence,

(D) 1 in 6 Australian women has experienced physical or sexual violence by a current or former partner,

(E) 1 in 4 Australian women has experienced emotional abuse by a current or former partner,

(F) Australian women are nearly three times more likely than men to experience violence from an intimate partner, and

(G) Australian women are 2.5 times more likely to be hospitalised for assault injuries arising from family and domestic violence than men, with hospitalisation rates rising by 23% since 2014-15,

(v) in 2017, young women aged between 15-34 accounted for more than half of reported sexual assaults,

(vi) there is growing evidence that women with disabilities are more likely to experience violence,

(vii) Aboriginal and Torres Strait Islander women report experiencing violence at 3.1 times the rate of non-Indigenous women,

(viii) in 2016-17, Indigenous women were 32 times as likely to be hospitalised due to family violence as non-Indigenous women,

(ix) the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022, states that the overall prevalence of violence against women will only start to decrease in the very long term as gender roles change, and

(x) the Fourth Action Plan recognises that demand for domestic and family violence services has increased, and will continue to increase; and

(b) calls on the Federal Government to:

(i) recognise domestic violence against women as a national security crisis,

(ii) adequately fund frontline domestic, family and sexual violence and crisis housing services to ensure that all women seeking safety can access these services when and where they need them,

(iii) legislate for 10 days paid domestic and family violence leave so that women do not have to choose between paying the bills and seeking safety,

(iv) ensure that all government-funded counselling services for domestic and family violence are delivered by expert family violence service providers, in accordance with the National Outcome Standards for Perpetrator Interventions,

(v) implement all 25 recommendations contained in the report of the Finance and Public Administration References Committee on domestic violence in Australia, tabled on 20 August 2015, and
(vi) maintain and publish an official real-time national toll of women killed by violence in Australia.

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.

17 Newstart and Youth Allowance

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 262—That the Senate—

(a) notes that:

(i) as of October 2019, there are 289,489 people of a total of 686,000 people on Newstart who are categorised as having a ‘partial capacity to work’ meaning 42% of Newstart recipients now have an illness or disability,

(ii) 128,820 people (44%) of those with a ‘partial capacity to work’, have a psychological or psychiatric impairment,

(iii) poverty is a well-established social determinant of health, including psychological health, and persistent poverty plays a demonstrable role in increasing levels of psychological distress, and

(iv) the Minister for Health (Mr Hunt) stated on World Mental Health Day 2019 that ‘supporting mental health and suicide prevention is the Government’s highest health priority, and is a central feature of our Long Term National Health Plan. It is also a personal priority for the Prime Minister, Scott Morrison, and myself’;

(b) expresses concern that so many Australians with mental ill-health are being forced to live in poverty on Newstart and Youth Allowance; and

(c) calls on the Federal Government to recognise the impact poverty has on mental health, and immediately increase Newstart and Youth Allowance to enable people in our community to have a dignified standard of living.

Question put and passed.

18 Bushfires

Senator Urquhart, at the request of Senators Watt, Green, Chisholm, Ayres, Keneally, McAllister, O’Neill, Sheldon, Pratt, Sterle, Lines, Dodson, Wong, Kitching, Marielle Smith, Walsh, Davey, Scarr and O’Sullivan, amended general business notice of motion no. 264 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) states across Australia are currently in the midst of devastating bushfires,

(ii) these fires have led to four people tragically losing their lives, dozens of people injured and more than 500 homes destroyed,

(iii) around 1.5 million hectares has now been burnt through, with well over 130 fires still burning across Australia, and

(iv) severe fire dangers are expected to continue with no significant rainfall forecast over the coming days;
(b) offers its condolences to the Australians who have lost their loved ones, and the Australians who have lost their homes;
(c) expresses its gratitude to the brave firefighters, both paid and voluntary, and emergency services personnel who are working through the day and night to keep communities safe; and
(d) urges those Australians in affected areas to listen to warnings and stay safe.

Question put and passed.

19 **Visa processing jobs in Tasmania**

Senator Urquhart, also on behalf of Senators Brown, Lambie, Polley, Whish-Wilson, Bilyk, and McKim, amended general business notice of motion no. 265 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:
   (i) the Department of Home Affairs employs over 100 dedicated and hardworking Tasmanians to process visa applications,
   (ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,
   (iii) privatisation of Australia’s visa system would threaten the livelihoods of over 100 Tasmanians and their families, and
   (iv) privatising Australia’s visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;

(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation’s sovereignty; and

(c) calls on the Federal Government to guarantee the protection of these 104 jobs in Tasmania, and the 2,000 jobs across Australia, which will be lost under the Morrison Government if Australia’s visa system is privatised.

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.

20 **Inquiry into Australia’s Family Law System**

Senator Waters, also on behalf of Senator Polley, amended general business notice of motion no. 266 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:
   (i) the parliamentary inquiry into Australia’s Family Law System is going ahead,
   (ii) specialist services across the women’s safety sector have been contacted by survivors who are concerned that the inquiry is going ahead, and concerned they will not be believed when they speak of family violence,
(iii) concerns continue to be raised by the women’s safety sector, including from the Australian Women Against Violence Alliance, that:

(A) many victims and survivors of family violence will not feel safe to give evidence, and

(B) those victims, survivors and other persons who do wish to give evidence should be supported to do so, having regard to mental and physical health risks,

(iv) specialist domestic and family violence services expect an increase in demand while the inquiry remains under way, and

(v) the Joint Select Committee on Australia’s Family Law System has been informed about the essential safeguards that are needed to mitigate these concerns, but no commitments have yet been made; and

(b) calls on the Federal Government to take action to ensure that witnesses who choose to give evidence to the inquiry can do so safely, and that evidence given to the inquiry is treated respectfully, by:

(i) putting in place the essential safeguards being called for by women’s safety experts to protect witnesses during the conduct of the inquiry, including rules about giving evidence in confidence or remotely, ensuring safe access to hearing venues, and media protocols,

(ii) not holding hearings until such safeguards and support for survivors of violence are implemented, and

(iii) ensuring adequate specialist and domestic and family violence services are available to respond to additional demand resulting from the inquiry.

Question put and passed.

21 Australia’s emissions projections—Order for production of documents

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. 267—

(1) That there be laid on the table by the Minister representing the Minister for the Environment, by not later than the last sitting day of each year, the report detailing Australia’s estimated future greenhouse gas emissions, Australia’s emissions projections.

(2) This order is of continuing effect.

Question put and passed.

22 Rate of Newstart payments

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 268—That the Senate—

(a) notes that:

(i) Newstart has not had an increase in real terms for 25 years, and

(ii) Newstart is a poverty trap; and

(b) calls on the Federal Government to raise the rate of Newstart immediately.

Question put and passed.
23 **Science and technology—Scientific data**

Senator Roberts, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 260—That the Senate notes that:

(a) valid scientific data proving cause-and-effect is vital as the only credible justification for policies claimed to be based on science; and

(b) the ultimate arbiter of science is empirical scientific evidence, being:

(i) objectively verified hard data as physical measurements and/or physical observations, and

(ii) presented in a logical framework proving cause and effect.

*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, 4**

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* Tellers

Question negatived.

24 **Export policy**

Pursuant to order (*see entry no. 46, 14 November 2019*), the question was put on the motion—That the Senate—

(a) notes that:

(i) Australia has a propensity to simply export its raw materials and commodities to countries that then profit by doing the value add and selling it back to us, and

(ii) this approach denies Australia economic activity and job opportunities; and

(b) calls on the Australian Government to adjust policy and support settings to ensure we value add before exporting.

Question put and negatived.
Notice

Senator Waters, also on behalf of Senators Keneally, McCarthy, Rice, Bilyk, Siewert and Polley, by leave, gave a notice of motion as follows: To move on the next day of sitting—
That the Senate—

(a) notes that:

(i) more than 2000 children are stillborn in Australia each year,

(ii) the Select Committee on Stillbirth Research and Education identified the need for more support to be provided to bereaved parents and families affected by stillbirth,

(iii) under current laws:

(A) parents are not eligible for a bereavement payment for a stillborn child, but will be eligible for a bereavement payment for a child who dies shortly after birth,

(B) parents of a stillborn child are eligible for a stillborn baby payment, and

(C) the amount of the stillborn baby payment is reduced by half for second or subsequent stillborn children,

(iv) support payments to affected families can relieve financial pressure at a time of high stress by assisting with autopsy expenses, funeral or memorial costs, and access to counselling and health services,

(v) the grief and stress experienced by parents and families in response to a stillbirth is no less than that experienced in response to the death of a child, and

(vi) the grief and stress experienced by parents and families in response to a stillbirth is not lessened by having previously experienced a stillbirth, and the cumulative impact of subsequent stillbirths may increase the physical and mental health impacts on bereaved parents; and

(b) calls on the Federal Government to:

(i) take action to implement all 16 recommendations of the Select Committee on Stillbirth Research and Education, and

(ii) ensure equitable financial support is available to all parents and families experiencing the death of a child prior to, at, or near the time of birth by:

(A) extending eligibility for bereavement payments to parents of stillborn children, and

(B) increasing stillborn baby payments for second and subsequent stillbirths to be commensurate with the entitlements for a first stillbirth. (general business notice of motion no. 286)
26 Discussion of matter of public importance—Eliminating violence against women and girls

The Deputy President (Senator Lines) informed the Senate that the Leader of the Opposition in the Senate (Senator Wong) had proposed that the following matter of public importance be submitted to the Senate for discussion:

Preventing and eliminating violence against women, which continues to be an obstacle to achieving equality, development, peace as well as to the fulfiment of women and girls’ human rights

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

27 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 Ciccone. Consideration to resume on Thursday at general business.

28 Draft dairy code of conduct—Order for production of documents—Documents

The Minister for Aged Care and Senior Australians (Senator Colbeck) tabled the following documents:

Draft dairy code of conduct—Order of 13 November 2019—Letter to the President of the Senate from the Minister for Agriculture (Senator McKenzie), dated 25 November 2019, responding to the order and raising a public interest immunity claim, and attachments.

29 Franchising taskforce—Order for production of documents—Documents

The Minister for Aged Care and Senior Australians (Senator Colbeck) tabled the following documents:

Franchising taskforce—Order of 14 November 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 25 November 2019, responding to the order and raising a public interest immunity claim, and attachments.

30 Regional Jobs and Investment Packages—Business Grants Hub—Order for production of documents—Documents

The Minister for Aged Care and Senior Australians (Senator Colbeck) tabled the following documents:

Regional Jobs and Investment Packages—Business Grants Hub—Order of 13 November 2019—Letter to the President of the Senate from the Minister for Resources and Northern Australia (Senator Canavan) responding to the order, and attachment.
31 **Parliamentary Zone—Capital works proposals—Documents**

The Minister for Aged Care and Senior Australians (Senator Colbeck) tabled the following documents:

*Parliament Act 1974—Parliamentary Zone—Proposals, together with supporting documentation, relating to—*

- National Gallery of Australia Foreshore Public Domain Upgrade.
- Sir John Gorton memorial sculpture.

*Notice of motion:* Senator Colbeck, by leave, gave a notice of motion as follows: To move on 28 November 2019—that, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the following proposals by the National Capital Authority for capital works within the Parliamentary Zone:
  
(a) the National Gallery of Australia Foreshore Public Domain upgrade; and

(b) the Sir John Gorton commemorative sculpture.

32 **Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2019**

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


33 **Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) 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 these bills be now read a second time and on the amendment moved by Senator Steele-John (see entry no. 7).

Debate resumed.

Question—that the amendment be agreed to—put.

The Senate divided—

| AYES, 13 |
|---|---|---|---|
| Di Natale | Lambie | Rice | Steele-John |
| Faruqi | McKim | Roberts | Waters |
| Griff | Patrick | Siewert* | Whish-Wilson |
| Hanson-Young | | | |
NOES, 46

Senators—
Antic Cormann McAllister Scarr
Askew Davey McCarthy Sheldon
Ayres Fawcett McDonald Smith, Dean
Bernardi Fierravanti-Wells McGrath Smith, Marielle
Bilyk Gallagher McMahonSterle
Birmingham Gallagher Molan Stoker
Bragg Henderson O’Neill Urquhart*
Brockman Hughes OSullivan Van
Carr Hume Paterson Walsh
Chandler Keneally Pratt Watt
Ciccone Kitching Rennick Wong
Colbeck Lines

*Tellers

Question negatived.
Main question put.
The Senate divided—

AYES, 51

Senators—
Antic Davey Lines Roberts
Askew Duniam McAllister Scarr
Ayres Fawcett McCarthy Sheldon
Bernardi Fierravanti-Wells McDonald Smith, Dean
Bilyk Gallagher McGrath* Smith, Marielle
Birmingham Gallagher McMahonSterle
Bragg Griff Molan Stoker
Brockman Henderson O’Neill Urquhart
Carr Hughes OSullivan Van
Chandler Hume Paterson Walsh
Ciccone Keneally Patrick Watt
Colbeck Kitching Pratt Wong
Cormann Lambie Rennick

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

*Tellers

Question agreed to.
Bills read a second time.
After 9.50 pm—

34 Adjournment
The Acting Deputy President (Senator Fawcett) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.25 pm till Tuesday, 26 November 2019 at midday.

35 Attendance
Present, all senators.

Richard Pye
Clerk of the Senate