No. 13
TUESDAY, 10 SEPTEMBER 2019

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2019

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 Meeting of Senate

The Senate met at midday. 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**


The Clerk tabled the following documents pursuant to statute:

[Ligislative 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.]

- *Corporations Act 2001*—ASIC Market Integrity Rules (Securities Markets) 2017—
- *Customs Act 1901*—Customs By-law No. 1900564 [F2019L01152].
- *Financial Framework (Supplementary Powers) Act 1997*—
  - Financial Framework (Supplementary Powers) Amendment (Education Measures No. 2) Regulations 2019 [F2019L01156].
  - Financial Framework (Supplementary Powers) Amendment (Veterans’ Affairs Measures No. 1) Regulations 2019 [F2019L01155].
The Clerk tabled the following document pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2019—Statement of compliance—Treasury portfolio.

3 Committees—Leave to meet during sittings

Committees were authorised to meet during the sittings of the Senate, as follows:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—private briefing today, from 1 pm.

Economics Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1), from 3.30 pm on Thursday, 12 and 19 September, 17 October, 14 and 28 November and 5 December 2019.

Law Enforcement—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3.30 pm.

Legal and Constitutional Affairs Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1) on Thursday, 12 September 2019, from 11 am.

National Capital and External Territories—Joint Standing Committee—private meetings otherwise than in accordance with standing order 33(1), on Thursday, 12 and 19 September 2019, from 10 am.

National Disability Insurance Scheme—Joint Standing Committee—private meetings otherwise than in accordance with standing order 33(1) and private briefings, on Thursday, 12 and 19 September and 17 October 2019, from 3.30 pm.

4 Royal Commissions Amendment (Private Sessions) Bill 2019

Order of the day read for the adjourned debate on the motion of the Minister for Families and Social Services (Senator Ruston)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.
Question—That the bill stand as printed—divided at the request of Senator Seselja, in respect of items 5, 24 and 25 of Schedule 1.

Items debated.

Question—That items 5, 24 and 25 of Schedule 1 stand as printed—put and negatived.

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

Schedule 1, items 7 to 13, page 4 (line 18) to page 6 (line 10), omit the items, substitute:

7 Section 6OB  
Repeal the section, substitute:

6OB Power to hold private sessions

Who may hold a private session

(1) If a Royal Commission is constituted by 2 or more members, the following members may hold a private session for the Commission to obtain information in relation to matters into which the Commission is inquiring:

(a) the Chair of the Commission;
(b) a member who is authorised in writing by the Chair of the Commission.

(2) If a Royal Commission is constituted by a sole Commissioner, the sole Commissioner may hold a private session for the Commission to obtain information in relation to matters into which the Commission is inquiring.

Number of members who may hold a private session

(3) A private session held under subsection (1) may be held only by one or 2 members.

Conduct of a private session

(4) If a private session is held for a Royal Commission under subsection (1), any member of the Commission holding the private session may (subject to the Letters Patent establishing the Commission and Division 3) determine any matters relating to the conduct of the private session, having regard to any directions given by the Chair of the Commission.

(5) If a private session is held for a Royal Commission under subsection (2), the sole Commissioner holding the private session may (subject to the Letters Patent establishing the Commission and Division 3) determine any matters relating to the conduct of the private session.

Schedule 1, item 16, page 6 (line 24), omit “person”, substitute “member”.

Schedule 1, item 16, page 7 (line 1), omit “person”, substitute “member”.

Schedule 1, item 21, page 7 (lines 16 to 18), omit the item, substitute:

21 Paragraph 6OC(6)(a)

Omit “of the Child Sexual Abuse Royal Commission”.

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Schedule 1, item 27, page 8 (lines 11 to 13), omit the item, substitute:

27 Section 60G

Omit “of the Child Sexual Abuse Royal Commission”.

Schedule 1, item 42, page 12 (line 2), omit “6OF.”.

Bill, as amended, agreed to and reported with amendments.

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

5 Inspector-General of Live Animal Exports Bill 2019

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

Debate resumed.

Senator Sterle moved the following amendment:

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

(a) condemns the actions of the Coalition Government which in 2013 abolished the position of Inspector-General of Animal Welfare and Live Animal Exports, established by the former Labor Government; and

(b) notes that this decision removed an additional layer of accountability, contributing to the loss of public confidence in the regulator”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

The Senate resolved itsself into committee for the consideration of the bill.

In the committee

Bill, taken as a whole by leave, debated.

The Minister for Resources and Northern Australia (Senator Canavan) moved the following amendments together by leave:

Clause 3, page 2 (line 19), at the end of the clause, add:

; and (c) to ensure that live-stock export officials, in performing functions and exercising powers, consider the welfare of animals in Australia’s live-stock exports.

Clause 10, page 7 (after line 2), after subclause (1), insert:

(1A) In conducting a review under subsection (1), the Inspector-General must consider the welfare of animals in relation to Australia’s live-stock exports.

Explanatory memorandum: Senator Canavan tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Question—That the amendments be agreed to—put and passed.
Question—That the bill, as amended, be agreed to—divided at the request of Senator Faruqi in respect of subclause 10(2).

Subclause debated.

Question—That subclause 10(2) stand as printed—put.

The committee divided—

AYES, 42

Senators—
Abetz
Antic
Askew
Bernardi
Bragg
Brockman
Canavan
Chandler
Ciccone
Davey
Duniam
Farrell
Fawcett
Fierravanti-Wells
Gallacher
Green
Griff
Hanson
Hedges
Hume
Kitching
Lambie
McDonald
McGrath*
McMahon
O’Neill
O’Sullivan
Paterson
Patrick
Polley
Pratt
Rennick
Reynolds
Roberts
Scarr
Sheldon
Smith, Dean
Smith, Marielle
Sterle
Van
Walsh
Watt

NOES, 9

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

* Tellers

Subclause agreed to.

Bill, as amended, agreed to and reported with amendments.

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

6 National Sports Tribunal Bill 2019
National Sports Tribunal (Consequential Amendments and Transitional Provisions) 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.

At 2 pm: Debate was interrupted while Senator Farrell was speaking.

7 Questions

Questions without notice were answered.
8 Motions to take note of answers

Senator McAllister moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for Foreign Affairs (Senator Payne) to questions without notice asked by Senators McAllister and Watt today relating to the rising cost of living and the economy.

Debate ensued.

Question put and passed.

Senator Whish-Wilson moved—That the Senate take note of the answer given by the Minister for Resources and Northern Australia (Senator Canavan) to a question without notice asked by the Leader of the Australian Greens (Senator Di Natale) today relating to climate change.

Question put and passed.

9 Notices

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the Senate—

(a) notes that:

(i) on 19 April 2018, a meeting of the United States’ Food and Drug Peripheral and Central Nervous System Drug Advisory Committee was informed that patients with drug resistant Lennox-Gestaut syndrome (LGS) and Dravet syndrome (DS) responded to cannabidiol oil in an oral form at 10-20mg/kg/day with statistically significant reductions in convulsive seizure frequency, and that the potential risks were manageable, 

(ii) on 25 June 2018, the US Food and Drug Administration approved cannabidiol oral solution for patients aged 2 years and older for the treatment of severe and rare types of epilepsy such as LGS and DS, 

(iii) parents of children with LGS or DS in Australia can obtain a prescription for cannabidiol oil through the Special Access Scheme but must pay the full cost of approximately $1,500 per month, and 

(iv) the cost of cannabidiol oil is so high that some people cannot afford this treatment, and others are placed under huge financial stress in what is already a distressing situation; and

(b) calls on the Federal Government to add cannabidiol oil to the Pharmaceutical Benefits Scheme immediately for patients with LGS and DS. (general business notice of motion no. 106)

The Minister for Agriculture (Senator McKenzie): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to repeal the ANL Act 1956, and for related purposes. ANL Legislation Repeal Bill 2019.
Senators Siewert and Dodson: To move on the next day of sitting—That the Senate—

(a) notes that Mr Alwyn Doolan carried 3 Message Sticks and the aspirations of many First Nations peoples for Treaty, Truth and Self-determination in a meaningful dialogue on a Voice on his 8,500 km journey from Cape York to Hobart to Canberra;

(b) recognises that the Message Sticks symbolise three stages of our country’s story:
   (i) the creation, dreaming and songlines that have governed our land for over 100,000 years,
   (ii) the brutal years of colonisation, forced settlements and stolen generations, and
   (iii) the healing to come together for a Makarrata with a Voice to create a new country where First Nations peoples’ rights and cultural differences are valued in decision-making and constitutionally protected; and

(c) calls on the Prime Minister to accept the Message Sticks which represent an opportunity to reset the relationship between First Nations peoples and the Parliament. (general business notice of motion no. 107)

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

(a) notes that new research from Monash University on the health of Disability Support Pension and Newstart Allowance recipients found that:
   (i) Newstart recipients were 6.8 times more likely to rate their health as poor compared to wage earners,
   (ii) nearly half (48.6%) of Newstart recipients reported having mental or behavioural problems compared with 21% of wage earners, and
   (iii) Newstart recipients were at 1.5 to 2 times increased risk of visiting a hospital compared with wage earners;

(b) acknowledges that the lead researcher, Professor Alex Collie, stated ‘My personal view is that an increase in the rate of Newstart would help people to become more healthy. It would help them to afford the things that a lot of us take for granted like food and housing, which are important things if you’re trying to be healthy’;

(c) recognises that poor health, poverty and financial stress is a barrier to work; and

(d) calls on the Federal Government to reduce the burden of ill health faced by Newstart recipients by immediately increasing the rate of Newstart. (general business notice of motion no. 108)

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

(1) That a select committee, to be known as the Select Committee on Financial Technology and Regulatory Technology be established to inquire and report on the following matters:

(a) the size and scope of the opportunity for Australian consumers and business arising from financial technology (FinTech) and regulatory technology (RegTech);

(b) barriers to the uptake of new technologies in the financial sector;

(c) the progress of FinTech facilitation reform and the benchmarking of comparable global regimes;
(d) current RegTech practices and the opportunities for the RegTech industry to strengthen compliance but also reduce costs;
(e) the effectiveness of current initiatives in promoting a positive environment for FinTech and RegTech start-ups; and
(f) any related matters.

(2) That the committee present its final report on or before the first sitting day in October 2020.

(3) That the committee consist of six senators, as follows:
(a) three nominated by the Leader of the Government in the Senate;
(b) two nominated by the Leader of the Opposition in the Senate; and
(c) one nominated by any minority party or independent senator.

(4) That:
(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting, and if the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader or whip of the party or group on whose nomination the member was appointed to the committee.

(6) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(7) That the committee elect as chair one of the members nominated by the Leader of the Government in the Senate, and as deputy chair one of the members nominated by the Leader of the Opposition in the Senate.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(9) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

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

(11) That the committee have power to appoint subcommittees consisting of three or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(12) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public
or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(13) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(14) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 109)

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

(a) acknowledges the impact that the Global Fund to Fight AIDS, TB and Malaria (Global Fund) has had since 2002, including:

(i) programs that the Global Fund supports have saved an estimated 27 million lives since 2002,

(ii) in 2017 alone, the Global Fund supported antiretroviral treatment for 17.5 million people with HIV, enabled treatment of 5 million people with TB and the distribution of 197 million bed nets to prevent malaria, and

(iii) the US$13.7 billion that the Global Fund has invested in the Indo-Pacific region has provided over 15 years of antiretroviral treatment for 9 million people with HIV, treatment for 14 million people with TB, and distributed 285 million bed nets to prevent malaria;

(b) notes that the Global Fund replenishment, which aims to raise at least US$14 billion from 2020 to 2022 to support programs that would save a further 16 million lives, is scheduled to take place in Lyon, France on 10 October 2019;

(c) notes that other nations, including Switzerland, Canada, Germany and Italy, as well as the European Union, have increased their financial commitment to the Global Fund; and

(d) calls on the Australian Government to:

(i) have the Prime Minister attend the Global Fund replenishment in October to demonstrate the importance of the replenishment in achieving Australia’s health security goals, and

(ii) commit to increasing Australia’s contribution to the Global Fund in the 2020 to 2022 period, to contribute to a successful replenishment. (general business notice of motion no. 110)

Senator Steele-John: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the Morrison Government’s decision on 21 August 2019 to join the US-led International Maritime Security Construct (IMSC) in the Strait of Hormuz,

(ii) that the presence of the IMSC in the Strait will only serve to increase tensions with Iran and raises the risk of provocation, either intentional or unintentional,

(iii) that the current crisis in the Strait of Hormuz has its origins in President Trump’s withdrawal from the multilateral Joint Comprehensive Plan of
Action (JCPOA), and the continued use of the Administration’s maximum pressure approach,

(iv) that the solution to deescalating tensions and resolving the threat to navigation in the Strait of Hormuz is through encouraging the US to return to the negotiating table and recommencing its participation in the JCPOA,

(v) that Australia’s national security is not best served or protected by following the US into an inflammatory and counterproductive military operation, and

(vi) that the Federal Government’s willingness to follow the US in this action is yet another piece of evidence that Australia needs to reassess our security relationship with the US and chart an independent and non-aligned approach to foreign policy that is in our national interests, and in the interests of global peace and security; and

(b) calls on the Federal Government to:

(i) retract the Australian Defence Force’s involvement in the IMSC,

(ii) encourage the US to engage in legitimate efforts towards peaceful resolution of the tensions in the Strait of Hormuz and recommence their involvement in the JCPOA, and

(iii) support the global efforts towards denuclearisation by signing the Treaty on the Prohibition of Nuclear Weapons. (general business notice of motion no. 111)

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

(a) notes that:

(i) the New South Wales (NSW) Liberal-National Government has granted amnesty to hundreds of farmers who cleared land illegally before the disastrous new land clearing laws came into effect; figures show land clearing rates more than doubled in the year prior to the introduction of new laws and tripled in the year after,

(ii) the decision comes after big cotton farms used their influence on the NSW Minister for Energy and Environment and the Minister for Agriculture to lobby for prosecutions to be dropped,

(iii) the decision contradicts earlier assurances given by the NSW Government,

(iv) the community is deeply opposed to the decision, and

(v) large-scale land clearing has turned Australia into a global deforestation hotspot and is exacerbating the climate emergency;

(b) condemns the NSW Government for its decision to grant amnesty to farmers who cleared land illegally; and

(c) calls on the NSW Government to reverse this decision. (general business notice of motion no. 112)

The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate acknowledges that the burning of thermal coal is the single biggest contributor to climate change. (general business notice of motion no. 113)
Senator Waters: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) since Senator Waters’ last motion on this issue in the Senate, there have been a further 6 women killed by violence in Australia, taking the overall national toll for 2019 to 35, as reported by Counting Dead Women Australia from Destroy The Joint, and a further death of a young woman in Queensland is still under investigation,

(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 9 days by her current or former partner,

(iv) 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 into violence against women, tabled in the Senate on 20 August 2015, and
(vi) maintain and publish an official real-time national toll of women killed by violence in Australia. (general business notice of motion no. 114)

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

(1) That the Senate notes that:

(a) during its examination of the Foreign Influence Transparency Scheme Bill 2017, the Parliamentary Joint Committee on Intelligence and Security (PJCIS) recommended that:
   (i) the bill not apply to members of the House of Representatives or senators, and
   (ii) the House of Representatives and Senate develop a parallel parliamentary Foreign Influence Transparency Scheme, imposing on members and senators similar transparency obligations to those in the bills but appropriately adapted for the parliamentary environment;

(b) on 18 October 2018, the Senate referred the following matter to the Standing Committee of Privileges for inquiry and report:
   The development of a foreign influence transparency scheme to apply to parliamentarians;

(c) on 25 October 2018, the House of Representatives referred the following matter to the Standing Committee of Privileges and Members’ Interests:
   (i) the development of a foreign influence transparency scheme to apply to parliamentarians, in parallel with the Government’s scheme established under the Foreign Influence Transparency Scheme Act 2018, which imposes on Members similar transparency obligations to those in the Government’s scheme, but is appropriately adapted for the parliamentary environment,
   (ii) consideration of the Government’s scheme and its timetable for implementation, and the report of the PJCIS on the enabling legislation, in particular the recommendations in relation to a parallel parliamentary scheme,
   (iii) consideration of any other issues related to a parliamentary foreign influence transparency scheme, and
   (iv) consultation with the equivalent committee in the Senate with the aim of agreeing to a single parliamentary foreign influence transparency scheme to apply uniformly, together with uniform processes for its implementation for members and senators; and
(d) the inquiry of the Committee of Privileges and the inquiry of the House Standing Committee of Privileges and Members’ Interests both lapsed at the end of the 45th Parliament and that neither inquiry has recommenced.

(2) That the Senate refers to the Standing Committee of Privileges for inquiry and report, by 28 November 2019, the development of a foreign influence transparency scheme to apply to parliamentarians, with particular reference to:

(a) the imposition on senators of similar transparency obligations to those in the legislative scheme established under the Foreign Influence Transparency Scheme Act 2018;

(b) consideration of the legislative scheme, and the report of the Parliamentary Joint Committee on Intelligence and Security on the enabling legislation, in particular the recommendations relating to the introduction of a parallel scheme adapted to the parliamentary environment; and

(c) any related matter.

(3) The Standing Committee of Privileges consult with the equivalent committee in the House of Representatives with the aim of agreeing a single parliamentary foreign influence transparency scheme to apply uniformly, together with uniform processes for its implementation for senators and members.

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

(a) notes that:

(i) the Murray-Darling Basin is in crisis,

(ii) the Murray-Darling Basin is being exploited by water barons and big corporate irrigators who are pushing up the price of water and squeezing family farms out of the water market, and

(iii) urgent and immediate action is required to prevent more mass native-fish deaths, and more devastation for family farms, river communities and the environment; and

(b) calls on the Federal Government to impose a moratorium on non-water users buying up water while the Murray-Darling Basin remains in crisis. (general business notice of motion no. 115)

Senator Polley: To move on 16 September 2019—That the Senate—

(a) notes that:

(i) September is Dementia Awareness Month,

(ii) the theme for 2019 is ‘Dementia doesn’t discriminate. Do you?’ and Dementia Australia is encouraging people to have a discussion about discrimination against people living with dementia,

(iii) dementia is the leading cause of death for Australian women and will be the leading cause of all deaths in Australia within the next five years, and

(iv) as Australians we must become more dementia aware, to get a better understanding of what it is like to live with dementia and to create communities where people with dementia are supported and can enjoy a better quality of life;
(b) acknowledges:
   (i) Dementia Australia’s Dementia Friends program which is already transforming the way we think, act and talk about dementia, and
   (ii) the thousands of Australians, including Dementia Ambassadors, politicians, businesses, communities and individuals who have already signed up to be a Dementia Friend; and

(c) urges all levels of government to:
   (i) take action to raise awareness of dementia so that people living with dementia remain included, accepted and connected within their own community, and
   (ii) encourage those in their communities to pledge their support by becoming a Dementia Friend. (general business notice of motion no. 116)

Notice of motion withdrawn: Senator Urquhart, at the request of Senator Sterle, withdrew general business notice of motion no. 95 standing in the name of Senator Sterle for today, proposing an order for the production of documents by the Minister for Agriculture.

10 Death of former member the Honourable Dr Alexander James (Jim) Forbes, CMG, MC

The President informed the Senate of the death, on 10 August 2019, of the Honourable Dr Alexander James (Jim) Forbes, CMG, MC, a former minister and member of the House of Representatives for the division of Barker from 1956 to 1975.

The Leader of the Government in the Senate (Senator Cormann), by leave, moved—That the Senate records its deep regret at the death, on 10 August 2019, of the Honourable Dr Alexander (Jim) Forbes CMG, MC, former Member of the House of Representatives and former Minister, 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.

11 Postponement

General business notice of motion no. 94 standing in the name of Senator Whish-Wilson for today, proposing the introduction of the Product Stewardship Amendment (Packaging and Plastics) Bill 2019, postponed till 11 September 2019.

12 Leave of absence

Senator Griff, by leave, moved—That he be granted leave of absence for 11 and 12 September 2019, for personal reasons.

Question put and passed.

Senator Dean Smith, by leave, moved—That leave of absence be granted to Senator McKenzie for today, for personal reasons.

Question put and passed.
13 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), pursuant to notices of motion not objected to as formal motions, moved government business notices of motion nos 1 to 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:

Fit-out of leased premises for the Australian Federal Police at 140 Lonsdale Street, Melbourne, Victoria.

HMAS Watson Redevelopment, Sydney, New South Wales.

Navy Capability Infrastructure Sub-program: Facilities and Infrastructure to Support New Navy Capabilities.


Question put and passed.

14 Australian Bravery Decorations

Senator Dean Smith, also on behalf of Senators Lines and Brockman, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 93—That the Senate—

(a) acknowledges all recent recipients of Australian Bravery Decorations;

(b) notes that the Bravery Medal is awarded for acts of bravery in hazardous circumstances;

(c) recognises the following Western Australian recipients of the Bravery Medal: Mr Leon Corey Brouwer, Mr Jason Troy Shepherd and Mr Andrew Gordon Strunk;

(d) notes that the Commendation for Brave Conduct is awarded for other acts of bravery which are considered worthy of recognition;

(e) recognises the Western Australian recipient of a Commendation for Brave Conduct: Miss Ella Layne Andrews;

(f) notes that the Group Bravery Citation is awarded for a collective act of bravery by a group of persons in extraordinary circumstances that is considered worthy of recognition; and

(g) recognises the following Western Australian recipients of the Group Bravery Citation: Mr Robin John Lee, Mr Jake Wilson Pugh and Mr Ian Trevor Urquhart.

Question put and passed.

15 Early Learning Matters Week

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 96—That the Senate—

(a) notes that the first week of September was Early Learning Matters Week, which highlights how early childhood education supports the well-being of our children, families and society; and

(b) supports a well-resourced and accessible early childhood education system with professional pay for staff.
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.

16 Anniversary of the sinking of the MV Noongah

Senator Urquhart, at the request of Senator Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 97—That the Senate—

(a) notes that:

(i) 25 August 2019 marked 50 years since the sinking of the cargo ship MV Noongah,
(ii) the MV Noongah sank in heavy seas off Smokey Cape, South West Rocks, New South Wales in 1969, two days after leaving Newcastle bound for Townsville,
(iii) the wind was blowing in excess of 70 knots (110 km) per hour and the sea at almost 10 metre waves,
(iv) the 26 man crew abandoned ship just 14 minutes after a distress signal was transmitted,
(v) a four day search and rescue was conducted with only 5 survivors and 1 body being pulled from the water,
(vi) the search was one of the largest in Australian maritime history involving five destroyers, three mine sweepers, seven aircraft, two helicopters and Australian-flag and international merchant vessels, and
(vii) this tragedy was marked on its 50th anniversary on 25 August by family members and others at a memorial site at Smokey Cape, New South Wales;

(b) recognises that the anniversary of this tragedy is a reminder of the bravery of Australia’s maritime workers and the risks of the work they undertake daily for the benefit of the nation; and

(c) offers its condolences to the families affected by the sinking of the cargo ship MV Noongah and to all people impacted by maritime tragedies.

Question put and passed.

17 Customs Amendment (Safer Cladding) Bill 2019

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 99—That the following bill be introduced:

A Bill for an Act to amend the Customs Act 1901, and for related purposes.

Question put and passed.

Senator Patrick presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

Debate adjourned till the next day of sitting, Senator Patrick in continuation.
Disclosure by whistleblower—Order for production of documents

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 100—

(1) That the Senate notes that:

(a) on 12 October 2017, Mr Richard Boyle made a disclosure under the Public Interest Disclosure Act 2013 (PID Act) as a former employee of the Australian Taxation Office (ATO), alleging the ATO:

(i) had instructed employees to issue standard garnishee notices to seize funds from taxpayers’ bank accounts without notice or consideration of their personal and business circumstances, and

(ii) in doing so, had required employees to engage in conduct that was unethical, unprofessional and against the Australian Public Service Code of Conduct;

(b) on 27 October 2017, the ATO decided not to further investigate Mr Boyle’s disclosure on the basis that the information did not concern serious disclosable conduct as defined in the PID Act; and

(c) subsequent media inquiries found anomalies in the ATO’s debt collection practices that appeared consistent with Mr Boyle’s disclosure.

(2) That the Senate is of the opinion that examining the ATO’s actions in relation to Mr Boyle’s disclosure is consistent with the Senate’s role in providing oversight of government administration.

(3) That the Senate orders the Commissioner of Taxation to provide all documents relating to the disclosure generated or received by Mr Boyle’s supervisor, authorised officer and principal officer (as defined in the PID Act), including but not limited to notes, minutes, memoranda, letters, other external or internal correspondence, emails and/or Microsoft Office Communicator conversations, to the Economics Legislation Committee (the committee) by no later than 5 pm on 16 September 2019.

(4) That the committee, when it has considered the documents, report to the Senate as to whether the ATO’s handling of disclosures by whistleblowers warrants further inquiry.

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.

World Suicide Prevention Day

Senator Siewert, also on behalf of Senator O’Neill, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 101—

That the Senate—

(a) acknowledges that today, 10 September 2019, is World Suicide Prevention Day, which this year seeks to ‘shine a light’ on suicide prevention;

(b) notes that, in 2017, 3128 people in Australia died from self-harm, which equates to 8.57 deaths per day and a 9.1% increase from the following year;

(c) expresses concern that, in 2016, 47% of all suicides occurred in rural and remote regions, and First Nations peoples had a rate of suicide approximately twice that of non-Aboriginal people;
(d) acknowledges that the highest risk factor of a future suicide attempt, is a previous attempt;
(e) further acknowledges that working together to prevent suicide, raise awareness and encourage conversations is important, and that:
   (i) everyone has a role to play in preventing suicide and the choices we make today can help prevent suicide,
   (ii) we can all make a difference in the lives of those who might be struggling by having regular, meaningful conversations about life’s ups and downs,
   (iii) you do not need to be an expert to reach out – just a good friend and a great listener, and
   (iv) you do not need to be a clinician, a GP, or a nurse to check-in with someone you are worried about;
(f) recognises that it is better to reach out than avoid the person for fear of getting the conversation wrong; and
(g) urges all Australians to help shine a light on suicide prevention.

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 Health of support payment recipients

Senator Siewert, also on behalf of Senators Steele-John and Dodson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 102—That the Senate—

(a) notes that new research from Monash University on the health of Disability Support Pension and Newstart Allowance Recipients found:
   (i) Disability Support Pension recipients were 18.3 times more likely to rate their health as poor compared to wage earners,
   (ii) more than two-thirds (69.1%) of Disability Support Pension recipients reported having mental or behavioural problems compared with 21% of wage earners,
   (iii) only 19% of Disability Support Pension recipients reported having seen a psychologist in the preceding 12-month period, and
   (iv) Disability Support Pension recipients were at 2 to 3 times the risk of visiting a hospital than wage earners; and
(b) calls on the Federal Government to:
   (i) investigate ways to improve the health status of people receiving Disability Support Pension,
   (ii) deliver more targeted and effective health services that address the health needs of people on Disability Support Pension, and
   (iii) make access to the income support system simpler and less stressful for disabled persons.

Question put and passed.
21 Impacts of climate change

Senator Waters amended general business notice of motion no. 103 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

(i) that just one week after winter, Queensland is experiencing unprecedented and devastating bushfires and facing what the fire service has described as the most catastrophic bushfire season in recorded history,

(ii) that hundreds of people have been affected by the devastating fires— to date, 80 properties have been reported as damaged or destroyed, including the heritage-listed Bina Burra resort, and prior to these bushfires, a total of 40 properties had been lost to bushfire in Queensland in the previous 130 years,

(iii) the critical role that firefighting and emergency services personnel play in the frontline response to emergencies and climate-related disasters,

(iv) that the Bushfire and Natural Hazard Cooperative Research Centre’s latest Seasonal Bushfire Outlook, August 2019, confirmed that Queensland fire seasons have been starting earlier and persisting longer since 1990,

(v) that drought conditions and severe water shortages in the Darling Downs and Granite Belt are expected to make fighting bushfires even more difficult across the summer, and

(vi) that, unless urgent action is taken to reduce harmful emissions and stop further global warming, bushfires, drought, and heatwaves will become more frequent and severe, putting Australian lives and properties at risk; and

(b) calls on the Federal Government to:

(i) urgently take action to address climate change and manage the risk and severity of bushfires,

(ii) invest in community adaptation efforts to build resilience to climate change in moderate and high risk areas, and

(iii) commit to action to progress a rapid and just transition to clean and renewable energy sources to reduce the harmful emissions driving climate change.

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, 11

Senators—

Di Natale
Faruq
Griff
Hanson-Young
McKim
Patrick
Rice
Siewert*
Steele-John
Waters
Whish-Wilson

*Senator Stewart, by leave, nominated Senator Siewert to speak for the Senate.
NOES, 40

Senators—

Antic — Ciccone — Lines — Ryan
Askew — Colbeck — McAllister — Scarr
Ayres — Davey — McCarthy — Sheldon
Bernardi — Duniam — McDonald — Smith, Dean
Bilyk — Ferravanti-Wells — McMahon — Smith, Marielle
Bragg — Gallacher — O’Sullivan — Sterle
Brockman — Gallagher — Paterson — Urquhart*
Canavan — Green — Pratt — Van
Carr — Hughes — Rennick — Walsh
Chandler — Hume — Ruston — Watt

* Tellers

Question negatived.

22 Climate emergency

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. 104—That the Senate—

(a) notes that:

(i) the Bureau of Meteorology has stated that the current drought in the Murray-Darling Basin is the most severe on record and that the climate crisis is a contributing factor,

(ii) drier and warmer conditions are likely for most of mainland Australia during spring,

(iii) the fire season started two months earlier than usual in New South Wales and Queensland with increased fire risk in south-east Australia in the coming months, and

(iv) water storages in the northern Murray-Darling Basin are at 7%; and

(b) calls on the Federal Government to protect Australian farmers by taking urgent action to address the climate emergency.

Question put and passed.

23 Threatened species in Australia

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 105—That the Senate—

(a) notes a study entitled Lots of loss with little scrutiny: The attrition of habitat critical for threatened species in Australia, which was published on 8 September 2019, and found that:

(i) Australia has one of the worst extinction rates of any nation, yet there has been little assessment of the effect of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), to prevent species extinction,

(ii) 7.7 million hectares of potential habitat for terrestrial threatened species, terrestrial migratory species, and threatened ecological communities has been cleared between 2000 and 2017,

(iii) of this loss, 7.1 million hectare (93%) was not referred to the Federal Government for assessment,
(iv) this non-compliance means that potential habitat for terrestrial threatened species, terrestrial migratory species, and threatened ecological communities have been lost without assessment, regulation, or enforcement under the EPBC Act,

(v) additionally, when an action has been referred, most habitat loss has been approved, sometimes with conditions, and therefore has resulted in large areas of cumulative habitat loss,

(vi) the EPBC Act is ineffective at protecting potential habitat for terrestrial threatened species, terrestrial migratory species, or threatened ecological communities, and

(vii) without strict, comprehensive application and enforcement, as well as explicit guidance and requirements, policies such as the EPBC Act will remain ineffective at regulating habitat loss and protecting biodiversity;

(b) notes that:

(i) last week, the Australian Broadcasting Corporation (ABC) revealed that the Federal Government authorised the clearing of north Queensland woodland, despite its own environment department finding it was likely to destroy habitat critical to the vulnerable greater glider – former Deputy Prime Minister, Mr Joyce, had written to the former Minister for the Environment and Energy, Mr Frydenberg, asking for no unnecessary intervention under the EPBC Act in relation to the land clearing,

(ii) Guardian Australia recently revealed that a company part-owned by Mr Angus Taylor, MP and his brother was under investigation by the Department of the Environment and Energy for alleged unlawful destruction of critically-endangered grasslands when Minister Taylor met with departmental staff, including a compliance officer investigating the clearing allegations, and he also approached the former Minister for the Environment and Energy, Mr Frydenberg, about amending the critically-endangered listing of the grassland species, and

(iii) the ABC revealed last year that the former Minister for the Environment and Energy, Mr Frydenberg, ignored advice from his own Department that he should reject an application for the Toondah Harbour apartment and marina proposal in Queensland because of the damage it would do to an internationally protected wetland, home to critically-endangered migratory shorebirds, instead allowing the project to progress to the next stage of assessment; and

(c) calls on the Federal Government to:

(i) implement the study’s recommendations, including that when scientifically determinable, critical habitat is demarcated for listed species and communities, which provides absolute protection that is enforced, monitored, and investigated by the regulator,

(ii) ensure that the current review of the EPBC Act address its fundamental failure to actually protect the environment, biodiversity and conservation, and

(iii) audit all decisions made by Mr Frydenberg in his capacity as the Minister for the Environment and Energy, as they relate to land clearing and critical habitat destruction.

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, 9**

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**NOES, 44**

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* Tellers

Question negatived.

24 **Kashmir**

*Motion determined as not formal*: The Leader of the Australian Greens (Senator Di Natale), also on behalf of Senator Faruqi requested that general business notice of motion no. 98 standing in their names for today, relating to Kashmir, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

*Statements by leave*: Senators Di Natale and Gallagher, by leave, made statements relating to the motion.

25 **Urgency motion—Global climate crisis**

The President informed the Senate that the following motion proposed to be moved by Senator Waters had been selected under standing order 75—That, in the opinion of the Senate, the following is a matter of urgency:

The fact that we are facing an existential climate crisis that threatens human civilisation and the Government needs to act, starting by supporting the global climate strike on 20 September 2019.

The proposal was supported by four senators.

The Leader of the Australian Greens (Senator Di Natale), at the request of Senator Waters, moved the motion.

Debate ensued.

*After 5 pm*: The debate was interrupted.

26 **First speeches**

Pursuant to order, Senators Scarr, Van and Rennick made their first speeches.
27 Notice
The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by April 2020:

The importance of a viable, safe, sustainable and efficient road transport industry, with particular reference to:

(a) the importance of an enforceable minimum award rate and sustainable standards and conditions for all stakeholders in the road transport industry;
(b) the development and maintenance of road transport infrastructure to ensure a safe and efficient road transport industry;
(c) the regulatory impact, including the appropriateness, relevance and adequacy of the legislative framework, on all stakeholders in the road transport industry;
(d) the training and career pathways to support, develop and sustain the road transport industry;
(e) the social and economic impact of road-related injury, trauma and death;
(f) efficient cost-recovery measures for industry stakeholders, including subcontractors;
(g) the impact of new technologies and advancements in freight distribution, vehicle design, road safety and alternative fuels;
(h) the importance of establishing a formal consultative relationship between the road transport industry and all levels of government in Australia; and
(i) other related matters.

28 Urgency motion—Global climate crisis
Debate resumed on the motion of the Leader of the Australian Greens (Senator Di Natale) (see entry no. 26).

Question put.

The Senate divided—

**AYES, 29**

Senators—

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*Tellers

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

29 Climate change—Document

Senator Faruqi, by leave, tabled the following document:

Climate change—Petitioning document from approximately 125,000 signatories calling on the Prime Minister (Mr Morrison) to declare a climate emergency.

Statement by leave: Senator Faruqi, by leave, made a statement relating to the document.

30 Documents—Consideration

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

31 Committee reports and government responses—Tabling and consideration

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


The following government responses presented out of sitting (see entry no. 2) were considered:

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

Trade and Investment Growth—Joint Standing Committee—Report—Austrade’s role in attracting investment in Australia—Government response. Motion to take note of document moved by Senator Urquhart. Debate adjourned till the next day of sitting.


The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) tabled the following document:

33 **Social Services Legislation Amendment (Overseas Welfare Recipients Integrity Program) Bill 2019**

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


The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Explanatory memorandum: Senator Seselja tabled a revised explanatory memorandum relating to the bill.

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

On the motion of Senator Seselja the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

34 **National Sports Tribunal Bill 2019**

**National Sports Tribunal (Consequential Amendments and Transitional Provisions) 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 Rice moved the following amendment:

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

(a) recognises that all people have fundamental human rights and are entitled to equal protection of the law without any discrimination, including on the basis of sex, sexual orientation, gender identity or intersex status; and

(b) calls on the National Sports Tribunal, when established, to:

(i) consult with intersex-led organisations, and with transgender and gender diverse organisations,

(ii) adopt policies that reflect the 2016 guidance by the United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the *Darlington Statement 2017*, and

(iii) ensure access to sport at all levels of competition by all intersex persons, including all cisgender intersex women being permitted to compete as women, without restrictions or discriminatory medical investigations”.

Debate ensued.

*At 7.20 pm:* Debate was interrupted while Senator Ciccone was speaking.
35 Adjournment
The Acting Deputy President (Senator Fawcett) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 8.55 pm till Wednesday, 11 September 2019 at 9.30 am.

36 Attendance
Present, all senators except Senator McKenzie (on leave).

RICHARD PYE
Clerk of the Senate