2019

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 12

MONDAY, 9 SEPTEMBER 2019

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

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

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

Documents presented by the President
1. Fair Work Act 2009—Quarterly report by the Commonwealth Ombudsman for the period 1 October to 31 December 2018. [Received 30 August 2019]
2. Odgers’ Australian Senate Practice—14th edition (Supplement)—Updates to 30 June 2019.

Documents in response to orders for the production of documents
3. Department of Home Affairs—Paladin contracts—Order of 4 July 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), responding to the order as follows—Letter to the President of the Senate from the Minister for Home Affairs (Mr Dutton), dated 23 August 2019, and attachments. [Received 23 August 2019]
4. Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 1 August 2019, dated August 2019. [Received 28 August 2019]

Auditor-General’s reports for 2019-20
5. No. 5—Performance audit—Australian Research Council’s administration of the National Competitive Grants Program: Australian Research Council.
6. No. 6—Performance audit—Implementation of ANAO and parliamentary committee recommendations—Across entities. [Received 5 August 2019]
7. No. 7—Performance audit—Government advertising: June 2015 to April 2019—Across entities. [Received 26 August 2019]
8. No. 8—Performance audit—Management of the Tourist Refund Scheme: Department of Home Affairs; Department of the Treasury; Australian Taxation Office.

Government documents
9. Airservices Australia—Corporate plan 2019-20. [Received 26 August 2019]
10. Australian National Audit Office—Report for 2018-19. [Received 14 August 2019]
11. Australian National Maritime Museum—Corporate plan 2019-23. [Received 5 August 2019]
13. Civil Aviation Safety Authority—Corporate plan 2019-20. [Received 30 August 2019]
14. Climate Change Authority—Review of the National Greenhouse and Energy Reporting legislation—
   Final report, dated December 2018. [Received 2 August 2019]
   Government response, dated August 2019. [Received 2 August 2019]
15. Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2018. [Received 28 August 2019]
17. Inspector-General of the Australian Defence Force—Report for 2017-18. [Received 28 August 2019]
18. Migration Act 1958—Section 486O—Assessment of detention arrangements—
   Commonwealth Ombudsman’s reports—Reports nos 7 to 10 of 2019.
   Government responses to Commonwealth Ombudsman’s reports nos 7 to 10 of 2019, dated 3 September 2019.
20. National Health and Medical Research Council (NHMRC)—Corporate plan 2019-20. [Received 27 August 2019]
   Annual reports for 2018-19—
      Subsection 12G(2).
      Subsection 54(2).
   Quarterly reports for the periods—
      1 July to 30 September 2018—Subsection 12G(1).
      1 October to 31 December 2018—Subsection 12G(1).
      1 January to 31 March 2019—
         Subsection 12G(1).
         Subsection 54(1).
      1 April to 30 June 2019—
         Subsection 12G(1).
         Subsection 54(1).
22. Treaties—
   Plurilateral—Convention establishing the Square Kilometre Array Observatory (Rome, 12 March 2019)—Text, together with national interest analysis.
Documents pursuant to continuing orders

23. Department of the Environment and Energy—Quarterly update of Australia’s national greenhouse gas inventory: March 2019. [Received 30 August 2019]

24. Entity contracts for 2018-19—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—
   Agriculture portfolio. [Received 30 August 2019]
   Attorney-General’s portfolio. [Received 30 August 2019]
   Defence portfolio. [Received 30 August 2019]
   Department of Human Services. [Received 5 September 2019]
   Department of Veterans’ Affairs. [Received 30 August 2019]
   Education portfolio. [Received 5 September 2019]
   Employment, Skills, Small and Family Business portfolio. [Received 30 August 2019]
   Environment and Energy portfolio. [Received 5 September 2019]
   Finance portfolio. [Received 30 August 2019]
   Foreign Affairs and Trade portfolio. [Received 30 August 2019]
   Health portfolio. [Received 5 September 2019]
   Home Affairs portfolio. [Received 30 August 2019]
   Industry, Innovation and Science portfolio. [Received 5 September 2019]
   Industry, Innovation and Science portfolio (Resources and Northern Australia). [Received 30 August 2019]
   Infrastructure, Transport, Cities and Regional Development portfolio. [Received 23 August 2019]
   National Disability Insurance Scheme Launch Transition Agency. [Received 30 August 2019]
   Social Services portfolio. [Received 30 August 2019]
   Treasury portfolio. [Received 23 August 2019]

Government responses to committee reports

25. Environment and Communications References Committee—Report—Allegations of political interference in the Australian Broadcasting Corporation—Government response, dated August 2019. [Received 8 August 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):

27. Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations lodged between 1 and 30 July 2019, dated August 2019. [Received 23 August 2019]
References initiated by the Selection of Bills Committee

28. Community Affairs Legislation Committee—Reports, dated September 2019—
   Family Assistance Legislation Amendment (Extend Family Assistance to
   ABSTUDY Secondary School Boarding Students Aged 16 and Over) Bill 2019 [Provisions], Hansard record of proceedings, additional information
   and submissions. [Received 5 September 2019]
   National Disability Insurance Scheme Amendment (Streamlined
   Governance) Bill 2019, Hansard record of proceedings, additional
   information and submissions. [Received 6 September 2019]

29. Economics Legislation Committee—Reports, dated September 2019—
   Intellectual Property Laws Amendment (Productivity Commission
   Response Part 2 and Other Measures) Bill 2019, Hansard record of
   proceedings, and submissions. [Received 4 September 2019]
   Treasury Laws Amendment (2019 Tax Integrity and Other Measures No. 1)
   Bill 2019 [Provisions], Hansard record of proceedings, additional
   information and submissions. [Received 4 September 2019]

30. Legal and Constitutional Affairs Legislation Committee—Reports, dated
    September 2019—
    Combatting Child Sexual Exploitation Legislation Amendment Bill 2019
    [Provisions], Hansard record of proceedings, additional information and
    submissions. [Received 5 September 2019]
    Criminal Code Amendment (Agricultural Protection) Bill 2019
    [Provisions], Hansard record of proceedings, document presented to the
    committee, additional information and submissions. [Received 6 September
    2019]

31. Rural and Regional Affairs and Transport Legislation Committee—Offshore
    Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous
    Gas Storage (Regulatory Levies) Amendment Bill 2019 [Provisions]—Report,
    dated August 2019. [Received 28 August 2019]

The Clerk tabled the following documents pursuant to statute:

[List 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].

Agricultural and Veterinary Chemicals Code Act 1994—Agricultural and

Airports Act 1996—Statements of decisions to grant airport leases—
18 July 2019.
21 July 2019.

Australian Citizenship Act 2007—Report under section 51B—Reporting period:
12 December 2018 to 11 June 2019.

Australian Prudential Regulation Authority Act 1998—
  Australian Prudential Regulation Authority (confidentiality) determination No. 2 of 2019 [F2019L01106].
  Australian Prudential Regulation Authority instrument fixing charges No. 5 of 2019 [F2019L01140].


Biosecurity Act 2015—
  Biosecurity (Managing Human Remains) Amendment (Hair, Teeth and Bones) Instrument 2019 [F2019L01109].
  Biosecurity (Ship Sanitation Certification Scheme—Ports) Amendment (Port Botany and Gold Coast Broadwater) Declaration 2019 [F2019L01108].

Civil Aviation Act 1988—
  Civil Aviation Order 82.7 Amendment Instrument 2019 (No. 1) [F2019L01063].

Civil Aviation Regulations 1988—
  Civil Aviation Order 40.7 Amendment Instrument 2019 (No. 1) [F2019L01062].
  Number of Cabin Attendants (Jetstar Airways) Direction 2019—CASA 60/19 [F2019L01104].

Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—
  Civil Aviation Order 48.1 Instrument 2019 [F2019L01070].

DAMP Requirements for Maintenance Organisations Outside Australian Territory Exemption 2019—CASA EX102/19 [F2019L01122].


Flight in Class D Airspace near Sunshine Coast Aerodrome (Sunshine Coast Sports Aviators) Instrument 2019—CASA EX99/19 [F2019L01116].


Helicopter Aerial Application Endorsements Exemption 2019—CASA EX101/19 [F2019L01132].

Main Landing Gear Positioning Rod Assembly—AD/S-76/66 Amdt 1 [F2019L01073].
Manual of Standards Part 172 Amendment Instrument 2019 (No. 1) [F2019L01064].
Commissioner of Taxation—Public Rulings—
Goods and Services Tax Rulings—
Addendum—GSTR 2006/6.
Product Rulings—
Addendum—PR 2018/3.
PR 2019/5.
Taxation Determinations—
Addendum—TD 2019/10.
Taxation Ruling—Erratum—TR 2019/1.


**Corporations Act 2001**—
ASIC Corporations (Amendment) Instrument 2019/902 [F2019L01144].
ASIC Corporations (Share and Interest Purchase Plans) Instrument 2019/547 [F2019L01114].

**Customs Act 1901**—
Customs Amendment (Collecting Tobacco Duties) Regulations 2019 [F2019L00350]—Replacement explanatory statement.
Customs (Prohibited Imports) Amendment (Weapons) Regulations 2019 [F2019L01047].

**Defence Act 1903**—
Defence Determination, Conditions of service Amendment (Approved forms and privacy) Determination 2019 (No. 21) [F2019L01010]—Replacement explanatory statement.
Defence Determination, Conditions of service Amendment (Location and Travel allowances — rate amendment) Determination 2019 (No. 24) [F2019L01111].
Defence Determination, Conditions of service Amendment (Miscellaneous and salary non-reduction) Determination 2019 (No. 25) [F2019L01131].
Salaries — Senior Officers — Amendment—Defence Force Remuneration Tribunal No. 4 of 2019.

Woomera Prohibited Area Rule 2014—
Determination of Exclusion Periods for the Green Zone for 1 September 2019 – 5 October 2019 [F2019L01035].
Determination of Exclusion Periods for the Green Zone for 1 September 2019 – 5 October 2019 Amendment No. 1 [F2019L01071].
Determination of Exclusion Periods for the Green Zone for 1 September 2019 – 5 October 2019 Amendment No. 2 [F2019L01080].
Determination of Exclusion Periods for the Green Zone for 1 September 2019 – 5 October 2019 Amendment No. 3 [F2019L01087].
Suspension of Standing Permission in the Woomera Prohibited Area for 1 September 2019 – 5 October 2019 [F2019L01036].
Suspension of Standing Permission in the Woomera Prohibited Area for 1 September 2019 – 5 October 2019 Amendment No. 1 [F2019L01079].


Environment Protection and Biodiversity Conservation Act 1999—
Amendment to the list of threatened ecological communities under section 181 (EC148 and EC61) (30 August 2019) [F2019L01143].
List of Specimens Taken to be Suitable for Live Import Amendment (Polynesian Tiger Mosquito) Instrument 2019 [F2019L01039].


Federal Financial Relations Act 2009—
Federal Financial Relations (General Purpose Financial Assistance) Determination No. 125 (July 2019) [F2019L01068].

Financial Framework (Supplementary Powers) Act 1997—
Financial Framework (Supplementary Powers) Amendment (Communications and the Arts Measures No. 3) Regulations 2019 [F2019L01055].
Financial Framework (Supplementary Powers) Amendment (Education Measures No. 1) Regulations 2019 [F2019L01053].
Financial Framework (Supplementary Powers) Amendment (Prime Minister and Cabinet Measures No. 2) Regulations 2019 [F2019L01050].
Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 3) Regulations 2019 [F2019L01051].


Food Standards Australia New Zealand Act 1991—
Australia New Zealand Food Standards Code — Schedule 20 — maximum residue limits Variation Instrument No. APVMA 5, 2019 [F2019L01059].
Food Standards (Application A1159 – Triacylglycerol lipase from Trichoderma reesei as a processing aid (enzyme)) Variation [F2019L01137].
Food Standards (Application A1160 – Aspergillopepsin I from Trichoderma reesei as a processing aid (enzyme)) Variation [F2019L01134].
Food Standards (Application A1170 – Rebaudioside MD as a steviol glycoside from Saccharomyces cerevisiae) Variation [F2019L01135].
Food Standards (Application A1172 – Enzymatic Production of Rebaudioside D) Variation [F2019L01136].

Greenhouse and Energy Minimum Standards Act 2012—

Greenhouse and Energy Minimum Standards (Registration Fees) Act 2012—

Health Insurance Act 1973—
Health Insurance (Accredited Pathology Laboratories—Approval) Amendment Instrument (No. 1) 2019 [F2019L01030].
Health Insurance (Section 3C General Medical Services – Heart Health Assessment) Determination 2019 [F2019L00313]—Replacement explanatory statement.
Health Insurance (Section 3C General Medical Services – Heart Health Assessment No. 2) Determination 2019 [F2019L00361]—Replacement explanatory statement.


Industry Research and Development Act 1986—


Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.

Migration Act 1958—
  Migration Amendment (New Skilled Regional Visas) Regulations 2019 [F2019L00578]—Replacement explanatory statement.
  Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019 [F2019L00551]—Replacement explanatory statement.

Migration Regulations 1994—
  Migration (LIN 19/236: Arrangements for Visitor (Class FA) Visa Applications) Amendment Instrument 2019 [F2019L01107].

National Health Act 1953—
  National Health Determination under paragraph 98C(1)(b) Amendment 2019 (No. 7)—PB 67 of 2019 [F2019L01130].
  National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2019 (No. 7)—PB 62 of 2019 [F2019L01025].
  National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2019 (No. 8)—PB 71 of 2019 [F2019L01125].
  National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2019 (No. 7)—PB 61 of 2019 [F2019L01023].
  National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2019 (No. 8)—PB 70 of 2019 [F2019L01123].
  National Health (Listed drugs on F1 or F2) Amendment Determination 2019 (No. 8)—PB 72 of 2019 [F2019L01127].
  National Health (Originator Brand) Amendment Determination 2019 (No. 6)—PB 73 of 2019 [F2019L01121].
National Health (Prescriber bag supplies) Amendment Determination 2019 (No. 1)—PB 69 of 2019 [F2019L01124].
National Health (Price and Special Patient Contribution) Amendment Determination 2019 (No. 8)—PB 74 of 2019 [F2019L01126].
National Health (Weighted average disclosed price – October 2019 reduction day) Amendment Determination 2019—PB 75 of 2019 [F2019L01084].


Norfolk Island Act 1979—
  Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019 [F2019L01048].

Parliamentary Business Resources Act 2017—
  Parliamentary Business Resources Regulations 2017—Advices of decisions to pay assistance—
    11 July 2019 [2].
    23 July 2019.
  Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 2) 2019 [F2019L01077].
  Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 3) 2019 [F2019L01086].


Private Health Insurance Act 2007—
  Private Health Insurance (Prostheses) Amendment Rules (No. 5) 2019 [F2019L01033].
  Private Health Insurance (Prostheses) Amendment Rules (No. 6) 2019 [F2019L01117].


Public Governance, Performance and Accountability Act 2013—
  Commonwealth deregistered Australian Synchrotron Holding Company Pty Ltd and transferred shares to Australian Nuclear Science and Technology Organisation—21 August 2019.
  Corporate Commonwealth entity acquires shares in a company—MetaBloQ Pty Ltd—21 August 2019.
  PGPA Act Determination (DFAT SOETM Special Account 2019) [F2019L01057].

Radiocommunications Act 1992—
  Radiocommunications (Digital Radio Channels — Western Australia) Plan Variation 2019 (No. 1) [F2019L00726]—Replacement explanatory statement.
  Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2019 (No. 1) [F2019L01075].

Remuneration Tribunal Act 1973—
Remuneration Tribunal Amendment Determination (No. 4) 2019 [F2019L01094].
Remuneration Tribunal (Official Travel) Determination 2019 [F2019L01076].


Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988—
Safety, Rehabilitation and Compensation (Defence-related Claims) Regulations 2019 [F2019L01060].


Social Security Act 1991—


Space (Launches and Returns) Act 2018—
Space (Launches and Returns) (General) Rules 2019 [F2019L01118].
Space (Launches and Returns) (High Power Rocket) Rules 2019 [F2019L01119].
Space (Launches and Returns) (Insurance) Rules 2019 [F2019L01120].


Therapeutic Goods Act 1989—
Therapeutic Goods Amendment (Permissible Ingredients) Determination (No. 1) 2019 [F2019L01113].

VET Student Loans Act 2016—VET Student Loans Amendment Rules (No. 1) 2019 [F2019L01026].

Veterans’ Entitlements Act 1986—
Amendment Statement of Principles concerning hypertension—No. 89 of 2019 [F2019L01091].
Statement of Principles concerning anal fissure (Balance of Probabilities)—No. 88 of 2019 [F2019L01090].
Statement of Principles concerning anal fissure (Reasonable Hypothesis)—No. 87 of 2019 [F2019L01089].
Statement of Principles concerning conductive hearing loss (Balance of Probabilities)—No. 82 of 2019 [F2019L01095].
Statement of Principles concerning conductive hearing loss (Reasonable Hypothesis)—No. 81 of 2019 [F2019L01093].
Statement of Principles concerning malignant neoplasm of the bladder (Balance of Probabilities)—No. 84 of 2019 [F2019L01097].
Statement of Principles concerning malignant neoplasm of the bladder (Reasonable Hypothesis)—No. 83 of 2019 [F2019L01096].
Statement of Principles concerning Morton metatarsalgia (Balance of Probabilities)—No. 78 of 2019 [F2019L01100].
Statement of Principles concerning Morton metatarsalgia (Reasonable Hypothesis)—No. 77 of 2019 [F2019L01098].
Statement of Principles concerning obstructive and reflux nephropathy (Balance of Probabilities)—No. 86 of 2019 [F2019L01102].
Statement of Principles concerning obstructive and reflux nephropathy (Reasonable Hypothesis)—No. 85 of 2019 [F2019L01103].
Statement of Principles concerning varicocele (Balance of Probabilities)—No. 80 of 2019 [F2019L01099].
Statement of Principles concerning varicocele (Reasonable Hypothesis)—No. 79 of 2019 [F2019L01092].
The Clerk tabled the following documents pursuant to order:

- Estimates hearings—Unanswered questions on notice—Budget estimates 2019-20—Statement pursuant to the order of the Senate of 25 June 2014—Australian Public Service Commission.
- Indexed lists of departmental and agency files for the period 1 January to 30 June 2019—Statement of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Australian Public Service Commission.

3 Committees—Leave to meet during sittings

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

- Community Affairs References Committee—private briefing today, from 4.30 pm.
- Education and Employment Legislation Committee—public meeting on Thursday, 12 September 2019, from 5 pm.
- Effectiveness of the Australian Government’s Northern Australia agenda—Select Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 19 September 2019, from 10.30 am.
- Electoral Matters—Joint Standing Committee—private meetings otherwise than in accordance with standing order 33(1), from 9.40 am on Wednesday, 11 and 18 September 2019.
- Environment and Communications Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1), from 1 pm, on Thursday, 12 and 19 September, 17 October, 14 and 28 November and 5 December 2019.
- Intelligence and Security—Joint Statutory Committee—private meetings otherwise than in accordance with standing order 33(1) and public meetings, from 9 am, on—Tuesday, 10 and 17 September, 15 October, 26 November and 3 December 2019.
- Wednesday, 11 and 18 September, 16 October, 27 November and 4 December 2019.
- Thursday, 12 and 19 September, 17 October, 28 November and 5 December 2019.
- Jobs for the Future in Regional Areas—Select Committee—private meetings otherwise than in accordance with standing order 33(1), from 1.30 pm on Wednesday, 11 and 18 September, 16 October, 13 and 27 November and 4 December 2019.
- Migration—Joint Standing Committee—private meetings otherwise than in accordance with standing order 33(1), from 10 am on Wednesday, 11 and 18 September, 16 October, 27 November and 4 December 2019.
- National Broadband Network—Joint Standing Committee—private briefing on Thursday, 12 September 2019, from 11.30 am.
4 **Vacancy in the representation of Victoria**

The President informed the Senate of the resignation, on 16 August 2019, of Senator Fifield and advised that, pursuant to section 21 of the Constitution, the Governor-General had notified the Governor of Victoria that there was a vacancy in the representation of that state.

*Documents:* The President tabled the following documents:
- Vacancy in the representation of Victoria—Copies of letters from—
  - Senator Fifield to His Excellency the Governor-General (General the
    Honourable David Hurley, AC, DSC (Retd)), dated 16 August 2019.
  - His Excellency the Governor-General to the Governor of Victoria (Her
    Excellency the Honourable Linda Dessau, AC), dated 16 August 2019.

5 **Private senators’ bills—Consideration**

The Minister for Families and Social Services (Senator Ruston) moved—that general business order of the day no. 29 (National Integrity Commission Bill 2018 (No. 2)) be considered today at the time for private senators’ bills.

Question put and passed.

6 **National Integrity Commission Bill 2018 (No. 2)**

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

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

Debate ensued.

*Closure:* The Leader of the Australian Greens (Senator Di Natale) moved—that the question be now put.

Question—that the question be now put—put and passed.

Main question put.

The Senate divided—

**AYES, 35**

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<th>Senators</th>
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<td>Ciccone*</td>
<td>Keneally</td>
<td>Polley</td>
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<td>Di Natale</td>
<td>Kitching</td>
<td>Pratt</td>
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<td>Whish-Wilson</td>
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<td>Gallagher</td>
<td>McCarthy</td>
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<td>Smith, Marielle</td>
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**NOES, 32**

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<td>Cash</td>
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* Tellers

Question agreed to.
Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

Senator Waters moved—That this bill be now read a third time.

Question put.

The Senate divided—

AYES, 35

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<th>Brown</th>
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<th>Steele-John</th>
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* Tellers

Question agreed to.

Bill read a third time.

7 Treasury Laws Amendment (Making Sure Multinationals Pay Their Fair Share of Tax in Australia and Other Measures) 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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) the bill was read a third time.

8 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.
At 2 pm: Debate was interrupted while Senator Steele-John was speaking.

9 Ministry and ministerial arrangements—Document

The Minister for Finance (Senator Cormann) informed the Senate of changes to ministerial representation arrangements and tabled a document, showing all members of the Morrison Ministry and ministerial representation, dated 9 September 2019.

10 Shadow ministry—Statement by leave

The Leader of the Opposition in the Senate (Senator Wong), by leave, informed the Senate of a change to the Opposition shadow ministry and tabled a document showing all members of the shadow ministry, dated 9 September 2019.

11 Questions

Questions without notice were answered.

Statements by leave: Senator Watt and the Leader of the Australian Greens (Senator Di Natale), by leave, made statements relating to the bushfires in Queensland and New South Wales.

Further questions without notice were answered.

12 Motions to take note of answers

Senator Gallagher moved—That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

The Leader of the Australian Greens (Senator Di Natale) moved—That the Senate take note of the answer given by the Minister for Agriculture (Senator McKenzie) to a question without notice asked by Senator Di Natale today relating to bushfires in Queensland and New South Wales and climate change.

Question put and passed.

13 Notices

Senators Dean Smith, Lines and Brockman: To move on the next day of sitting—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. (general business notice of motion no. 93)

Senator Whish-Wilson: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Product Stewardship Act 2011, and for related purposes. Product Stewardship Amendment (Packaging and Plastics) Bill 2019. (general business notice of motion no. 94)

Senator Sterle: To move on the next day of sitting—That a copy of the final report entitled, Biosecurity Imports Levy: A Way Forward, dated May 2019, by the Biosecurity Imports Levy Industry Steering Committee be laid on the table by the Minister for Agriculture, by no later than 3 pm on 12 September 2019. (general business notice of motion no. 95)

Senators Siewert and McKim: To move on 17 September 2019—That the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019, made under the Aged Care Act 1997, be disallowed [F2019L00511].

Senator Faruqi: To move on the next day of sitting—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. (general business notice of motion no. 96)

Senator Brown: To move on the next day of sitting—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. (general business notice of motion no. 97)
Senator Faruqi: To move on 16 September 2019—That the Australian Education Amendment (2019 Measures No. 1) Regulations 2019, made under the Australian Education Act 2013, be disallowed [F2019L00558].

Senators Di Natale and Faruqi: To move on the next day of sitting—That the Senate—

(a) notes with deep concern that:
   (i) in August, the Indian Government decided to revoke Kashmir’s special status and its relative autonomy under India’s Constitution, further eroding the Kashmiris’ right to self-determination,
   (ii) the Indian Government shut down phone and internet connections, arbitrarily detained political leaders, evacuated tourists, restricted freedom of movement and oversaw an influx of tens of thousands of additional troops to Kashmir, and
   (iii) these actions risk a dangerous escalation of violence in the world’s most militarised region;

(b) expresses solidarity for the many Australian Kashmiris who have been deeply worried about their loved ones in Kashmir;

(c) further notes that, in response to the three wars between India and Pakistan over Kashmir, the United Nations has unequivocally called for the Kashmiris’ right to self-determination; and

(d) urges the Australian Government to call on the Indian Government to respect the human rights of the people in Kashmir, withdraw military forces, end the mass lockdown and respect the Kashmiris’ right to self-determination. (general business notice of motion no. 98)

The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja): To move on the next day of sitting—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:

No. 1—Fit-out of leased premises for the Australian Federal Police at 140 Lonsdale Street, Melbourne Victoria.

No. 2—HMAS Watson Redevelopment, Sydney New South Wales.

No. 3—Navy Capability Infrastructure Sub-program: Facilities and Infrastructure to Support New Navy Capabilities.

Senator Patrick: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Customs Act 1901, and for related purposes. Customs Amendment (Safer Cladding) Bill 2019. (general business notice of motion no. 99)

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

(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. (general business notice of motion no. 100)

Senator Siewert: To move on the next day of sitting—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. (general business notice of motion no. 101)
Senators Siewert and Steele-John: 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:

(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. (general business notice of motion no. 102)

Senator Waters: To move on the next day of sitting—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, 47 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. 

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

Senator Hanson-Young: To move on the next day of sitting—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 hectares (93%) were 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 addresses 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. (general business notice of motion no. 105)

14 Death of former member the Honourable Timothy (Tim) Andrew Fischer, AC

The President informed the Senate of the death, on 22 August 2019, of the Honourable Timothy (Tim) Andrew Fischer, AC, a former minister and member of the House of Representatives for the division of Farrer from 1984 to 2001.

The Leader of the Government in the Senate (Senator Cormann), by leave, moved— That the Senate records its deep sorrow at the death, on 22 August 2019, of the Honourable Timothy (Tim) Andrew Fischer, AC, former Leader of the National Party, Deputy Prime Minister, Minister in the House of Representatives and Ambassador, places on record its gratitude for his long service to the Parliament and the nation and extends its profound sympathies to his family in their bereavement.

The motion was supported and all senators present joined in a moment of silence. Question passed.
15 **Death of former member Elaine Elizabeth Darling**

The President informed the Senate of the death, on 30 August 2019, of Elaine Elizabeth Darling, a member of the House of Representatives for the division of Lilley from 1980 to 1993.

16 **Leave of absence**

Senator Dean Smith, by leave, moved—That leave of absence be granted to Senator Birmingham for today, on account of ministerial business.

Question put and passed.

17 **Postponements**

Business was postponed as follows:

- General business notice of motion no. 72 standing in the name of Senator Kitching for today, relating to the establishment of a select committee on integrity, postponed till 25 November 2019.
- Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for 11 September 2019, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 26 November 2019.

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

The following committees were granted extensions of time to report:

- Community Affairs Legislation Committee—Human Services Amendment (Photographic Identification and Fraud Prevention) Bill 2019, extended to 16 October 2019.
- Environment and Communications References Committee—Impact of feral deer, pigs and goats in Australia, extended to 3 December 2019.
- Finance and Public Administration References Committee—Compliance by former Ministers of State with Ministerial Standards, extended to 26 September 2019.

19 **Community Affairs References Committee—Reference—Fetal Alcohol Spectrum Disorder**

Senator Griff, also on behalf of Senators McCarthy and Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—

(1) That the Senate acknowledges that:

   (a) 9 September, is International Fetal Alcohol Spectrum Disorder (FASD) Awareness Day;
   (b) FASD is a life-long but preventable condition caused by in-utero exposure to alcohol;
   (c) FASD can cause developmental, physical, mental and behavioural problems, including problems with memory, learning, impulse control, planning ability, understanding consequences, emotional regulation, speech and language; and
   (d) people with FASD are likely to have poorer academic and employment outcomes, higher rates of homelessness and incarceration, and increased rates of mental health issues and alcohol and other drug abuse.
(2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by the first sitting day in June 2020:

Effective approaches to prevention and diagnosis of FASD, strategies for optimising life outcomes for people with FASD and supporting carers, and the prevalence and management of FASD, including in vulnerable populations, in the education system, and in the criminal justice system – with particular reference to:

(a) the level of community awareness of risks of alcohol consumption during pregnancy;
(b) the adequacy of the health advice provided to women planning a pregnancy, pregnant women and women who are breastfeeding, about the risks of alcohol consumption;
(c) barriers that may prevent women receiving accurate, timely and culturally/ethnically appropriate information and advice on alcohol and pregnancy;
(d) provision of diagnostic services in Australia including capacity, training, integration and diagnostic models in current use;
(e) the prevalence and nature of co-occurring conditions and of misdiagnosis of FASD;
(f) international best practice in preventing, diagnosing and managing FASD;
(g) awareness of FASD in schools, and the effectiveness of systems to identify and support affected students;
(h) the prevalence of, and approaches to, FASD in vulnerable populations, including children in foster and state care, migrant communities and Indigenous communities;
(i) the recognition of, and approaches to, FASD in the criminal justice system and adequacy of rehabilitation responses;
(j) the social and economic costs of FASD in Australia, including health, education, welfare and criminal justice;
(k) access, availability and adequacy of FASD support available through the National Disability Insurance Scheme, including access to effective and early intervention services for individuals diagnosed with FASD;
(l) support for adults with FASD and for parents and carers of children with FASD;
(m) progress on outstanding recommendations of the House of Representatives Standing Committee on Social Policy and Legal Affairs report, *FASD: The Hidden Harm*, tabled on 29 November 2012;
(n) the effectiveness of the National FASD Action Plan 2018-2028, including gaps in ensuring a nationally co-ordinated response and adequacy of funding;
(o) the need for improved perinatal data collection and statistical reporting on FASD and maternal drinking; and
(p) any other related matters.

Question put and passed.
Implementation of the National Redress Scheme—Joint Select Committee—Appointment

Senator Urquhart, at the request of Senators Dodson and Siewert and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 87—

(1) That a joint select committee, to be known as the Joint Select Committee on Implementation of the National Redress Scheme, be established to inquire into and report on:

(a) the Australian Government policy, program and legal response to the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, including the establishment and operation of the Commonwealth Redress Scheme and ongoing support of survivors; and

(b) any matter in relation to the Royal Commission’s redress related recommendations referred to the committee by a resolution of either House of the Parliament.

(2) That the committee present its final report on the last sitting day in May 2022.

(3) That the committee consist of 8 members – 4 senators, and 4 members of the House of Representatives, as follows:

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

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

(c) 1 senator to be nominated by the Leader of the Government in the Senate;

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

(e) 1 senator to be nominated by the Leader of the Australian Greens; and

(f) 1 senator to be nominated by any minority party or independent senator.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Government Whip in the House of Representatives, the Opposition Whip in the House of Representatives, the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator or member of the House of Representatives; 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) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(6) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.
(7) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(8) That the committee elect as chair a member or senator nominated by the Opposition.

(9) That the committee elect as deputy chair a member or senator nominated by the Leader of the Australian Greens.

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

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

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

(13) 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 and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(14) 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 of the Senate and the Speaker of the House of Representatives.

(15) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

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

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

(18) That the committee have access to all evidence and documents of the former Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Abuse.

(19) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

Question put and passed.
21 Fossil fuel basins

Senator Siewert, at the request of Senator Hanson-Young and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 89—that the Senate—

(a) notes that, on 31 July 2019, offshore petroleum exploration acreage was released, containing 64 areas available for lease:

(i) this is largest number of areas released since 2000, with more than 120,000 square kilometres available, and

(ii) fossil fuels are the leading cause of climate change; and

(b) calls on the Federal Government to halt the development of any further fossil fuel basins.

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, 8

Senators—

Di Natale
Faruq
Hanson-Young
McKim
Rice
Siewert*
Waters
Whish-Wilson

NOES, 47

Abetz
Antic
Askew
Ayres
Bernardi
Bilyk
Bragg
Brockman
Carr
Chandler
Ciccone
Colbeck
Davey
Duniam
Fawcett
Fierravanti-Wells
Gallacher
Gallagher
Griff
Hanson
Hughes
Keneally
McAllister
McCarthy
McDonnell
McMahon
O’Neill
O’Sullivan
Paterson
Patrick
Pratt
Rehnick
Roberts
Ruston
Scarr
Sheldon
Sinodinos
Smith, Dean
Smith, Marielle
Smith, Van
Sterle
Stoker
Urquhart*
Walsh
Watt

* Tellers

Question negatived.

22 Clean energy jobs

Senator Waters amended general business notice of motion no. 88 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate—

(a) notes that:

(i) the Clean Energy Regulator’s *The Renewable Energy Target 2018 Administrative Report – The acceleration in renewables investment*, highlights the record investment in large scale, commercial and industrial and household renewables over the last year,

(ii) the Australian Bureau of Statistics reports that jobs in renewable energy in Queensland grew by 1550 in 2017-2018, an increase of 44 percent on the previous year,
(iii) the Green Energy Markets 2019 update report states that 2012 full time equivalent Queenslanders were employed in the installation and sale of rooftop solar PV in June 2019,

(iv) the recently announced shortlist for the Queensland Government’s Renewables 400 tender includes ten renewable energy generation and storage developments projected to collectively deliver 3000 jobs in central and far north Queensland, including 350 direct jobs created by the Clarke Creek Wind and Solar Farm, west of Rockhampton, and

(v) the Adani Carmichael mine, if it proceeds, is expected to create between 800 and 1500 jobs in the construction phase, with 100 ongoing jobs; and

(b) calls on the Federal Government to:

(i) deliver real jobs that last by backing the job-creating, climate-fixing clean energy industry, and

(ii) fund industry development, training and other support to ensure that regional workers and communities, including coal workers, have secure long-term futures.

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

Question put.
The Senate divided—

AYES, 29

Senators—

Bilyk
Brown
Chisholm
Di Natale
Dodson
Farrell
Faruq
Gallacher

Green
Griff
Hanson-Young
Keneally
Kitching
McAllister
McCarthy

McKim
Patrick
Polley
Pratt
Rice
Sheldon
Siewert

Smith, Marielle
Sterle
Urquhart*
Walsh
Watt
Whish-Wilson

NOES, 32

Senators—

Abetz
Antic
Askew
Bernardi
Bragg
Brockman
Cash
Chandler

Colbeck
Davey
Duniam
Fawcett
Fierravanti-Wells
Hanson
Hughes
Hume

McDonald
McGrath
McKenzie
McMahon
O’Sullivan
Paterson
Payne

Reynolds
Roberts
Ruston
Scarr
Sinodinos
Smith, Dean*
Stoker
Van

*Tellers

Question negatived.

23 Jobactive participants

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 92—That the Senate—

(a) notes that:

(i) data released by the Minister for Employment, Skills, Small and Family Business shows that nearly four in five jobactive participants have had their payments suspended at least once in the last 12 months,
(ii) jobactive participants often have their payments suspended for reasons out of their control including administrative errors by employment service providers,

(iii) jobactive participants are living on unemployment payments as low as $277.85 a week and should not be subject to unfair payment suspensions, and

(iv) poverty is a barrier to employment and suspending income support payments does not help people gain employment,

(b) expresses concern that jobactive participants can face payment suspensions due to administrative errors by employment service providers with no recourse to Centrelink; and

(c) calls on the Federal Government to:

(i) implement the recommendations contained in the report of the Education and Employment References Committee, Jobactive: failing those it is intended to serve, tabled on 14 February 2019, and

(ii) abandon the Targeted Compliance Framework.

Senator Pratt, by leave, moved the following amendment:

Paragraph (c)(ii), after “abandon”, insert “its punitive approach to”. 

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

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Bilyk Brown Chisholm Di Natale Dodson Farrell Faruqi Gallacher

Green Griff Hanson-Young Keneally Kitching McAllister McCarthy

McKim Patrick Polley Pratt Rice Sheldon Siewert

Smith, Marielle Sterle Unquhart* Watt

Senators—

NOES, 32

Abetz Antic Askew Bernardi Bragg Brockman Cash Chandler

Colbeck Davey Duniam Fawcett Hanson Hughes Hume

McDonald McGrath McKenzie McMahon Paterson Payne Rennick

McKenzie Reynolds Roberts Ruston Scarr Sinodinos Smith, Dean* Stoker Van

Senators—

* Tellers

Question negatived.
Main question put.
The Senate divided—

AYES, 10

Senators—

Di Natale  
Faruqi  
Griff  
Hanson-Young  
McKim  
Patrick  
Rice  
Stewart*  
Waters  
Whish-Wilson

NOES, 49

Senators—

Abetz  
Antic  
Askew  
Ayres  
Bernardi  
Bilyk  
Bragg  
Brockman  
Brown  
Chandler  
Ciccone  
Colbeck  
Davey  
Dodson  
Duniam  
Farrell  
Fawcett  
Ferravanti-Wells  
Gallacher  
Gallagher  
Green  
Hanson  
Hughes  
Hume  
Keneally  
Kitching  
McAllister  
McCarthy  
McDonald  
McGrath  
McMahon  
McGrath  
O’Neill  
O’Sullivan  
Paterson  
Polley  
Pratt  
Rennick  
Roberts  
Scott  
Sheldon  
Simondi  
Smith, Dean  
Smith, Marielle  
Sterle  
Stokes  
Urquhart*  
Van  
Walsh  
Watt

* Tellers

Question negatived.

24 Threatened species protection

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 90—that the Senate—

(a) notes that recommendations handed down by the South Australian Department for Environment and Water, on 31 July 2019, call for 30 species to be added to the threatened species list and a further 15 species be upgraded to a more threatened category; and

(b) calls on the Federal Government to establish and fully fund a plan for each threatened species.

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.


Senator Faruqi, also on behalf of Senators Kitching, McCarthy, Patrick and Sheldon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 91—

(1) That the Senate notes that:

(a) the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade into the management of per- and polyfluoroalkyl substances (PFAS) contamination in and around Defence bases (PFAS report) was tabled on 3 December 2018, making nine recommendations; and
(b) the President’s report to the Senate on the status of government responses to parliamentary committee reports as at 30 June 2019, indicates that a government response to the PFAS report has not been tabled.

(2) That there be laid on the table by the Minister for Defence, by midday on 10 September 2019, the government’s response to the recommendations contained in the PFAS report.

Question put and passed.

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

The lack of any plan by the Morrison Government to address slowing economic growth and stagnant wages

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

27 West Papua—Document
The Leader of the Australian Greens (Senator Di Natale), by leave, tabled the following document:

West Papua—Petitioning document from approximately 17,000 signatories concerning a united liberation movement for West Papua.

Statement by leave: Senator Di Natale made a statement relating to the document.

28 Documents—Consideration
Documents tabled earlier today (see entry no. 2) were considered as follows:

Motion to take note of documents nos 1 and 21 moved by Senator McCarthy. Consideration to resume on Thursday at general business.

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

Motion to take note of document no. 8 moved by Senator Sheldon. Consideration to resume on Thursday at general business.

Motion to take note of document no. 16 moved by Senator Waters and debated. Consideration to resume on Thursday at general business.

Motion to take note of document no. 24 (Department of Human Services) moved by Senator Siewert. Consideration to resume on Thursday at general business.

29 Particulars of proposed and certain expenditure for 2019-20—Documents—Reference of estimates to committees
The Assistant Minister for Forestry and Fisheries (Senator Duniam) tabled the following documents:

Particulars of proposed expenditure in respect of the year ending on 30 June 2020.

Particulars of certain proposed expenditure in respect of the year ending on 30 June 2020.

Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2020.
Senator Duniam, by leave, moved—That the documents be referred to legislation committees for the consideration of the estimates.

Question put and passed.

30 Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019—Answer to question—
Documents

The Assistant Minister for Forestry and Fisheries (Senator Duniam) tabled the following documents:

Department of Home Affairs—Meetings—Answer to question—Letters to the President of the Senate, providing information concerning a question asked by Senator Patrick on 1 August 2019, from—

Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 29 August 2019.
Minister for Home Affairs (Mr Dutton), dated 27 August 2019.

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

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

Message no. 40, dated 9 September 2019—A Bill for an Act to establish the National Sports Tribunal, and for related purposes.

Message no. 41, dated 9 September 2019—A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the National Sports Tribunal Act 2019, and for related purposes.

The Assistant Minister for Forestry and Fisheries (Senator Duniam) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Duniam moved—That these bills be now read a second time.

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

32 Criminal Code Amendment (Agricultural Protection) 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 Forestry and Fisheries (Senator Duniam) 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 Duniam moved—That this bill be now read a second time.

On the motion of Senator Duniam the debate was adjourned and the resumption of the debate made an order of the day for a later hour.
33 Customs Amendment (Immediate Destruction of Illicit Tobacco) Bill 2019
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 44, dated 9 September 2019—a Bill for an Act to amend the Customs Act 1901 in relation to tobacco, and for related purposes.

The Assistant Minister for Forestry and Fisheries (Senator Duniam) 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 Duniam moved—that this bill be now read a second time.

On the motion of Senator Duniam the debate was adjourned till the next day of sitting.

34 Road Vehicle Standards Legislation Amendment Bill 2019
A message from the House of Representatives was reported returning the following bill without amendment:


35 Committee memberships
A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 43, dated 9 September 2019—

Appointed—

Joint Committee of Public Accounts and Audit
Ms Payne

Joint Standing Committee on Electoral Matters
Participating member for the committee’s inquiry into the 2019 election:
Ms Sharkie.

36 Governor-General’s messages—Assent to laws
Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

7 August 2019—Message no. 24—

Passenger Movement Charge Amendment (Timor Sea Maritime Boundaries Treaty) Act 2019 (Act no. 58, 2019)
Farm Household Support Amendment Act 2019 (Act no. 60, 2019).

12 August 2019—Message no. 25—

Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Act 2019 (Act no. 61, 2019)
Foreign Affairs, Defence and Trade References Committee—Proposed reference—Australia’s relations with China

Senator Patrick, pursuant to notice, moved business of the Senate notice of motion no. 1—that the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by the final sitting day of June 2020:

Australia’s relations with the People’s Republic of China, with particular reference to:

(a) the management of a mutually respectful and beneficial bilateral relationship between Australia and China;
(b) Australian and Chinese perspectives on, and interests in, regional and global security issues;
(c) trade, investment and infrastructure issues, including Australia’s engagement with China’s Belt and Road Initiative;
(d) educational and research cooperation;
(e) tourism, cultural exchanges and people-to-people ties;
(f) management of diplomatic and consular arrangements;
(g) dialogue on human rights issues;
(h) the roles of Australian institutions in Australia’s relations with China, including: state and local governments, universities and other academic bodies, business, and non-government organisations; and
(i) any related matters.

Debate ensued.

Question put.

The Senate divided—

AYES, 12

Senators—

Di Natale  Hanson-Young  Patrick*  Siewert
Faruqi    Lambie      Rice      Waters
Griff     McKim      Roberts  Whish-Wilson

NOES, 44

Senators—

Abetz    Dodson    McAllister    Scarr
Antic    Dunaia    McDonald    Sheldon
Askew    Farrell    McGrath    Smith, Dean
Bilyk    Fawcett    McPharlan    Smith, Marielle
Bragg    Gallacher  McMahon    Sterle
Brockman Gallagher  O’Neill    Stoker
Canavan  Green     O’Sullivan  Stoker
Chandler Hughes    Paterson    Urquhart
Ciccone* Hume      Polley     Van
Colbeck  Keneally  Pratt     Walsh
Davey    Lines      Rennick    Wong

* Tellers

Question negatived.
38 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.
   At 9.50 pm: Debate was interrupted while the Minister for Aged Care and Senior
   Australians (Senator Colbeck) was speaking.

39 Adjournment
   The Acting Deputy President (Senator Askew) proposed the question—That the
   Senate do now adjourn.
   Debate ensued.
   The Senate adjourned at 10.16 pm till Tuesday, 10 September 2019 at midday.

40 Attendance
   Present, all senators except Senator Birmingham (on leave).

          RICHARD PYE
          Clerk of the Senate

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