No. 30: Wednesday, 27 November 2019

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

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

**Auditor-General’s report for 2019-20**


**Government documents**


7 Cotton Research and Development Corporation (CRDC)—Report for 2018-19.

8 Fisheries Research and Development Corporation (FRDC)—Report for 2018-19.


12 Government responses to Ombudsman’s reports nos 41 to 44.

13 Rural Industries Research and Development Corporation (AgriFutures Australia)—Report for 2018-19.


**Responses to Senate resolutions**

15 Grandparent carers—Resolution of 18 September 2019—Letter to the President of the Senate from the New South Wales Minister for Families and Communities (Mr Ward), dated 5 November 2019.

16 Quad bike safety—Resolution of 12 September 2019—Letter to the President of the Senate from the Minister for Housing (Mr Sukkar), dated 22 November 2019.
The Clerk tabled the following documents pursuant to statute:

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

_Corporations Act 2001—_


_Fisheries Management Act 1991—_

Heard Island and McDonald Islands Fishery Management Plan 2002—Heard Island and McDonald Islands Fishery (Total Allowable Catch) Determination 2019 [F2019L01499].

Southern Bluefin Tuna Fishery Management Plan 1995—

Southern Bluefin Tuna Fishery (Overcatch and Undercatch) Determination 2020 [F2019L01497].

Southern Bluefin Tuna Fishery Transfer Weighing Determination 2020 [F2019L01498].

_Industry Research and Development Act 1986—Industry Research and Development (Space Infrastructure Fund Program) Instrument 2019 [F2019L01504]._

_Social Security Act 1991—_


3 Committees—Leave to meet during sitting

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

_Australia’s Family Law System—Joint Select Committee—private briefing on Thursday, 28 November 2019, from 9.30 am._

_Legal and Constitutional Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 28 November 2019, from 11 am._

_National Capital and External Territories—Joint Standing Committee—private meetings followed by private briefings on Thursday, 28 November and 5 December 2019, from 10 am._
4 **Fair Work (Registered Organisations) Amendment (Ensuring Integrity) 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 12.45 pm: Debate was interrupted while Senator Marielle Smith was speaking.*

5 **Senators’ statements**

Senators made statements.

6 **Items bearing slogans—Statement by President**

The President reminded senators of rulings that the display of slogans and similar materials in the Senate, including on laptops, is disorderly.

*Statement by leave: Senator Steele-John, by leave, made a statement relating to the matter.*

7 **Questions**

Questions without notice were answered.

8 **Motions to take note of answers**

Senator Kitching moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for Trade, Tourism and Investment (Senator Birmingham) to questions without notice asked by Opposition senators today relating to the conduct of a minister.

Debate ensued.

Question put and passed.

Senator Waters moved—That the Senate take note of the answer given by the Minister for Trade, Tourism and Investment (Senator Birmingham) to a question without notice asked by Senator Waters today relating to climate change.

Question put and passed.

9 **Notices**

The Minister for Foreign Affairs (Senator Payne): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend legislation relating to the criminal law and law enforcement, and for related purposes. *Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019.*

The Minister for Agriculture (Senator McKenzie): To move on the next day of sitting—

No. 1—That the following bill be introduced: A Bill for an Act to amend laws relating to biosecurity and imported food to provide for streamlined administration through automated decision-making, and for related purposes. *Agriculture Legislation Amendment (Streamlining Administration) Bill 2019.*

No. 2—That the following bill be introduced: A Bill for an Act to amend the *Wine Australia Act 2013*, and for related purposes. *Wine Australia Amendment (Label Directory) Bill 2019.*
The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to ensure the viability of Australia’s dairy industry, and for related purposes. *Saving Australian Dairy Bill 2019.* (general business notice of motion no. 295)

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

(1) That a select committee, to be known as the Select Committee into the Impacts of Climate Change on Everyday Australians, be established to inquire and report on the following matters:

(a) hearing testimony directly from Australians who:
   (i) have already experienced the impacts of climate change on their lives, or
   (ii) have observed how the land and the local region in which they live is changing, or
   (iii) anticipate imminent changes to aspects of their lives or their local communities as a result of climate change;

(b) what three degrees of warming above pre-industrial emissions levels would mean for Australian communities and society; and

(c) any other related matters.

(2) That the committee present its final report on or before 17 June 2020.

(3) That the committee consist of five senators, two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate and one nominated the Leader of the Australian Greens.

(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. 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 the member nominated by the Leader of the Australian Greens, and as deputy chair a member 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 three members of the committee constitute a quorum of the committee.

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

(12) 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.

(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 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.

(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.

(15) 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. 296)

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

(a) notes that:

(i) Asset Energy and their project partners are planning to conduct further seismic testing for gas off the coast of Newcastle and the Central Coast in New South Wales,

(ii) the Environmental Plan for the seismic testing is currently being developed and, once submitted, the community will have only 28 days to respond to the regulator, and

(iii) the community is concerned that the Environmental Plan may be lodged with the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) during the holiday period, limiting opportunities for genuine community consultation and feedback; and

(b) calls on NOPSEMA to:

(i) ensure that if any Environmental Plan is exhibited for community consultation during December 2019 or January 2020, that the community consultation period is extended to at least 60 days, and

(ii) conduct extensive public hearings in the affected communities of the Central Coast, Northern Beaches and Newcastle, and to advertise the hearings extensively in local media. (general business notice of motion no. 297)
Senator Dean Smith: To move on the next day of sitting—That the Senate—

(a) notes the devastation recent bushfires have inflicted on communities across New South Wales and Queensland;

(b) commends the NSW Rural Fire Service, Fire and Rescue NSW, the Queensland Rural Fire Service and Queensland Fire and Emergency Services for their professionalism and dedication to protecting life and property in their communities; and

(c) acknowledges the 103 Western Australian Department of Fire and Emergency Services and Department of Biodiversity, Conservation and Attractions specialist personnel who were deployed to New South Wales and Queensland to assist in a variety of incident management roles, including aerial suppression, ground support, planning, logistics and operations. (general business notice of motion no. 298)

Senators Kitching, Ciccone, Carr and Walsh: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Department of Home Affairs employs over 125 dedicated and hardworking Victorians to process visa applications,

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) the Federal Government’s plan to privatise Australia’s visa system threatens the livelihoods of over 125 Victorians and their families, and

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

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

(c) calls on the Federal Government to guarantee the protection of these 128 jobs in Victoria, and the 2000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatise Australia’s visa system. (general business notice of motion no. 299)

Senators Pratt, Dean Smith and Di Natale: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) 1 December 2019 is World AIDS Day, an annual day to acknowledge those we have lost to AIDS-related conditions and those who are living with HIV,

(ii) the theme for World AIDS Day 2019 is ‘Every Journey Counts’,

(iii) stigma associated with HIV acts as a barrier to treatment and prevention,

(iv) action, as outlined for implementation in the Eighth National HIV Strategy, is needed to address rising HIV transmission among First Nations, trans and gender diverse people, and other emerging high-risk population groups,
(v) while there has been a decrease in new transmissions, gay and bisexual men continue to bear the burden of Australia’s HIV epidemic, and ongoing health education and awareness among this population group is needed,

(vi) ongoing bipartisan political action and leadership is required to meet our national target of ending HIV transmission in Australia, and

(vii) the priority areas for action in the Eighth National HIV Strategy include:
   (A) education and prevention,
   (B) testing, treatment and management,
   (C) equitable access to and coordination of care,
   (D) workforce,
   (E) addressing stigma and creating an enabling environment, and
   (F) data, surveillance, research and evaluation; and

(b) recognises and acknowledges:
   (i) the journey that people have made through their diagnosis, treatment and experiences of living with HIV,
   (ii) the tremendous efforts of peer educators, healthcare professionals, researchers and scientists in developing treatment and prevention regimes that have improved the lives of people living with HIV, and prevented a generalised epidemic in Australia, and
   (iii) the tireless community advocates, civil society organisations and support groups that actively tackle stigma associated with HIV. (general business notice of motion no. 300)

Senator Gallagher: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Public Governance, Performance and Accountability Act 2013, and for related purposes. Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019. (general business notice of motion no. 301)

Senators Griff and McAllister: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the National Consumer Credit Protection Act 2009, and for related purposes. National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019. (general business notice of motion no. 302)

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

(a) notes that:
   (i) the Federal Government’s Northern Australia White Paper was released more than four years ago,
   (ii) there have been three Prime Ministers and two Ministers for Northern Australia in that time period,
   (iii) the Northern Australia Infrastructure Facility (NAIF), announced in the 2015-16 Budget, as part of the White Paper, was described by the then Treasurer, Mr Hockey, as the ‘first major step in our plan for our great North’,
   (iv) over four years, the NAIF has only released $44 million – less than 1% of its $5 billion budget,
the NAIF has been the subject of four reviews, including another one just announced by the Minister for Resources and Northern Australia (the Minister),

the NAIF has recently announced the collapse of one loan awarded to a project in the Pilbara,

the NAIF has also been forced to delay its largest loan to date, a $610 million loan to the Genex Kidston hydro pumped power station in North Queensland,

the Minister will not reveal how jobs have been created in Northern Australia as a result of projects that have received loans from the NAIF, and

more than $400,000 in bonuses have been paid to senior executives at the NAIF, in the last year alone; and

calls on the Minister for Resources and Northern Australia to fix the failures of his Northern Australia agenda, and start delivering real jobs in the North. (general business notice of motion no. 303)

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—

That the Senate requires the Minister representing the Prime Minister to attend the Senate at 3.30 pm on 28 November 2019 to table the following documents:

(a) a transcript of the phone call between the Prime Minister and the Commissioner of the New South Wales Police Force that took place on Tuesday, 26 November 2019;

(b) any notes taken by the Prime Minister, by his office or by officials during the call;

(c) any briefings prepared for the Prime Minister by his Department or office, for the purposes of the phone call; and

(d) any advice provided to the Prime Minister about the appropriateness of making the call.

That following presentation of the documents, or in the event the Minister fails to table the documents, at 3.30 pm on 28 November 2019, any senator may move to take note of the response to paragraph (1).

That any motion under paragraph (2) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes each. (general business notice of motion no. 304)

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

notes that the November 2019 Rental Affordability Index Report found that:

(i) a single person on Newstart needs to pay over 77% of their income on rent to live in any capital city area,

(ii) 43% of low-income households are currently in housing stress, compared to 35% in 2008,

(iii) rents for a single person on Newstart are severely to extremely unaffordable across all states, in both metropolitan and regional areas, and
(iv) rental stress pushes single people on Newstart to the outer fringes of our cities making it harder to access employment and training; and

(b) calls on the Federal Government to:

(i) immediately increase Newstart and Youth Allowance to allow people in our community to have dignity of choice, and

(ii) immediately address housing stress experienced by people on low incomes across Australia. (*general business notice of motion no. 305*)

Senator Lambie: To move on 4 February 2020—That the following bill be introduced: A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes. *Commonwealth Electoral Amendment (Donation Reform and Other Measures) Bill 2019.* (*general business notice of motion no. 306*)

The Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells): To move 15 sitting days after today—That the Telecommunications (Protecting Australians from Terrorist or Violent Criminal Material) Direction (No. 1) 2019, made under the *Telecommunications Act 1997*, be disallowed [F2019L01159].

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

(a) notes that:

(i) on 25 November 2019, Mr Brad Duxbury was tragically killed at the Carborough Downs mine site at Coppabella, Queensland,

(ii) Mr Duxbury’s death is the fifth fatality on a Queensland mine site in the past 12 months,

(iii) there have also been more than 100 confirmed cases of mine-dust-related diseases in Queensland, and

(iv) nationally, Safe Work Australia’s report, *Work-related Traumatic Injury Fatalities*, states that 9 mine fatalities were recorded in 2018; and

(b) calls on the Federal Government to:

(i) recognise that people have the right to a safe workplace free from occupational hazards,

(ii) implement the recommendations contained in the report of the Education and Employment References Committee, tabled on 17 October 2018, on its inquiry into industrial deaths in Australia entitled, *They never came home – The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, and

(iii) work with Safe Work Australia and all state and territory governments to implement a nationally-consistent industrial manslaughter offence into the model workplace health and safety laws. (*general business notice of motion no. 307*)

*Intention to withdraw*: Senators gave notice of their intention to withdraw business of the Senate notices of motion standing in their names for the next sitting day as follows:

The Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells)—Business of the Senate notice of motion no. 1—disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019 [F2019L00511].
Senator McKim on behalf of the Parliamentary Joint Committee on Human Rights—Business of the Senate notice of motion no. 2—disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019 [F2019L00511].

Notice of motion withdrawn: Senator Siewert, at the request of Senator Rice, withdrew Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for today, proposing a reference to the Legal and Constitutional Affairs References Committee.

10 Postponements

Business was postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Patrick for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, postponed till 4 December 2019.

General business notice of motion no. 277 standing in the name of Senator Faruqi for today, relating to Islamophobia in Australia, postponed till 28 November 2019.

General business notice of motion no. 283 standing in the name of Senator Hanson-Young for today, relating to the Great Australian Bight, postponed till 28 November 2019.

General business notice of motion no. 285 standing in the name of the Leader of the Australian Greens (Senator Di Natale) for today, relating to an Australian charter of rights, postponed till 28 November 2019.

11 Committee—Extension of time to report

The following committee was granted an extension of time to report:

Economics References Committee—Regional inequality, extended to 25 June 2020.

12 Disallowance motions—Consideration

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

(a) if the notices of motion proposing the disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019, standing in the names of the Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells) and Senator McKim, on behalf of the Parliamentary Joint Committee on Human Rights, for three sitting days after today (28 November 2019), have not been resolved by 12.45 pm on 28 November 2019, the notices of motion be called on and considered together at 3.30 pm on 28 November 2019; and
(b) if consideration of the motions listed in paragraph (a) is not concluded by 4 pm, the question on the unresolved motions shall then be put.

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) and pursuant to notices of motion not objected to as formal motions, moved government business notices of motion nos 2 to 6—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 expeditiously as possible:

- Fit-Out of Leased Premises for the Australian Taxation Office at 152 Wharf Street, Brisbane.
- Australian Securities and Investments Commission - Proposed Fit-Out of Leased Premises, 100 Market Street Sydney.
- Armoured Fighting Vehicles Facilities Program Stage 1.
- LAND 121 Stage 5B Facilities Project.
- Reserve Bank of Australia - Head Office Workplace Project.

*Documents:* Senator Duniam tabled statements [5] relating to the proposed works.

Question put and passed.

14 **Regulations and Ordinances—Standing Committee—Standing orders—Amendment**

The Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 84—That, in accordance with the recommendations of the Standing Committee on Regulations and Ordinances in its report, Parliamentary scrutiny of delegated legislation—

1. The standing orders be amended, with effect from 4 December 2019, as follows:
   1. (a) omit standing order 23, substitute:

23 Scrutiny of Delegated Legislation

(1) A Standing Committee for the Scrutiny of Delegated Legislation shall be appointed at the commencement of each Parliament.

(2) All instruments made under the authority of Acts of the Parliament, which are subject to disallowance, disapproval or affirmative resolution by the Senate and which are of a legislative character, shall stand referred to the committee for consideration and, if necessary, report.

(3) The committee shall scrutinise each instrument as to whether:
   1. (a) it is in accordance with its enabling Act and otherwise complies with all legislative requirements;
   2. (b) it appears to be supported by a constitutional head of legislative power and is otherwise constitutionally valid;
(c) it makes rights, liberties, obligations or interests unduly dependent on insufficiently defined administrative powers;
(d) those likely to be affected by the instrument were adequately consulted in relation to it;
(e) its drafting is defective or unclear;
(f) it, and any document it incorporates, may be freely accessed and used;
(g) the accompanying explanatory material provides sufficient information to gain a clear understanding of the instrument;
(h) it trespasses unduly on personal rights and liberties;
(i) it unduly excludes, limits or fails to provide for independent review of decisions affecting rights, liberties, obligations or interests;
(j) it contains matters more appropriate for parliamentary enactment; and
(k) it complies with any other ground relating to the technical scrutiny of delegated legislation that the committee considers appropriate.

(4) The committee shall also scrutinise each instrument to determine whether the attention of the Senate should be drawn to the instrument on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

(5) The committee may, for the purpose of reporting on its terms of reference, consider any proposed or draft legislative instrument, including an exposure draft of such an instrument.

(6) (a) The committee shall consist of 6 senators, 3 being members of the government party nominated by the Leader of the Government in the Senate, and 3 being senators who are not members of the government party, nominated by the Leader of the Opposition in the Senate or by any minority groups or independent senators.
(b) The nominations of the opposition or any minority groups or independent senators shall be determined by agreement between the opposition and the minority groups or independent senators, and, in the absence of agreement duly notified to the President, the question of the representation on the committee shall be determined by the Senate.

(7) The committee may appoint sub-committees consisting of 3 or more of its members, and refer to any such sub-committee any matters which the committee is empowered to consider.

(8) The committee shall elect as chair a member appointed to the committee on the nomination of the Leader of the Government in the Senate.

(9) The committee shall elect as deputy chair a member appointed to the committee on the nomination of the Leader of the Opposition in the Senate, and the member so elected shall act as chair of the committee when there is no chair or the chair is not present at a meeting of the committee.

(10) Where votes on a question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
(11) The committee and any sub-committee shall have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(12) The committee may inquire into and report on any matter related to the technical scrutiny of delegated legislation.

(13) The committee may appoint with the approval of the President a legal adviser to the committee.

(14) The committee shall be empowered to print from day to day any of its documents and evidence. A daily Hansard shall be published of public proceedings of the committee.

(15) The committee may report from time to time its proceedings and evidence and any recommendations, and shall make regular reports of the progress of the proceedings of the committee.

(b) omit standing order 25(2)(a), substitute:
   
   (a) The legislation committees shall inquire into and report upon:
   
   (i) estimates of expenditure in accordance with standing order 26,
   (ii) bills or draft bills referred to them by the Senate,
   (iii) legislative instruments made in the portfolios allocated to them,
   (iv) annual reports in accordance with paragraph (20), and
   (v) the performance of departments and agencies allocated to them.

(2) The initial members of the Standing Committee for the Scrutiny of Delegated Legislation shall be the members of the Standing Committee on Regulations and Ordinances appointed at the commencement of this Parliament.

(3) The Standing Committee for the Scrutiny of Delegated Legislation have the power to consider and use the records of the Standing Committee on Regulations and Ordinances.

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

Statements by leave: Senator Carr and the Minister for Families and Social Services (Senator Ruston), by leave, made statements relating to the motion.

Question put and passed.

15 Charity Fundraising in the 21st Century—Select Committee—Government response—Explanation by minister—Order for production of documents

Senator Bilyk, also on behalf of Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 269—

(1) That the Senate—
   
   (a) notes that:
   
   (i) the Select Committee on Charity Fundraising in the 21st Century tabled its report on 14 February 2019,
(ii) the unanimous report of Labor, Liberal, Australian Greens and United Australia Party senators called on the Australian Government to work with state and territory governments to harmonise Australia’s charity fundraising law within two years,

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

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

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

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

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

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

(b) calls on the Morrison Government to:

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

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

(iii) provide national leadership and – as a matter of urgency – work with the states and territories to harmonise Australia’s complex and outdated charity fundraising laws.

(2) That the Senate requires on Monday, 2 December 2019, at 12.20 pm, before government business is called on, the Assistant Minister for Finance, Charities and Electoral Matters to:

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

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

(3) At the conclusion of the explanation, any senator may move to take note of the explanation.
(4) Any motion under paragraph (3) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes each.

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 **Perinatal anxiety and depression**

Senator Urquhart, at the request of Senators Marielle Smith, Ciccone, Polley and Waters and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 270—That the Senate—

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

(b) recognises that:

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

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

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

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

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

(c) calls on the Federal Government to take action to raise awareness about the signs and symptoms of perinatal anxiety and depression, and encourage open and honest conversations about the mental health of expecting and new parents in communities and workplaces.

Question put and passed.

17 **Grandparent of the Year Award**

Senator Dean Smith, also on behalf of Senators Marielle Smith, Rennick, Patrick and Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 271—That the Senate—

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

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

(c) congratulates the 2019 Community Service Grandparent of the Year Award recipient Michelle Cooper of Nubeena, Tasmania; and
(d) recognises *Grandparents Day Magazine* for its promotion of important issues to grandparents, and for establishing the Grandparent of the Year Award to acknowledge and celebrate the contributions grandparents make to our community.

Question put and passed.

18 **Australian Public Service**

Senator Gallagher, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 272—That the Senate notes that:

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

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

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

(d) the enduring and apolitical nature of the APS means that it plays an essential role in maintaining public trust in democratic institutions.

Question put and passed.

19 **Visa processing jobs in Queensland**

Senator Urquhart, at the request of Senators Watt, Green, Chisholm, Waters, Hanson and Roberts and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 273—That the Senate—

(a) notes that:

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

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) the Federal Government’s plan to privatise Australia’s visa system threatens the livelihoods of over 130 Queenslanders and their families; and

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

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

(c) calls on the Federal Government to guarantee the protection of these 135 jobs in Queensland, and the 2,000 jobs across Australia, which will be lost under the Morrison Government if it persists with its efforts to privatise Australia’s visa system.

*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 Commonwealth Electoral Amendment (Transparency Measures—Real Time Disclosure) Bill 2019

Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 274—that the following bill be introduced:

A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes.

Question put and passed.

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

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

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

21 Commonwealth Electoral Amendment (Transparency Measures—Lowering the Disclosure Threshold) Bill 2019

Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 275—that the following bill be introduced:

A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes.

Question put and passed.

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

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

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

22 Consultation on religious discrimination bill—Order for production of documents

Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 276—that there be laid on the table by the Minister representing the Attorney-General, by no later than 5 pm on 2 December 2019, a list of roundtables on the Religious Discrimination Bill since the release of the exposure draft, and a list of organisations attending.

Question put and passed.
23 Mr Behrouz Boochani
Senator Griff, also on behalf of Senator McKim, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 278—That the Senate—

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

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

(c) notes that Mr Boochani is an award winning author and journalist—his memoir, *No Friend But the Mountains: Writing from Manus Prison*, won the Victorian Prize for Literature, the Victorian Premier’s Prize for Nonfiction, the Anna Politkovskaya Prize for Press Freedom and the 2017 Amnesty Media Award, and his work has been published and featured around the world in *The Guardian* and other international newspapers;

(d) further notes that Mr Boochani has reported in the media and in his award-winning book of his internment in offshore detention included being jailed for eight days for reporting on a hunger strike in the centre, and twice tortured for several days in the notorious Chauka solitary confinement block for reporting on the conditions in the now-demolished Manus detention centre to the outside world; and

(e) pays tribute to all those involved, including Amnesty International and the United Nations High Commissioner for Refugees, in securing a visa for Mr Boochani to travel to New Zealand to attend the Christchurch literary event.

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.

24 Holocaust education
Senator Griff, 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. 279—That the Senate—

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

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

(c) further notes that, according to the report, antisemitic attacks have included physical assaults, abuse, harassment, vandalism and graffiti, threats via emails, letters, phone calls, posters, stickers and leaflets;

(d) repudiates all antisemitic attacks in Australia; and

(e) calls for increased Holocaust education in all Australian schools.
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.

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

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

26 Automated debt recovery
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 281—That the Senate—
(a) notes that:
   (i) robodebt has caused extreme distress, trauma and hardship in the Australian community,
   (ii) the Federal Government’s recent changes to the averaging process is an acknowledgement that the process is flawed,
   (iii) the Federal Government failed to implement the key recommendation contained in the report by the Community Affairs References Committee, Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative, tabled on 21 June 2017, which was to suspend the program, and instead ramped up the program, relentlessly pursuing people on low incomes, and
   (iv) there are questions regarding the legality of income averaging, and placing the burden of proof on the income support recipient; and
(b) calls on the Federal Government to immediately abandon automated debt recovery, to complete the review of all existing and past alleged debts in a timely manner, and to repay and compensate those who have already paid or commenced paying a robodebt which is found to be an error.

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.

27 Paid domestic violence leave

Senator McAllister, also on behalf of Senator Waters, amended general business notice of motion no. 282 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) 25 November 2019 was the International Day for the Elimination of Violence Against Women,

(ii) it marked the beginning of the 16 Days of Activism against Gender-Based Violence,

(iii) the 16 Days of Activism against Gender-Based Violence concludes on 10 December 2019, which is Human Rights Day,

(iv) on average, one woman a week is murdered by her current or former partner, and

(v) eight women a day are hospitalised after being assaulted by their spouse or partner;

(b) acknowledges that:

(i) violence against women exists in many forms, including physical, psychological, sexual, emotional, social and financial,

(ii) the effort to end violence against women requires unwavering genuine commitment, national leadership and fundamental cultural and attitudinal change,

(iii) the responsibility to end violence against women rests with us all – from communities to individuals, governments, civil society and business, and

(iv) the government and business can make it easier for women to leave abusive and violent relationships;

(c) recognises that the workplace represents a significant aspect of the prevention of family violence and violence against women, and notes that:

(i) financial security and independence is vital to a woman leaving a violent relationship,

(ii) in leaving a violent relationship, women will need to search for new and safe accommodation, and access health, legal and other support services,

(iii) according to the ACTU, leaving an abusive relationship and finding new and safe accommodation costs on average $18,280 and takes an estimated 141 hours, and

(iv) many employers already provide paid family violence leave; and
(d) calls on the Federal Government to introduce 10 days paid domestic violence leave in the National Employment Standards.

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

The question was divided at the request of Senator Duniam—

Question—That paragraphs (a) to (c) of the motion be agreed to—put and passed.

Question—That paragraph (d) of the motion be agreed to—put and passed.

28 Stillbirth research and education

Senator Waters, also on behalf of Senators Keneally, McCarthy, Rice, Bilyk, Siewert, Polley and Molan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 286—That the Senate—

(a) notes that:

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

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

(iii) under current laws:

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

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

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

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

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

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

(b) calls on the Federal Government to:

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

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

(A) extending eligibility for bereavement payments to parents of stillborn children, and
Statement by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, made a statement relating to the motion.

29 Autism—Select Committee—Appointment

Senators Hughes, also on behalf of Senators Griff, Lambie and Steele-John, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 288—

(1) That a select committee, to be known as the Select Committee on Autism, be established to inquire into and report on the services, support and life outcomes for autistic people in Australia and the associated need for a National Autism Strategy, with particular reference to:

(a) current approaches and barriers to consistent, timely and best practice autism diagnosis;

(b) the prevalence of autism in Australia;

(c) misdiagnosis and underrepresentation of females in autism data, and gender bias in autism assessment and support services;

(d) international best practice with regards to diagnosis, support services and education;

(e) the demand for and adequacy of Commonwealth, state and local government services to meet the needs of autistic people at all life stages;

(f) the interaction between services provided by the Commonwealth, state and local governments, including:

(i) health and mental health,

(ii) education,

(iii) employment,

(iv) justice, and

(v) housing;

(g) the social and economic cost of failing to provide adequate services, including to support key life stage transitions of autistic people;

(h) the adequacy and efficacy of the National Disability Insurance Scheme (NDIS) for autistic people, including:

(i) autism understanding within the NDIS,

(ii) the utility of the Early Childhood Early Intervention Pathway for autistic children,

(iii) the ability of the NDIS to support autistic people with complex needs, including those transitioning from prison settings, and
(iv) the adequacy and appropriateness of supports to empower autistic people to participate in the NDIS planning process, and exercise self-determination through choice and control over their support services;

(i) the development of a National Autism Strategy and its interaction with the next phase of the National Disability Strategy;

(j) the adequacy of funding for research into autism;

(k) the social inclusion and participation of autistic people within the economy and community;

(l) the capacity and sustainability of advocacy for autistic people;

(m) any bill that relates to matters within the scope of this inquiry that is referred to this committee; and

(n) any other related matters.

(2) That the committee present its final report on or before the first sitting day in October 2021.

(3) That the committee consist of six senators, two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, Senator Griff and Senator Steele-John.

(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;

(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; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) 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.

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

(7) 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.

(8) 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.

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

(10) 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.
(11) 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.

(12) 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.

(13) 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.

Senator Steele-John, by leave, moved the following amendments:

Subparagraph (1)(d), after “education”, insert “, effectiveness, cost and required intensity”.

Subparagraph (1)(g), after “adequate”, insert “and appropriate”.

Omit subparagraph (1)(l), substitute:

(1) the capacity and sustainability of advocacy, self-advocacy and self-determination supports for autistic people, including mechanisms to self-represent to government as enshrined in the United Nations Convention on the Rights of Persons with Disabilities;

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

Question—That the amendments be agreed to—put and passed.

Main question, as amended, put and passed.

30 Asbestos

Senator Faruqi, also on behalf of Senator Ayres, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 289—That the Senate—

(a) notes that:

(i) all forms of asbestos are carcinogenic to humans,

(ii) according to the World Health Organization, an estimated 125 million people around the world continue to be exposed to asbestos at work, including in Australia’s neighbours in the Asia-Pacific, and the most efficient way to eliminate asbestos-related diseases is to stop the use of all types of asbestos,

(iii) Australia is a founding member of the Asian Development Bank,

(iv) the Asian Development Bank’s Safeguard Policy prohibits investments that include the ‘production of trade in or use of unbonded asbestos fibres’, however, this does not apply to the purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20% — this in effect is an exemption for almost all bonded asbestos-containing materials used in the construction sector, and
(v) Union Aid Abroad–Australian People for Health, Education and Development Abroad (APHEDA) and their partners in Vietnam, Laos, Cambodia and Indonesia have been at the forefront of work to ban asbestos through the ‘Asbestos. Not here. Not anywhere’ campaign;

(b) congratulates Union Aid Abroad–APHEDA and their local partners for their work in campaigning to ban asbestos in Vietnam, Laos, Cambodia and Indonesia; and

(c) calls on the Federal Government to lobby for a change in policy to end the use of asbestos in Asian Development Bank financed projects.

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.

31 Visa processing jobs in South Australia

Senator Urquhart, at the request of Senators Wong, Farrell, Gallacher and Marielle Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 291—That the Senate—

(a) notes that:

(i) the Department of Home Affairs employs over 160 dedicated and hardworking South Australians to process visa applications,

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) the Federal Government’s plan to privatise Australia’s visa system threatens the livelihoods of over 160 South Australians and their families; and

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

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

(c) calls on the Federal Government to guarantee the protection of these 163 jobs in South Australia, and the 2000 jobs across Australia, which will be lost under the Morrison Government if it persists with its efforts to privatise Australia’s visa system.

Question put and passed.
32 **Community Affairs References Committee—Transvaginal mesh implants—Implementation of recommendation**

Senator Siewert, also on behalf of 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. 292—That the Senate—

(a) acknowledges that:

(i) a class action against companies owned by Johnson & Johnson, on behalf of 1350 Australian women who had transvaginal mesh and tape products implanted, was won last week,

(ii) thousands of women have been left in severe, debilitating and chronic pain, as well as suffering a significant psychological toll as a result of transvaginal mesh devices,

(iii) transvaginal mesh devices were not properly tested for safety before being allowed onto the Australian market, though Johnson & Johnson, and the associated companies, were aware of the potential for serious complications and they aggressively promoted and marketed them as a cheap and a relatively risk-free way to boost profits,

(iv) women were frequently not believed when they told doctors of pain and symptoms, and

(v) women are still not getting the care and support that they need;

(b) notes that not all the recommendations contained in the 2018 report of the Community Affairs References Committee, *Number of women in Australia who have had transvaginal mesh implants and related matters*, have been implemented; and

(c) calls on the Australian Government to implement recommendation no. 13 to ensure the women affected by mesh have access to the full suite of services and supports they need.

*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.

33 **Gender equality in the workplace**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 287—That the Senate—

(a) notes:

(i) that 2019 marks the 50 year anniversary of the equal pay decision that gave women the right to be paid the same as their male counterparts,

(ii) the Workplace Gender Equality Agency (WGEA) Equality Scorecard, released on 13 November 2019, which found that:

(A) the base salary gap between men and women across all industries and occupations is 15.5% or $15,176 per annum,

(B) when accounting for total remuneration, including overtime and bonuses, the real gap is wider, with men earning $25,679, or 20.8%, more than women each year on average,
the number of female CEOs has remained static at 17.1%, and
women make up only 26.8% of board positions,
gender pay gaps favour men across all industries and all levels of
the workforce, with financial services, real estate and construction
recording the highest gaps,
fewer than 50% of employers offer paid parental leave for
employees, and
while 73% of workplaces have a formal policy and strategy in place
to support flexible working arrangements for employees, only
2.3% have set targets for men’s engagement in flexible work, and
that the Federal Government’s Retirement Income Review Consultation
paper acknowledges that the wages gap between men and women affects
women’s ability to save for retirement, leading to women retiring with
lower average superannuation balances than men; and

(b) calls on the Federal Government to:
(i) increase the resourcing for WGEA and expand its coverage to include the
public sector,
(ii) require all large employers to publicly report their gender pay gap, and
strengthen WGEA’s powers to take action against employers who fail to
report,
(iii) prohibit the use of pay gag clauses in employment contracts, which
disguise the gender pay gap in the private sector,
(iv) require superannuation contributions to be made for employees taking
paid parental leave,
(v) set gender pay equality as an objective of awards and the Fair Work Act,
and
(vi) take action to close the gender retirement income gap.

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

34 Income compliance program—Legal advice—Order for production of
documents
Senator Siewert amended general business notice of motion no. 284 by leave and,
pursuant to notice of motion not objected to as a formal motion, moved—

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

(2) That there be laid on the table by the Minister representing the Minister for
Government Services, by 10 am on 28 November 2019, any legal advice received by
the Government, or Services Australia (Department of Human Services), relating
to the decision to stop relying solely on income-averaging processes to raise debts
under the income compliance program.

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—

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* Tellers

Question agreed to.

35 **Income compliance program—Legal advice—Order for production of documents**

Senator Urquhart, also on behalf of Senators O’Neill and McCarthy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 290—

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

2. That there be laid on the table by the Minister representing the Minister for Government Services, by 5.30 pm on 28 November 2019, all legal advice that has been received by the Government, the Department of Human Services, or Services Australia, relating to the 2015-16 Budget Measure ‘Better Management of the Social Welfare System’, the Online Compliance Intervention (OCI), the Employment Income Confirmation (EIC), and the Check and Update Past Information (CUPI), known as the ‘online income compliance program’.

*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, 35

Senators—

Aires, Gallacher, McCarthy, Smith, Marielle
Bilyk, Gallagher, McKim, Steele-John
Brown, Green, Patrick, Sterle
Carr, Griff, Polley, Urquhart*
Chisholm, Hanson, Pratt, Walsh
Ciccone, Kitching, Rice, Waters
Di Natale, Lambie, Roberts, Watt
Farrell, Lines, Sheldon, Whish-Wilson
Faruqi, McAllister, Siewert

NOES, 31

Senators—

Abetz, Colbeck, McDonald, Reynolds
Antic, Davey, McGrath, Ryan
Askew, Duniam, McKenzie, Ryan
Birmingham, Fawcett, McMahon, Scarr
Bragg, Fierravanti-Wells, Molan, Seselja
Brockman, Henderson, O’Sullivan, Smith, Dean*
Cash, Hughes, Paterson, Van
Chandler, Hume, Rennick

* Tellers

Question agreed to.

36 Aged home care packages

Senator Urquhart, at the request of Senators Watt and Polley, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 293—That the Senate—

(a) notes that:
   (i) there are 120,000 older Australians waiting for their approved home care package, with many waiting more than two years for the care they have been approved for,
   (ii) there are more than 16,000 older Australians who died waiting for the approved home care package which they were assessed for in 2017-18, and, sadly, that was approximately 300 older Australians who died each week in that year waiting for care, and
   (iii) there are around 14,000 older Australians who entered residential aged care prematurely because they could not get the care they were assessed for and approved for in 2017-18, and, sadly, that was approximately 200 older Australians each week having no other choice but to enter residential aged care;
(b) further notes that, since 2017, the number of older Australians waiting for home care grew from 88,000 to 120,000; and
(c) condemns the Morrison Government for its inadequate response to the Royal Commission’s interim report, and not providing the home care older Australians need.
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—

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Senators—

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Question agreed to.

37 Paradise Dam, Queensland

Senator McGrath, also on behalf of Senators McDonald, Rennick, Stoker, Scarr and Canavan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 294—That the Senate—

(a) notes that:

(i) the Paradise Dam, located in the drought-declared Wide Bay-Burnett region, opened in 2006 at a cost of $200 million to Queensland taxpayers,

(ii) 105,000 megalitres of water has been released from the dam, and

(iii) it is one of the largest infrastructure failures in the history of Australia; and

(b) calls on the Queensland Government to:

(i) publish the safety and engineering reports that led to the decision to release water from the dam, and

(ii) establish a public parliamentary inquiry into the design and construction of the dam.

Question put.
The Senate divided—

**AYES, 42**

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Question agreed to.

38 **Discussion of matter of public importance—Income compliance program**

The President 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 need for the Morrison Government to explain what happens to all those who have been victims of robodebt and what happens to the money obtained improperly by the Commonwealth.

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

39 **Political advertising—Document**

Senator Faruqi, by leave, tabled the following document:

Political advertising—Petitioning document from approximately 35,000 signatories relating to truth in political advertising.

40 **Cashless debit card—Document**

Senator Siewert, by leave, tabled the following document:

Cashless debit card—Petitioning document from 9,453 signatories calling for the cashless debit card to be discontinued.
41 Asylum seekers—Medical evacuations—Document
Senator McKim, by leave, tabled the following document:

Asylum seekers—Medical evacuations—Petitioning document from 51,299 signatories calling for current legislative provisions for medical evacuation processes for asylum seekers to be maintained.

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

Motion to take note of document no. 2 moved by Senator Polley and debated. Consideration to resume on Thursday at general business.

Motion to take note of document no. 17 moved by Senator Bilyk. Consideration to resume on Thursday at general business.

43 Committee reports and government responses—Tabling and consideration
Senator McGrath, at the request of the Chair of the Community Affairs Legislation Committee (Senator Askew), tabled the following documents:


Senator McCarthy moved—That the Senate take note of the documents.
Debate ensued.
Question put and passed.

Senator McGrath, at the request of the Chair of the Community Affairs Legislation Committee (Senator Askew), tabled the following documents:


Senator Urquhart, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle), tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Feasibility of a national horse traceability register for all horses—Report, dated November 2019, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Faruqi moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Faruqi in continuation.
Senator Urquhart, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report:


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


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

Question put and passed.

44 Australian parliamentary delegation to Belgium and Greece—Document

Senator McGrath, by leave, tabled the following document:


45 Answers to questions—Documents

The Minister for Resources and Northern Australia (Senator Canavan) tabled the following documents:

Minister for Energy and Emissions Reduction—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 27 November 2019, providing information concerning a question without notice asked by the Leader of the Opposition in the Senate (Senator Wong) on 26 November 2019.

Therapeutic goods advertising—Answer to question—Letter from the Minister for Employment, Skills, Small and Family Business (Senator Cash) to Senator Griff, dated 25 November 2019, providing information concerning a question without notice asked by Senator Griff on 1 August 2019.
46 **Developing Northern Australia—Ministerial statement—Document**

The Minister for Resources and Northern Australia (Senator Canavan) tabled the following document:

2019 Annual Statement on Developing Northern Australia—Ministerial statement by the Minister for Resources and Northern Australia (Senator Canavan), dated 26 November 2019.

Senator Watt moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

47 **Order for production of documents—Compliance**

*Leave refused:* Senator O'Neill sought leave to ask for an explanation concerning non-compliance with an order for the production of documents. An objection was raised and leave was not granted.

48 **Committee membership**

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

The Minister for Trade, Tourism and Investment (Senator Birmingham), by leave, moved—That Senator Dodson replace Senator Carr on the Legal and Constitutional Affairs Legislation Committee for the committee's inquiry into the Native Title Legislation Amendment Bill 2019, and Senator Carr be appointed as a participating member. Question put and passed.

49 **Australian Research Council Amendment Bill 2019**

**Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019**

**Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019**

**Telecommunications (Interception and Access) Amendment (Assistance and Access Amendments Review) Bill 2019**

**Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019**

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

- Message no. 117, dated 26 November 2019—A Bill for an Act to amend the law relating to family assistance, and for related purposes.
Message no. 119, dated 27 November 2019—A Bill for an Act to amend the law relating to corporations and taxation, and for related purposes.

The Minister for Trade, Tourism and Investment (Senator Birmingham) 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.

Explanatory memorandum: Senator Birmingham tabled a revised explanatory memorandum relating to the Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019.

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

On the motion of Senator Birmingham the debate was adjourned till the next day of sitting and the bills listed as separate orders of the day.

50 **Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures) Bill 2019**

**Foreign Acquisitions and Takeovers Fees Imposition Amendment (Near-new Dwelling Interests) Bill 2019**

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

- Message no. 120, dated 27 November 2019—A Bill for an Act to amend the law relating to taxation and foreign acquisitions and takeovers, and for related purposes.

The Minister for Trade, Tourism and Investment (Senator Birmingham) 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 Birmingham moved—That these bills be now read a second time.

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

51 **Fair Work (Registered Organisations) Amendment (Ensuring Integrity) 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.

On the motion of the Minister for Foreign Affairs (Senator Payne) debate was adjourned till the next day of sitting.
52 **Adjournment**

Pursuant to order (*see entry no. 6, 26 November 2019*) the Senate adjourned at 9.14 pm till Thursday, 28 November 2019 at 9.30 am.

53 **Attendance**

Present, all senators.

**RICHARD PYE**

Clerk of the Senate