2019

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 10

WEDNESDAY, 31 JULY 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 reports for 2019-20
1. No. 4—Performance audit—OneSKY: Contractual arrangements: Airservices Australia; Department of Defence.

Government documents
3. Treaties—
   Bilateral—Agreement between Australia and the Oriental Republic of Uruguay on the Promotion and Protection of Investments (Canberra, 5 April 2019)—Text, together with national interest analysis and annexures.

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.]


Defence Act 1903—
Defence Determination, Conditions of service Amendment (Approved forms and privacy) Determination 2019 (No. 21) [F2019L01010].
Defence Determination, Conditions of service Amendment (Education assistance – rates) Determination 2019 (No. 22) [F2019L01011].
Defence Determination, Conditions of service Amendment (Long service leave) Determination 2019 (No. 23) [F2019L01012].

Health Insurance Act 1973—Health Insurance (Section 3C Diagnostic Imaging Services – Liver and Obstetric MRI Services) Amendment Determination 2019 [F2019L01014].

Industrial Chemicals (Notification and Assessment) Act 1989—Industrial Chemicals (Notification and Assessment) Amendment (Fees and Charges) Regulations 2019 [F2019L01007].
Committees—Leave to meet during sittings

Committees were authorised to meet during the sitting of the Senate for private meetings otherwise than in accordance with standing order 33(1), as follows:

- Corporations and Financial Services—Joint Statutory Committee—from 9.45 am on 1 August, 12 September, 17 October and 28 November 2019.
- Economics Legislation and References Committees—on Thursday, 1 August 2019, from 3.30 pm.
- Senators’ Interests—Standing Committee—today, from 11.45 am.

Ministerial correspondence—Listing of SE Highlands grasslands—Order for production of documents—Documents

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

- Ministerial correspondence—Order of 29 July 2019—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 31 July 2019, responding to the order, and attachment.

Health Insurance Amendment (Bonded Medical Programs Reform) 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 the bill be considered in committee.

On the motion of the Minister for Employment, Skills, Small and Family Business (Senator Cash), the bill was read a third time.
6 Social Security (Administration) Amendment (Cashless Welfare) Bill 2019

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


The Minister for Employment, Skills, Small and Family Business (Senator Cash) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Document: Senator Cash tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the bill in the 2019 winter sittings.

Senator Cash, by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to this bill, allowing it to be considered during this period of sittings.

Debate ensued.

Question put and passed.

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

Debate ensued.

Senator Siewert moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to abandon compulsory income management and the Cashless Debit Card”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 9

Senators—

Di Natale
Faruqi
Hanson-Young

McKim
Rice
Steele-John

Siewert*

Waters

NOES, 40

Senators—

Abetz
Antic
Askew
Ayres
Bernardi
Bilyk
Bragg
Brockman
Brown
Carr

Chandler
Chisholm
Ciccone*
Davey
Duniam
Fawcett
Fieravanti-Wells
Gallacher
Griff
Hanson

Hughes
Hume
Lambie
McAllister
McDonald
McGrath
McMahon
O’Sullivan
Paterson
Patrick

Pratt
Rennick
Roberts
Ruston
Scarr
Smith, Dean
Smith, Marielle
Stoker
Van
Walsh

* Tellers

Question negatived.

Main question put and passed.

Bill read a second time.
The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill, taken as a whole by leave, debated.

Senator Brown moved the following amendments together by leave:

Schedule 1, item 9, page 4 (after line 23), at the end of section 124PHA, add:

(5) A determination under subsection (1) must be made within 21 business days (the consideration period) of the Secretary being satisfied of the matter mentioned in that subsection.

(6) The consideration period is extended, for each notice given to a person under section 196 requiring information for the purposes of making a determination, by the number of business days falling within the period:
   (a) starting on the day the notice was given; and
   (b) ending on the earlier of the following:
      (i) the day on which the information required was received by the Secretary;
      (ii) if the information was not given within the period specified in that notice—the last day of that period.

Schedule 1, item 9, page 5 (line 21), after “on the application”, insert “within 21 business days (the consideration period) after receiving the application”.

Schedule 1, item 9, page 5 (line 23), after subsection 124PHB(4), insert:

(4A) The consideration period is extended, for each notice given to a person under section 196 requiring information for the purposes of making a determination under subsection (3), by the number of business days falling within the period:
   (a) starting on the day the notice was given; and
   (b) ending on the earlier of the following:
      (i) the day on which the information required was received by the Secretary;
      (ii) if the information was not given within the period specified in that notice—the last day of that period.

Schedule 1, page 6 (after line 12), after item 9, insert:

9A At the end of subsection 195(2)

Add:

; (m) for the purposes of Part 3D (about cashless welfare arrangements), in relation to a person who is a trial participant—any information relevant to whether being a trial participant would pose a serious risk to the person’s mental, physical or emotional wellbeing;

(n) for the purposes of Part 3D (about cashless welfare arrangements), in relation to a person who is a trial participant—any information relevant to satisfying the Secretary for the purposes of subsection 124PHB(3).

Debate ensued.

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

**AYES, 33**

<table>
<thead>
<tr>
<th>Senators —</th>
<th>Ayres</th>
<th>Bilyk</th>
<th>Brown</th>
<th>Carr</th>
<th>Chisholm</th>
<th>Ciccone</th>
<th>Di Natale</th>
<th>Dodson</th>
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<td>Faraqi</td>
<td>Gallacher</td>
<td>Gallagher</td>
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<td>Griff</td>
<td>Hanson-Young</td>
<td>Kitching</td>
<td>Lines</td>
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<td></td>
<td>McAllister</td>
<td>McKim</td>
<td>O’Neill</td>
<td>Patrick</td>
<td>Rice</td>
<td>Sheldon</td>
<td>Siewert</td>
<td>Smith, Marielle</td>
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<td></td>
<td>Steele-John</td>
<td>Sterle</td>
<td>Urquhart*</td>
<td>Walsh</td>
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<td>Watt</td>
<td>Whish-Wilson</td>
<td>Wong</td>
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**NOES, 35**

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<th>Askew</th>
<th>Bernardi</th>
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<td>Chandler</td>
<td>Colbeck</td>
<td>Davey</td>
<td>Duniam</td>
<td>Fawcett</td>
<td>Fierravanti-Wells</td>
<td>Hanson</td>
<td>Hughes</td>
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<td>Hume</td>
<td>Lambie</td>
<td>McDonald</td>
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<td>McMahon</td>
<td>Paterson</td>
<td>Rennick</td>
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<td>Roberts</td>
<td>Ruston</td>
<td>Scarr</td>
<td>Seselja</td>
<td>Sinodinos</td>
<td>Smith, Dean*</td>
<td>Stoker</td>
<td>Van</td>
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* Tellers

Question negatived.

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*At 12.45 pm:* The Deputy President (Senator Lines) resumed the chair and the Chair of Committees reported progress.

**7 Senators’ statements**

Senators made statements.

**8 Questions**

Questions without notice were answered.

**Document:** Senator Green, by leave, tabled the following document:

Department of Human Services—Copy of an automated debt recovery letter.

**Statement by leave:** The Leader of the Opposition in the Senate (Senator Wong) made a statement relating to the document.

**9 Motions to take note of answers**

The Leader of the Opposition in the Senate (Senator Wong) moved—that the Senate take note of the answers given by the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Wong and Keneally today, relating to the Conservative Political Action Conference.

Debate ensued.

Question put and passed.
Senator Hanson-Young moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Hanson-Young today relating to ministerial conduct.

Question put and passed.

10 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 the law relating to counter-terrorism, and for related purposes. Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019.

Senator Roberts: To move 4 sitting days after today—That the following legislative instruments, made under the Corporations Act 2001, be disallowed:

(a) the ASIC Corporations (Banking Code of Practice - Revocation of 2018 Approval) Instrument 2019/662 [F2019L00877]; and

(b) the ASIC Corporations (Approval of Banking Code of Practice) Instrument 2019/663 [F2019L00878].

Senators Urquhart, Brown and Bilyk: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Tasmania, and mainland Australia, stand to reap significant benefits from the Battery of the Nation and Marinus Link projects, including lower power prices, lower carbon emissions, additional income and new jobs,

(ii) the initial feasibility study into Marinus Link concludes that the Marinus Link and related Battery of the Nation projects are only economically viable in the ‘High Emission Reduction Target’ scenario, which includes a significant increase in renewable energy investment, over a business as usual scenario over the next decade,

(iii) according to the feasibility study, under a business as usual ‘neutral’ scenario, which corresponds to the Federal Government’s approach to renewable energy investment, the Marinus Link and Battery of the Nation projects have a net cost of up to $730 million dollars, while under the High Emission Reduction Target scenario, the projects have a net benefit of up to $482 million,

(iv) the Marinus Link and Battery of the Nation projects will not go ahead unless they deliver net benefits to Tasmania and the nation,

(v) after announcing 14 energy policies, the Federal Government still refuses to introduce any policy to support renewable energy investment to replace the 2020 Renewable Energy Target, which will be fully acquitted next year, and

(vi) without consistent national energy policy that supports renewable energy investment, the Marinus Link and Battery of the Nation projects will not go ahead; and

(b) calls on the Federal Government to introduce a consistent national energy policy that supports renewable energy investment through the 2020s and addresses carbon emissions as well as affordability and reliability in the electricity sector, to ensure the Marinus Link and Battery of the Nation projects go ahead. (general business notice of motion no. 75)
Senator Patrick: To move on the next day of sitting—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.

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

(a) notes that:
   (i) the Morrison Government plans to privatise Australia’s visa processing system threatens 100 jobs in Tasmania,
   (ii) under the Liberals’ plan, private providers will be given licence to run Australia’s visa system as a for-profit business,
   (iii) the Liberals’ unfair plan could also lead to the loss of around 2000 jobs Australia-wide,
   (iv) there could be increased visa fraud, cuts to services, and data security risks if the services are privatised,
   (v) Australians do not want to see our visa system privatised, and they especially do not want to see people lose their jobs,
   (vi) under the Liberals, there have been thousands of full time jobs lost across Tasmania in just the last year,
   (vii) the Department of Home Affairs last year outsourced 250 departmental call centre jobs to the New Zealand company Datacom, while the Department of Human Services outsourced 250 Centrelink jobs to Serco,
   (viii) visa processing times have blown out under the Abbott-Turnbull-Morrison Government,
   (ix) partner visas are at record-high processing times of up to 28 months,
   (x) the number of people on bridging visas in Australia – waiting for the Department of Home Affairs to process their applications – has blown out to over 229,000 people, and
   (xi) the Home Affairs Minister, Mr Peter Dutton, and the Liberals, appear determined to outsource and sell off parts of Australia’s immigration system to the highest possible bidder; and
calls on the Federal Government to protect the integrity of Australia’s visa processing system, and stop its plan to privatise Australia’s visa system.  

*(general business notice of motion no. 76)*

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

(1) That so much of the standing orders be suspended as would prevent this resolution having effect.

(2) That the National Integrity Commission Bill 2018 (No. 2) be restored to the Notice Paper and consideration of the bill resume at the stage reached in the 45th Parliament.  

*(general business notice of motion no. 77)*

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

(a) notes that:

(i) on 8 September 2017, the Australian Government announced the commencement of an independent inquiry into the effectiveness of the National Road Safety Strategy 2011-2020 (NRSS),

(ii) on 12 September 2018, just over a year later, the NRSS inquiry panel, headed by Professor Jeremy Woolley and Dr John Crozier, presented its report to the Australian Government at Parliament House,

(iii) it has been almost 11 months since the Government received this report, and not enough has been done to address the 12 important recommendations within the report, and

(iv) a failure by the Government to act on these important recommendations will result in continued loss of life and injury through road trauma incidents; and

(b) calls on the Australian Government to:

(i) acknowledge that almost 90 per cent of the NRSS targets will not be met by 2020,

(ii) provide an update to the Senate on its plan to address the 12 recommendations from the inquiry into the NRSS, and

(iii) provide a guarantee that the NRSS is being monitored and that changes will be made to reach the agreed targets if they are not on track to be met.  

*(general business notice of motion no. 78)*

Senator O’Neill: To move on the next day of sitting—That the following matter be referred to the Parliamentary Joint Committee on Corporations and Financial Services for inquiry and report by 1 March 2020:

Regulation of auditing in Australia with particular reference to:

(a) the relationship between auditing and consulting services and potential conflicts of interests;

(b) other potential conflicts of interests;

(c) the level and effectiveness of competition in audit and related consulting services;

(d) audit quality, including valuations of intangible assets;

(e) matters arising from Australian and international reviews of auditing;

(f) changes in the role of audit and the scope of audit products;

(g) the role and effectiveness of audit in detecting and reporting fraud and misconduct;

(h) the effectiveness and appropriateness of legislation, regulation and licensing;
(i) the extent of regulatory relief provided by the Australian Securities and Investments Commission through instruments and waivers;
(j) the adequacy and performance of regulatory, standards, disciplinary and other bodies;
(k) the effectiveness of enforcement by regulators; and
(l) any related matter. (general business notice of motion no. 79)

Senator Gallagher: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) the Household, Income and Labour Dynamics in Australia (HILDA) survey, released on 30 July 2019, has confirmed that Australians are worse off since the election of the Coalition Government in 2013,
   (ii) HILDA revealed that real median household annual disposable income has declined from $80,208 in 2013 to $80,095 in 2017,
   (iii) wages growth has stagnated under the Coalition Government’s watch,
   (iv) when asked why wage growth was stagnating under the Coalition Government, Finance Minister Mathias Cormann said ‘This is a deliberated feature of our economic architecture’, and
   (v) the Coalition Government supports continued cuts to the penalty rates of Australia’s lowest paid workers; and
(b) expresses its disappointment in the Coalition Government’s failure to pursue policies to increase household incomes in real terms, address growing congestion and combat increasing rates of poverty revealed by the HILDA survey. (general business notice of motion no. 80)

Senator Gallagher: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) economic growth is fundamental to increasing living standards for Australian families, and allowing government to fund essential services,
   (ii) the pursuit of continuous, sustainable economic growth should be a core objective of government,
   (iii) in a services-based economy, strong, sustainable economic growth can support improved environmental outcomes, and
   (iv) that the philosophy of stopping economic growth should be rejected as dangerously misguided; and
(b) calls on the Federal Government to pursue policies that will lift Australia’s economic growth rate and ensure that all Australians equally share in the benefits of this growth. (general business notice of motion no. 81)

Senator McKim: To move on the next day of sitting—
(1) That the Senate—
(a) notes with deep concern allegations that current members of Parliament, including ministers, pressured senior officers in the Department of Home Affairs to make it easier for certain people, including high-roller clients of Crown Resorts, to obtain visas and clear customs; and
(b) requires the Minister representing the Prime Minister (Senator Cormann) to attend the Senate immediately after motions to take note of answers on 1 August 2019, to make a statement of not more than 10 minutes detailing:

(i) whether the Prime Minister has investigated the claims made against ministers regarding Crown, which prima facie would breach the Ministerial Standards,
(ii) if the Prime Minister has not investigated these allegations, why he has not done so,
(iii) if the investigation is ongoing, what are the Terms of Reference and timelines for the investigation, and when will the findings be released, and
(iv) whether or not the Prime Minister considers that the Ministerial Standards have been breached.

(2) That at the conclusion of the Minister’s explanation, any senator may, without notice, move a motion to take note of the Minister’s explanation.

(3) That any motion under paragraph (2) may be debated for no longer than 1 hour, and have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes. (general business notice of motion no. 82)

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

(a) acknowledges that:

(i) most citizens pay little attention to matters relating to the Administrative Appeals Tribunal (AAT) until they are confronted with an administrative decision they feel is incorrect,
(ii) the AAT permits citizens to address wrongs in administrative decision-making through a process which is fair, just, economical, informal and quick, and
(iii) citizens must hold trust and confidence in the decision-making of the AAT; and

(b) notes that:

(i) most appointments to the AAT are Federal Court judges or experienced legal practitioners, however paragraph 7(3)(b) of the Administrative Appeals Tribunal Act 1975 provides for appointment of members and senior members that, in the opinion of the Governor-General, have special knowledge or skills relevant to the duties of a senior member or member,
(ii) there have been forceful allegations made in the media that a number of appointments made under this provision have been political, for example the appointment of former politicians and political staffers, which undermines public trust and confidence in the AAT, and
(iii) the Honourable Mr Ian Callinan, AC, QC, former High Court judge, conducted a review into the AAT and stated that the repeal of paragraph 7(3)(b) of the Act is desirable; and

(c) calls on the Federal Government to urgently introduce a bill into the Parliament to repeal paragraph 7(3)(b) of the Act. (general business notice of motion no. 83)
The Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells): To move on 13 November 2019—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:

(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:

(a) it is in accordance with its enabling Act and otherwise complies with all legislative requirements;
(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.
No. 10—31 July 2019

(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. (general business notice of motion no. 84)

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

(a) notes that:

(i) 1 August, 2019, marks two years since the Australian Human Rights Commission (AHRC) released the ‘Change the Course: National report on sexual assault and sexual harassment at Australian universities’, which surveyed students on their experiences of sexual assault and sexual harassment at Australian universities,

(ii) the AHRC report found that 21 percent of university students were sexually harassed and 1.6 percent were sexually assaulted in a university setting in 2016,

(iii) sexual assault and harassment continue to be appalling issues at Australian universities, and survivors often struggle to access adequate support services, and

(iv) on 20 August, 2019, students across Australia will be joining a National Day of Action in protest against universities, inaction on the prevalence of sexual violence in university settings; and

(b) calls on the Federal Government to commit to working with universities to ensure that:

(i) university campuses are safe places free of sexual violence, and

(ii) survivors of sexual assault and sexual harassment are given adequate support by their universities. (general business notice of motion no. 85)

Senators Siewert, Hanson-Young and Dodson: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that, in 1995, the Aboriginal Flag was recognised as a ‘flag of Australia’ under the Flags Act 1953,

(ii) that the designer of the Aboriginal flag owns the flag’s copyright and has licensed the rights to use the flag on garments to a company which is now requiring people to ask for permission to use the emblem and pay a fee,

(iii) that the licence has now been expanded to physical and digital media,

(iv) that many First Nations communities feel they are now at the mercy of a company seeking to profit from their flag, and

(v) the concerns in many First Nations communities that their flag is licensed to a company; and

(b) recognises that the Aboriginal flag is one of Australia’s national symbols and a central part of First Nations people’s identity and that the flag should be about people and pride, not profit; and

(c) calls on the Federal Government to do everything it can to ensure that all First Nations peoples and communities can use the flag whenever they want without cost or the need for consent. (general business notice of motion no. 86)
Senator Keneally: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 18 September 2019:

The impact of changes to service delivery models on the administration and running of Government programs, with particular reference to:

(a) the privatisation of Australia’s visa and citizenship program, including:
   (i) the integrity of Australia’s visa and citizenship system,
   (ii) the commercial implications and increased costs to industry, with particular regard for the tourism and higher education sectors,
   (iii) the implications for national security, data security and privacy, and
   (iv) the risk to public sector employment – especially rural and regional employment – through service delivery model changes; and

(b) Centrelink’s Robodebt compliance and outsourced debt collection program, including:
   (i) the integrity and impact of the automated debt collection processes,
   (ii) the limitations and impact of Robodebt collection methods,
   (iii) the identification of inaccurate debts – made without human oversight,
   (iv) the impact on public sector employment – especially on the capacity and adequacy of staffing level, and
   (v) the review and appeals process for debt notices; and

(c) any related matters.

11 Leave of absence

Senator Urquhart, by leave, moved—That leave of absence be granted to Senator McCarthy for today, for personal reasons.

Question put and passed.

12 Postponement

Senator Kitching, by leave, postponed general business notice of motion no. 72 standing in her name for today, proposing the establishment of a Select Committee into the Integrity of Government Administration, till the next day of sitting.

13 Inspector-General of Live Animal Exports Bill 2019

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Minister for Agriculture (Senator McKenzie) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to provide for the appointment of an Inspector-General of Live Animal Exports, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Duniam tabled an explanatory memorandum relating to the bill.
Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 9 September 2019.

14 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 notice of motion not objected to as a formal motion, moved government business notices of motion nos 2 to 5—That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed works be referred to the Parliamentary Standing Committee on Public Works for consideration and report as soon as reasonably possible:

Australian Taxation Office—Refurbishment of the fit-out at leased premises at 6-20 Gladstone Street, Moonee Ponds, Victoria.

Commonwealth Scientific and Industrial Research Organisation—Consolidation of property portfolio in the greater Sydney area to reduce surplus accommodation capacity.

Department of Defence—Re-use and refurbishment of existing waterside infrastructure, the demolition of redundant and deteriorated infrastructure, and the construction of new infrastructure at the Point Wilson Explosive Area in Victoria.

National Museum of Australia—Redevelopment of the current permanent galleries into three distinct spaces as part of the National Museum of Australia’s asset replacement program.


Question put and passed.

15 Public hospitals in New South Wales

Senator Sheldon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 65—That the Senate—

(a) notes that:
   (i) there is a worsening crisis in New South Wales (NSW) public hospitals, with regard to the safety of patients and staff; last year alone there were 465 assaults in NSW hospitals, and
   (ii) on 1 August 2019, 22,000 health workers will take industrial action as part of their campaign to improve safety and staffing conditions in NSW public hospitals;

(b) supports the Health Service Union in its endeavours for greater protection for patients and staff at NSW public hospitals; and

(c) calls on the NSW Government to work with health workers to deliver these requests.

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

Question put and passed.
16 Landholders’ Right to Refuse (Gas and Coal) Bill 2015—Restoration to Notice Paper

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 73—

(1) 'That so much of the standing orders be suspended as would prevent this resolution having effect.

(2) 'That the Landholders’ Right to Refuse (Gas and Coal) Bill 2015 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the 45th Parliament.

Question put and passed.

17 Freedom Festival 2019

Senator Urquhart, at the request of Senator McCarthy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 64—

That the Senate—

(a) notes that 23 August 2019 marks 53 years since the Gurindji people, led by Mr Lingiari, walked off Wave Hill station in the Northern Territory to protest their work and living conditions;

(b) recognises that the actions of the Gurindji, which began as a fight for wage justice, led to the recognition of Indigenous land rights;

(c) acknowledges 23 August 2019 as a day of significance in modern Australian history; and

(d) extends best wishes for the Freedom Festival that will be held at Kalkaringi from 23 to 25 August 2019, to celebrate and remember the remarkable achievements of the Gurindji and their supporters.

Question put and passed.

18 Environment and Communications References Committee—Proposed reference

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 11 November 2019:

The impact of seismic testing on fisheries and the marine environment, with particular reference to:

(a) recent scientific findings;

(b) the regulation of seismic testing in both Commonwealth and state waters;

(c) the approach taken to seismic testing internationally; and

(d) any other related matters.

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

Leave refused: Senator Whish-Wilson sought leave to make a statement. An objection was raised and leave was not granted.

Question put.
The Senate divided—

AYES, 14

Senators—

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NOES, 43

Senators—

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* Tellers

Question negatived.

19 Notice of motion withdrawn

Senator Patrick, also on behalf of Senator Lambie, withdrew business of the Senate notice of motion no. 2 standing in their names for today, proposing a reference to the Legal and Constitutional Affairs References Committee.

20 Legal and Constitutional Affairs References Committee—Proposed reference

Senator McKim, also on behalf of Senators Patrick and Lambie, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by the third sitting day of October 2019:

Allegations regarding visa applications and other immigration matters, with particular reference to the following:

(a) allegations that current members of Parliament, including Ministers, pressured senior officers in the Department of Home Affairs to make it easier for certain people, including high-roller clients of Crown Resorts, to pass customs;

(b) allegations that visa applications for certain people were fast-tracked by the Department of Home Affairs or the former Department of Immigration and Border Protection;

(c) any agreements between the Department of Home Affairs and Crown Resorts to fast-track visas for wealthy clients of Crown Resorts;

(d) the operation and effectiveness of Commonwealth legislation, administrative arrangements and law enforcement strategies in identifying, detecting, and disrupting any activity that weakens the functions and integrity of the Department of Home Affairs;
(e) Crown Resorts’ alleged links to organised crime, money laundering, improper activity by consular officials, tampering with poker machines, and domestic violence and drug trafficking on Crown resorts’ property;

(f) the relationship between Crown Resorts and governments, including the role of former members of state and federal parliaments and the influence of political donations;

(g) the need for any legislative or administrative reform; and

(h) any related matters.

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

Question put.

The Senate divided—

AYES, 12

Senators—

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

NOES, 44

Senators—

Abetz  Antic  Ayres  Bernardi  Bilyk  Bragg  Brockman  Canavan  Carr  Chandler
Chisholm  Ciccone  Colbeck  Duniam  Fawcett  Fierravanti-Wells  Gallagher  Gallagher  Green  Hanson
Hughes  Hume  Kitching  McGrath  McMahon  O’Sullivan  Paterson  Pratt  Rennick  Roberts
Ryan  Rennick  Scarr  Smith, Dean  Smith, Marielle  Stoker  Urquhart*  Van  Walsh  Watt

* Tellers

Question negatived.

21 Financial investment in renewable energy

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 69—that the Senate—

(a) notes that:

(i) the ability to secure finance and insurance is a crucial step in the development of large-scale resources projects, providing protection for developers, government and the community,

(ii) Suncorp last week announced that it would no longer invest in, finance or insure new thermal coal mines and power plants, and will not underwrite any existing thermal coal projects after 2025,

(iii) QBE Insurance announced in March that, from 1 July 2019, it would no longer directly invest in or insure new thermal coal projects and would stop underwriting existing operations from 2030,

(iv) all Australian-based insurance companies have now effectively committed to removing coal from their investment portfolios, and
(v) many major multi-national re-insurance providers, including Allianz, AXA, Swiss Re, Munich Re and Zurich, have also restricted investment in, and underwriting of, thermal coal projects; and

(b) calls on the Federal Government to:
(i) pay attention to the financial signals and recognise that thermal coal projects are increasingly unviable, and
(ii) commit to action to progress a rapid and just transition to clean and renewable energy sources for a low-carbon economy.

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

Question put.
The Senate divided—

AYES, 11

Senators—

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

NOES, 46

Senators—

Abetz Ciccone Kitching Ruston
Antic Colbeck Lambie Ryan
Askew Davey McAllister Scarr
Ayres Duniam McDonald Sheldon
Bernardi Fawcett McGrath Smith, Dean
Bilyk Fierravanti-Wells McMahon Smith, Marielle
Bragg Gallagher O’Sullivan Stoker
Brockman Gallagher Paterson Urquhart*
Canavan Green Pratt Van
Carr Hanson Rennick Walsh
Chandler Hughes Roberts Watt
Chisholm Hume

* Tellers

Question negatived.

22 Funding of public broadcasters

Senator Hanson-Young, also on behalf of Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 70—

That the Senate—

(a) notes that:
(i) the Australian Competition and Consumer Commission has released the final report in its Digital Platforms Inquiry, and
(ii) it has emphasised the importance of the public broadcasters and recommended stable and adequate funding “in recognition of their role in addressing the risk of under-provision of public interest journalism that generates broad benefits to society”; and

(b) calls on the Federal Government to:
(i) move from triennial to quinquennial funding cycles for the public broadcasters,
(ii) fully restore the cuts to funding since 2014, and
Leave refused: The Assistant Minister for Forestry and Fisheries (Senator Duniam) sought leave to make a statement to the motion. An objection was raised and leave was not granted.

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

Question put.

The Senate divided—

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* Tellers

Question negatived.

23 Public school funding

Senator Faruqi, also on behalf of Senator Keneally, amended general business notice of motion no. 66 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) 76% percent of school enrolment growth in the 5 years to 2018 was in public schools,

(ii) across Australia, public schools have the greatest need for infrastructure such as classrooms, libraries, science labs or sporting facilities,

(iii) the Federal Government has a dedicated capital grants program, which is only available to non-government schools,

(iv) the only access public schools have to federal infrastructure funding is the Local Schools Community Fund, which consists of a one-off allocation of $200,000 to each electorate, which will be shared with private schools and will fall well short of the needs of public schools, and

(v) public school students deserve world-class facilities; and

(b) calls on the Federal Government to establish a capital works fund dedicated to public schools.
Statement by leave: The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, made a statement relating to the motion.

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

Question put.
The Senate divided—

AYES, 32

Senators—

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

NOES, 32

Senators—

Abetz  Cash  Hughes  Reynolds
Antic  Chandler  Hume  Roberts
Askew  Colbeck  McDonald  Ruston
Bernardi  Davey  McGrath  Ryan
Birmingham  Duniam  McKenzie  Scarr
Bragg  Fawcett  McMahon  Smith, Dean*
Brockman  Fifield  Paterson  Stoker
Canavan  Hanson  Rennick  Van

* Tellers

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

24 Department of Foreign Affairs and Trade—Climate change action strategy—Proposed order for production of documents

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 67—that there be laid on the table by the Minister for Foreign Affairs, by no later than 9.30 am on 1 August 2019, all draft and final versions, produced since July 2018, of the Department of Foreign Affairs and Trade’s climate change action strategy for the foreign aid program.

Question put.
The Senate divided—

AYES, 31

Senators—

Ayres  Faruqi  Lines  Smith, Marielle
Bilyk  Gallacher  McAllister  Steele-John
Brown  Gallacher  McKim  Urquhart*
Chisholm  Green  Patrick  Walsh
Ciccone  Griff  Pratt  Waters
Di Natale  Hanson-Young  Rice  Watt
Dodson  Kitching  Sheldon  Whish-Wilson
Farrell  Lambie  Siewert
NOES, 32

Senators—
Abetz                      Cash                    Hughes                   Reynolds
Antic                     Chandler                Hume                     Roberts
Askew                     Colbeck                  McDonald                 Ruston
Bernardi                  Davey                    McGrath                 Ryan
Birmingham                Duniam                   McKenzie                Scarr
Bragg                     Fawcett                  McMahon                 Smith, Dean*
Brockman                  Fitzfield                Paterson                 Stoker
Canavan                   Hanson                   Renwick                  Van

* Tellers

Question negatived.

25 Jobs for the Future in Regional Areas—Select Committee—Appointment

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. 68—

(1) That a select committee, to be known as the Select Committee into Jobs for the Future in Regional Areas, be established to inquire and report on the following matters:

(a) new industries and employment opportunities that can be created in and around thermal coal mining communities and regions:
   (i) as automated mining and transport technologies replace jobs over coming years, and
   (ii) as domestic production and exports decline to keep global warming to levels safe for human life at or below 1.5 degrees;
(b) the number of existing jobs in regional areas in clean energy technology and ecological services and their future significance;
(c) lessons learned from structural adjustments in the automotive, manufacturing and forestry industries and energy privatisation and their impact on labour markets and local economies;
(d) the importance of long-term planning to support the diversification of supply chain industries and local economies;
(e) measures to guide the transition into new industries and employment, including:
   (i) community infrastructure to attract investment and job creation,
   (ii) the need for a public authority to manage the transition,
   (iii) meaningful community consultation to guide the transition, and
   (iv) the role of vocational education providers, including TAFE, in enabling reskilling and retraining;
(f) the use of renewable resources in Northern Australia to build a clean energy export industry to export into Asia; and
(g) any related matters.

(2) That the committee present its final report on or before 4 December 2019.

(3) That the committee consist of 5 senators as follows:

(a) 2 nominated by the Leader of the Government in the Senate;
(b) 2 nominated by the Leader of the Opposition in the Senate; and
(c) 1 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 the committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting, and if the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader or whip of the party or group on whose nomination the member was appointed to the committee.

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

(7) That the committee elect as chair 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 3 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 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 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.

(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.
The Assistant Minister for Forestry and Fisheries (Senator Duniam), by leave, moved the following amendment:

Omit subparagraph (1)(a), substitute:

(a) new industries and employment opportunities that can be created in the regions;

Question—That the amendment be agreed to—put and passed.
Main question, as amended, put and passed.

26 ParentsNext program

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 74—That the Senate—

(a) notes that:

(i) the majority of ParentsNext participants are women,
(ii) the Australian Human Rights Commission has stated that ParentsNext is not compatible with human rights, and
(iii) despite recommendations in the report of the Community Affairs References Committee inquiry into ParentsNext (the Senate inquiry), some participants are still being misled into believing that privacy waivers are compulsory, and pressured into signing them or risk loss of their income;

(b) recognises that the overwhelming evidence presented to the Senate inquiry into the program recommended that ParentsNext not continue in its current form; and

(c) calls on the Federal Government to urgently sanction providers who are pressuring program participants into signing privacy waivers, and implement the recommendations of the Senate inquiry.

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, 33

Senators—

Ayers
Bilyk
Brown
Chisholm
Ciccone
Di Natale
Dodson
Farrell
Faruqi

Gallacher
Gallagher
Green
Griff
Hanson
Hanson-Young
Kitching
Lines

McAllister
McKim
Patrick
Pratt
Rice
Roberts
Sheldon
Siewert

Smith, Marielle
Steele-John
Sterle
Urquhart*
Walsh
Waters
Watt
Whish-Wilson
NOES, 30

Senators—

Abetz  Cash  Hume  Reynolds
Antic  Chandler  McDonald  Ruston
Ashew  Colbeck  McGrath  Ryan
Bernardi  Davey  McKenzie  Scarr
Birmingham  Dunam  McMahon  Smith, Dean*
Bragg  Fawcett  Paterson  Stoker
Brockman  Fifield  Rennick  Van
Canavan  Hughes  

*Tellers

Question agreed to.

27 Family taxation

The Leader of Pauline Hanson’s One Nation (Senator Hanson) amended general business notice of motion no. 71 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) acknowledges that:

(i) the family is the basis of society and, in most cases, the best place to raise children,

(ii) policies that encourage the formation of stable families should be supported, and

(iii) the freedom to choose whether a parent can stay at home or pursue work is vital to the formation of stable families; and

(b) calls on the Senate to debate or have a Senate inquiry into the benefits of giving married couples the option to prepare and file joint income returns and income splitting.

Question put.

The Senate divided—

AYES, 32

Senators—

Abetz  Cash  Humes  Reynolds
Antic  Chandler  Hume  Roberts
Ashew  Colbeck  McDonald  Ruston
Bernardi  Davey  McGrath  Ryan
Birmingham  Dunam  McKenzie  Scarr
Bragg  Fawcett  McMahon  Smith, Dean*
Brockman  Fifield  Paterson  Stoker
Canavan  Hanson  Rennick  Van

NOES, 32

Senators—

Ayes  Fauci  Lines  Smith, Marielle
Bilyk  Gallagher  McAllister  Steele-John
Brown  Gallagher  McKim  Sterle
Chisholm  Green  Patrick  Urquhart*
Ciccone  Griff  Pratt  Walsh
Di Natale  Hanson-Young  Rice  Waters
Dodson  Kitching  Sheldon  Watt
Farrell  Lambie  Siewert  Whish-Wilson

*Tellers

The ayes and noes were equal and so the question was negatived.
28 Community Affairs References Committee—Reference

The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—that the following matter be referred to the Community Affairs References Committee for inquiry and report by 4 December 2019:

Centrelink’s compliance program, with specific reference to:

(a) the ongoing impact of the Federal Government’s automated debt collection processes upon current and past income support recipients;
(b) data-matching techniques used by Centrelink, including limitations and uncertainties of data-matching techniques and error-handling processes;
(c) the handling of under-payment errors, including the number of payments identified and made through data-matching following an under-payment error;
(d) the use of real-time wages data and other techniques to prevent overpayment;
(e) the capacity and adequacy of Centrelink and the Department of Human Services to deliver the program, including the use of contract staff and the impact of staff performance targets on the program;
(f) the error rates in the issuing of initial letters and debt notices, the causes of these errors and what steps are routinely taken when errors are identified;
(g) the procedures that have been put in place to prevent future errors;
(h) the number of initial letters and debt notices sent out and the number of debts that have been recovered;
(i) the review process and appeals process for debt notices, including the number of reviews and appeals undertaken;
(j) the use and legality of the debt collection processes used by Centrelink and the Department of Human Services;
(k) the use of debt collectors in the compliance program; and
(l) the cost of the compliance program to date, including the projected and actual amount raised from the program.

Question put and passed.

29 Discussion of matter of public importance—Newstart and Youth Allowance

The Acting Deputy President (Senator Brown) informed the Senate that the following matter of public importance submitted by Senator Siewert under standing order 75 had been selected for discussion today:

That Newstart is no longer a transition payment and people receiving Newstart and Youth Allowance are living in poverty.

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

After 5 pm: The discussion was interrupted.

30 First speeches

Pursuant to order, Senators Sheldon and Green made their first speeches.

31 Discussion of matter of public importance—Newstart and Youth Allowance

Discussion of the matter of public importance proposed by Senator Siewert (see entry no. 29) concluded.
32 **Documents—Consideration**
Documents tabled earlier today (see entry no. 2) were considered as follows:
Motion to take note of documents nos 2 and 3 moved by Senator Urquhart.
Consideration to resume on Thursday at general business.

33 **Committee reports and government responses—Tabling and consideration**
Pursuant to order, Senator Brockman, at the request of the chairs of the respective committees, tabled the following reports:

- Reports on annual reports referred to legislation committees—No. 2 of 2019, dated July 2019—
  - Community Affairs Legislation Committee.
  - Economics Legislation Committee.
  - Education and Employment Legislation Committee.
  - Legal and Constitutional Affairs Legislation Committee.
  - Rural and Regional Affairs and Transport Legislation Committee.

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Senator Brockman, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:

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Senator Brockman, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report and documents:

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The Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells) tabled the following report and document:
Regulations and Ordinances—Standing Committee—
Delegated legislation monitor 3 of 2019—Corrigendum.

Senator Fierravanti-Wells moved—that the Senate take note of the report.
Question put and passed.

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Senator Brockman, at the request of the Acting Chair of the Standing Committee for the Scrutiny of Bills (Senator Dean Smith), tabled the following report:
No. 10—31 July 2019

34 Future Submarine Program—Answer to question—Document
The Minister for Resources and Northern Australia (Senator Canavan) tabled the following document:

Future Submarine Program—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 31 July 2019, providing information concerning a question without notice asked by Senator Patrick on 30 July 2019.

35 Department of the Environment and Energy—Order for production of documents—Documents
The Minister for Resources and Northern Australia (Senator Canavan) tabled the following documents:

Department of the Environment and Energy—Order of 30 July 2019—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 30 July 2019, responding to the order and raising a public interest immunity claim, and attachments.

36 Administration—Strategic Review of Home Affairs Portfolio—Order for production of document—Documents
The Minister for Resources and Northern Australia (Senator Canavan) tabled the following documents:

Strategic Review of Home Affairs Portfolio—Order of 29 July 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 31 July 2019, responding to the order, and attachments as follows—

Letter to the President of the Senate from the Attorney-General (Mr Porter), and attachment.

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

37 Committee membership
The Acting Deputy President (Senator Faruqi) informed the Senate that the President had received letters nominating senators to be members of committees.

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

That senators be appointed to committees as follows:

Jobs for the Future in Regional Areas—Select Committee—
Appointed—
Senator Di Natale
Participating members: Senators Faruqi, Hanson-Young, McKim, Rice, Siewert, Steele-John, Waters and Whish-Wilson

Multi-Jurisdictional Management and Execution of the Murray Darling Basin Plan—Select Committee—
Appointed—
Senators Gallacher and O’Neill

Question put and passed.

38 **Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019**

**Treasury Laws Amendment (Consumer Data Right) Bill 2019**

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


Message no. 31, dated 30 July 2019—A Bill for an Act to amend the law relating to competition, fair trading, consumer protection and privacy, and for related purposes.

The Minister for Families and Social Services (Senator Ruston) moved—that these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

*Document:* Senator Ruston tabled the following document:

*Consideration of legislation:*—Statement of reasons for introduction and passage of the bills in the 2019 winter sittings.

*Consideration of legislation:* Senator Ruston, by leave, moved—that the provisions of paragraphs (5) to (8) of standing order 111 not apply to these bills, allowing them to be considered during this period of sittings.

Question put and passed.

Senator Ruston moved—that these bills be now read a second time.

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

Senator Ruston moved—that the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

39 **Royal Commissions Amendment (Private Sessions) Bill 2019**

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

Message no. 34, dated 31 July 2019—A Bill for an Act to amend the *Royal Commissions Act 1902*, and for related purposes.

The Minister for Families and Social Services (Senator Ruston) moved—that this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ruston moved—that this bill be now read a second time.
Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 9 September 2019.

40 Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:


The Minister for Families and Social Services (Senator Ruston) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

Consideration of legislation: Pursuant to order, the debate was adjourned till the day fixed for the Education and Employment Legislation Committee to report on the bill, 25 October 2019.

41 Committee membership
A message from the House of Representatives was reported informing the Senate of the appointment of a member of the House of Representatives to the Parliamentary Joint Committee on Human Rights, as follows:

Message no. 30, dated 30 July 2019—Mr Georganas.

42 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:

30 July 2019—Messages nos—


43 Social Security (Administration) Amendment (Cashless Welfare) Bill 2019
Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill.
Senator Siewert moved the following amendment:

Schedule 1, item 9, page 5 (lines to 1 to 19), omit subsection 124PHB(3), substitute:

**Secretary’s decision on application**

(3) The Secretary may determine that the person is not a trial participant if
the Secretary is satisfied that:
(a) the person can demonstrate reasonable and responsible
management of the person’s financial affairs; and
(b) the person satisfies any requirements determined in an
instrument under subsection (6).

Debate ensued.

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

Senator Brown moved the following amendments together by leave:

Schedule 1, item 9, page 5 (line 2 to 19), omit subsection 124PHB(3), substitute:

(3) The Secretary may determine that the person is not a trial participant if
the Secretary is satisfied that the person can demonstrate reasonable
and responsible management of the person’s affairs (including
financial affairs), taking into account all of the following:
(a) the interest of any children for whom the person is responsible;
(b) whether the person was convicted of an offence against a law of
the Commonwealth, a State or a Territory, or was serving a
sentence of imprisonment for such an offence, at any time in the
last 12 months;
(c) risks of homelessness;
(d) the health and safety of the person and the community;
(e) the responsibilities and circumstances of the person;
(f) the person’s engagement in the community, including the
person’s employment or efforts to obtain work.

Schedule 1, item 9, page 5 (lines 27 and 28), omit subsection 124PHB(6), substitute:

(6) The Minister may, by legislative instrument, make guidelines setting
out how reasonable and responsible management of a person’s affairs
can be demonstrated for the purposes of subsection (3).

Schedule 1, item 9, page 5 (line 29), omit “a determination”, substitute
“guidelines”.

Schedule 1, item 9, page 6 (line 8), omit “paragraphs (3)(a) and (b)”, substitute
“subsection (3)”.

Debate ensued.

At 7.20 pm: The Acting Deputy President (Senator Faruqi) resumed the chair and the
Temporary Chair of Committees reported progress.
44 Notice
Senator Whish-Wilson gave a notice of motion as follows: To move on 16 September 2019—that the following matter be referred to the Environment and Communications References Committee for inquiry and report by 11 November 2019:
The impact of seismic testing on fisheries and the marine environment, with particular reference to:
   (a) the body of science and research into the impacts of seismic testing;
   (b) the regulation of seismic testing in both Commonwealth and state waters;
   (c) the approach taken to seismic testing internationally; and
   (d) any other related matters.

45 Adjournment
The Acting Deputy President (Senator Faruqi) proposed the question—that the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.38 pm till Thursday, 1 August 2019 at 9.30 am.

46 Attendance
Present, all senators except Senators McCarthy*, Polley* and Payne (*on leave).

RICHARD PYE
Clerk of the Senate