



46<sup>th</sup> Parliament

# Senate Journals

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## 1 Meeting of Senate

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

## 2 Documents

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

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

### Documents presented by the President

- 1 Australian bushfires—Letter of condolence to the President of the Senate from the President of the House of Councillors, National Diet of Japan (Akiko Santō), dated 22 February 2020.
- 2 *Building and Construction Industry (Improving Productivity) Act 2016*—Reports by the Commonwealth Ombudsman for the periods—
  - 1 October to 31 December 2019. *[Received 23 July 2020]*
  - 1 January to 31 March 2020. *[Received 23 July 2020]*
- 3 Department of the Senate—Register of Senate senior executive officers' interests incorporating statements of registrable interests and notifications of alterations lodged between 1 January 2019 and 30 June 2020, dated August 2020
- 4 *Odgers' Australian Senate Practice*—14th edition—Second supplement—Updates to 31 July 2020.
- 5 Pregnancy warning labels—Answer to question—Letter to the President of the Senate from the Minister for Aged Care and Senior Australians (Senator Colbeck), dated 22 June 2020, providing information concerning a question without notice asked by Senator Patrick on 18 June 2020.

### Auditor-General's reports for 2019-20

- 6 No. 42—Performance audit—Fraud control arrangements in the Department of Foreign Affairs and Trade: Department of Foreign Affairs and Trade. *[Received 19 June 2020]*
- 7 No. 43—Performance audit—Fraud control arrangements in the Department of Home Affairs: Department of Home Affairs. *[Received 22 June 2020]*
- 8 No. 44—Performance audit—Fraud control arrangements in the Department of Social Services: Department of Social Services. *[Received 23 June 2020]*
- 9 No. 45—Performance audit—Management of agreements for Disability Employment Services: Department of Social Services. *[Received 24 June 2020]*
- 10 No. 46—Performance audit—Implementation of ANAO and parliamentary committee recommendations—Education and Health portfolios: Across entities. *[Received 25 June 2020]*
- 11 No. 47—Performance audit—Referrals, assessments and approvals of controlled actions under the *Environment Protection and Biodiversity Conservation Act 1999*: Department of Agriculture, Water and the Environment. *[Received 25 June 2020]*

- 12 No. 48—Performance audit—Management of the Australian Government’s Lobbying Code of Conduct – Follow-up audit: Attorney-General’s Department. [*Received 26 June 2020*]

#### **Auditor-General’s reports for 2020-21**

- 13 No. 1—Assurance review—Advances to the Finance Minister for the period 30 May to 26 June 2020: Department of Finance. [*Received 8 July 2020*]
- 14 No. 2—Performance audit—Procurement of strategic water entitlements: Department of Agriculture, Water and the Environment. [*Received 16 July 2020*]
- 15 No. 3—Assurance review—Advances to the Finance Minister for the period 27 June 2020 to 31 July 2020: Department of Finance. [*Received 13 August 2020*]

#### **Documents in response to orders for the production of documents**

- 16 Administrative Appeals Tribunal—Order of 16 June 2020—Letter to the President of the Senate from the Minister for Foreign Affairs (Senator Payne) responding to the order, and attachment. [*Received 30 July 2020*]
- 17 City of Sydney—Emissions—Order of 3 December 2019—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 7 August 2020, responding to the order. [*Received 10 August 2020*]
- 18 Community development grants—Order of 15 June 2020—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 26 June 2020, responding to the order, and attachments. [*Received 29 June 2020*]
- 19 *Environment Protection and Biodiversity Conservation Act 1999*—  
Order of 18 June 2020—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 25 June 2020, responding to the order and raising a public interest immunity claim. [*Received 26 June 2020*]  
  
Statutory review—Draft report—Order of 18 June 2020—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 3 July 2020, responding to the order and raising a public interest immunity claim. [*Received 7 July 2020*]
- 20 Expert Panel Report on the ‘Regions at the Ready: Investing in Australia’s Future’ report—Order of 18 June 2020—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 10 July 2020, responding to the order, and attachments. [*Received 10 July 2020*]
- 21 JobKeeper recipient data—Order of 11 June 2020—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 27 June 2020, responding to the order, and attachment. [*Received 30 July 2020*]
- 22 Review of the Water for Fodder program—Order of 10 June 2020—Letter to the President of the Senate from the Minister representing the Minister for Resources, Water and Northern Australia (Senator Birmingham), responding to the order, and attachments. [*Received 7 August 2020*]

- 23 Supporting international students—Order of 16 June 2020—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 7 August 2020, responding to the order. [*Received 7 August 2020*]

#### Government documents

- 24 Australian Building and Construction Commission—Performance of the functions and the exercise of powers of the Australian Building and Construction Commissioner—Quarterly report for the period 1 January to 31 March 2020. [*Received 23 July 2020*]
- 25 *Australian Education Act 2013*—National School Resourcing Board—Review of needs-based funding requirements—Final report, dated December 2019. [*Received 2 July 2020*]
- 26 *Australian Education Act 2013*—National School Resourcing Board—Review of the loading for students with disability—Final report, dated December 2019. [*Received 2 July 2020*]
- 27 Australian Human Rights Commission—  
     Report for 2018-19—Addendum.  
     Report no. 134—Mr AP v Commonwealth of Australia (Department of Home Affairs).  
     Report no. 135—FZ v Commonwealth of Australia (Department of Home Affairs).
- 28 Australian Institute of Health and Welfare—Seventeenth biennial report—  
     Australia's health 2020 data insight. [*Received 23 July 2020*]  
     Australia's health 2020 in brief. [*Received 23 July 2020*]
- 29 Australian Sports Commission—Corporate plan for 2020-24. [*Received 13 August*]
- 30 *Defence Force Discipline Act 1982*—Judge Advocate General—Report for 2019. [*Received 13 August 2020*]
- 32 Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2019. [*Received 3 July 2020*]
- 32 Executive Director of Township Leasing—Report for 2018-19. [*Received 6 August 2020*]
- 33 Human Trafficking and Slavery Interdepartmental Committee—Trafficking in persons: The Australian Government response—Ninth report—1 July 2016 to 30 June 2017. [*Received 13 August 2020*]
- 34 Independent National Security Legislation Monitor—Report no. 9—A report concerning the *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018* and related matters. [*Received 9 July 2020*]
- 35 *Migration Act 1958*—Section 486O—Assessment of detention arrangements—  
     Commonwealth Ombudsman's reports—  
         Report no. 11 of 2020. [*Received 2 July 2020*]  
         Reports nos 12 to 18 of 2020. [*Received 6 August 2020*]  
         Reports nos 19 to 22 of 2020. [*Received 13 August 2020*]

- Government response to Commonwealth Ombudsman's reports—  
 Report no. 11 of 2020, dated 18 June 2020. [*Received 2 July 2020*]  
 Reports nos 12 to 18 of 2020. [*Received 6 August 2020*]  
 Reports nos 19 to 22 of 2020. [*Received 13 August 2020*]
- 36 Minister's guidelines in relation to the performance by the Australian Security Intelligence Organisation of its functions and the exercise of its powers, dated August 2020. [*Received 13 August 2020*]
- 37 *Modern Slavery Act 2018*—Review of the implementation of the Act—Report for 2019.
- 38 National School Resourcing Board—Annual review of state and territory compliance with section 22A of the *Australian Education Act 2013*—Report for 2018. [*Received 23 July 2020*]
- 39 *National Security Information (Criminal and Civil Proceedings) Act 2004*—Non-disclosure and witness exclusion certificates, special court orders and special advocates—  
 Report for 2017-18. [*Received 23 July 2020*]  
 Report for 2018-19. [*Received 23 July 2020*]  
 Report for 2019-20. [*Received 23 July 2020*]
- 40 NHMRC Embryo Research Licensing Committee—Report on the operation of the *Research Involving Human Embryos Act 2002* for the period 1 September 2019 to 29 February 2020.
- 41 Northern Land Council—Report for 2018-19. [*Received 2 July 2020*]
- 42 *Product Stewardship Act 2011*—  
 Review of the Act. [*Received 8 July 2020*]  
 Government response, dated July 2020. [*Received 8 July 2020*]
- 43 *Register of Foreign Ownership of Water or Agricultural Land Act 2015*—  
 Register of Foreign Ownership of Agricultural Land—Report of registrations as at 30 June 2019. [*Received 19 June 2020*]  
 Register of Foreign Ownership of Water Entitlements—Report of registrations as at 30 June 2019. [*Received 19 June 2020*]
- 44 *Tobacco Advertising Prohibition Act 1992*—Report for 2019. [*Received 23 July 2020*]
- 45 Treaties—  
*Bilateral*—Text, together with national interest analysis—  
 Agreement between the Government of Australia and the Government of the Republic of Singapore concerning Military Training and Training Area Development in Australia (Canberra and Singapore, 23 March 2020).  
 Australia-Singapore Digital Economy Agreement (Adelaide and Singapore, 6 August 2020).  
 Borrowing Agreement between the Government of Australia and the International Monetary Fund as Trustee of the Poverty Reduction and Growth Trust.

Loan Agreement between Australia and the International Monetary Fund.  
*Multilateral*—Renewal of the New Arrangements to Borrow—Text, together with national interest analysis.

### **Responses to Senate resolutions**

- 46 Industrial deaths—Resolution of 12 June 2020—Letter to the President of the Senate from the Northern Territory Attorney-General (Ms Fyles), dated 21 July 2020.
- 47 Recreational hunting—Resolution of 14 May 2020—Letter to the President of the Senate from the Premier of Western Australian (Mr McGowan), dated 10 July 2020.

### **Documents pursuant to continuing orders**

- 48 Australian Research Council—Grant recommendations—Letters of advice pursuant to the order of the Senate of 27 February 2020—  
     June 2020. [*Received 18 August 2020*]  
     July 2020. [*Received 18 August 2020*]
- 49 Department of Home Affairs—Protection visas—Statements pursuant to the order of the Senate of 14 November 2019—  
     June 2020. [*Received 16 July 2020*]  
     July 2020. [*Received 18 August 2020*]
- 50 Entity contracts for 2019—Letter of advice pursuant to the order of the Senate of 20 June 2001, as amended—Defence portfolio. [*Received 20 August 2020*]
- 51 Estimates hearings—Unanswered questions on notice—Statement pursuant to the order of the Senate of 25 June 2014—Additional estimates 2019-20—Department of Veterans' Affairs. [*Received 23 July 2020*]
- 52 Indexed lists of departmental and agency files for the period 1 January to 30 June 2020—Statements relating to the order of the Senate of 30 May 1996, as amended—  
     Education, Skills and Employment portfolio. [*Received 21 August 2020*]  
     Museum of Australian Democracy. [*Received 12 August 2020*]

### **Government responses to committee reports**

- 53 Community Affairs References Committee—Report—Effectiveness of the Aged Care Quality Assessment and accreditation framework for protecting residents from abuse and poor practices, and ensuring proper clinical and medical care standards are maintained and practised—Government response, dated June 2020. [*Received 25 June 2020*]
- 54 Corporations and Financial Services—Joint Statutory Committee—Report—Fairness in franchising—Government response, dated August 2020. [*Received 20 August 2020*]
- 55 Environment and Communications References Committee—Report—Protection of Aboriginal rock art of the Burrup Peninsula—Government response, dated June 2020. [*Received 25 June 2020*]
- 56 Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of five organisations and the listing of two organisations as terrorist organisations under the Criminal Code—Government response, dated July 2020. [*Received 16 July 2020*]

- 57 Law Enforcement—Joint Statutory Committee—Report—Theft and export of motor vehicles and parts—Government response, dated July 2020. [*Received 23 July 2020*]
- 58 National Disability Insurance Scheme—Joint Standing Committee—Report—Supported independent living—Government response, dated August 2020. [*Received 20 August 2020*]

### **Committee reports presented out of sitting**

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

- 59 Human Rights—Joint Statutory Committee—  
  - Report 8 of 2020—Human rights scrutiny report, dated 1 July 2020. [*Received 1 July 2020*]
  - Report 9 of 2020—Human rights scrutiny report, dated 18 August 2020. [*Received 18 August 2020*]
- 60 Law Enforcement—Joint Statutory Committee—Reports, dated August 2020, Hansard record of proceedings and additional information—  
  - Examination of the Australian Criminal Intelligence Commission annual report 2018-19. [*Received 13 August 2020*]
  - Examination of the Australian Federal Police annual report 2018-19. [*Received 13 August 2020*]
- 61 Procedure—Standing Committee—First report of 2020—Routine of business; Remote participation in Senate proceedings, dated August 2020. [*Received 21 August 2020*]
- 62 Public Works—Joint Statutory Committee—4th report of 2020—Referrals made April and June 2020, dated August 2020. [*Received 20 August 2020*]
- 63 Road Safety—Joint Select Committee—Improving road safety in Australia—Interim report, dated July 2020. [*Received 31 July 2020*]
- 64 Scrutiny of Bills—Standing Committee—Scrutiny digest 9 of 2020, dated 6 August 2020. [*Received 6 August 2020*]
- 65 Senators' Interests—Standing Committee—Register of senators' interests incorporating statements of registrable interests and notifications of alterations lodged between 1 January 2020 and 30 June 2020, dated July 2020. [*Received 9 July 2020*]
- 66 Treaties—Joint Standing Committee—189th report—Capital Increase WBG IBRD; Capital Increase WBG IFC; Amendments CMS; Termination IPPA-Indonesia, dated August 2020. [*Received 6 August 2020*]

### *References initiated by the Selection of Bills Committee*

- 67 Education and Employment Legislation Committee—Payment Times Reporting Bill 2020 [Provisions] and Payment Times Reporting (Consequential Amendments) Bill 2020 [Provisions]—Report, dated July 2020, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [*Received 30 July 2020*]



- 68 Environment and Communications Legislation Committee—Product Stewardship (Oil) Amendment Bill 2020 [Provisions] and Excise Tariff Amendment Bill 2020 [Provisions]—Report, dated July 2020, additional information and submission. [*Received 30 July 2020*]
- 69 Finance and Public Administration Legislation Committee—National Integrity (Parliamentary Standards) Bill 2019—Report, dated August 2020, and submissions. [*Received 12 August 2020*]
- 70 Legal and Constitutional Affairs Legislation Committee—  
 Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020 [Provisions]—Report, dated August 2020, Hansard record of proceedings, additional information and submissions. [*Received 5 August 2020*]  
 Native Title Legislation Amendment Bill 2019 [Provisions]—Report, Hansard record of proceedings, document presented to the committee, additional information and submissions. [*Received 19 August 2020*]
- 71 Rural and Regional Affairs and Transport Legislation Committee—Reports, dated July 2020, and submissions—  
 Biosecurity Amendment (Traveller Declarations and Other Measures) Bill 2020 [Provisions]. [*Received 30 July 2020*]  
 Primary Industries (Customs) Charges Amendment (Dairy Cattle Export Charge) Bill 2020 [Provisions]. [*Received 30 July 2020*]

**Committee reporting dates—Extensions pursuant to the order of 23 March 2020**

Economics Legislation Committee—

Banking Amendment (Deposits) Bill 2020—from 10 to 24 August 2020. [*Received 3 August 2020*]

National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020 [Provisions]—from 31 August to 14 September 2020. [*Received 21 August 2020*]

Treasury Laws Amendment (Research and Development Tax Incentive) Bill 2019 [Provisions]—

from 7 to 24 August 2020. [*Received 3 August 2020*]

from 24 August to 12 October 2020. [*Received 21 August 2020*]

Economics References Committee—Review of foreign investment proposals—from 7 September to 16 December 2020. [*Received 10 August 2020*]

Environment and Communications Legislation Committee—Future of Australia Post's service delivery—from 11 to 25 August 2020. [*Received 29 July 2020*]

Foreign Affairs, Defence and Trade References Committee—Australia's relations with France—from 13 to 27 August 2020. [*Received 6 August 2020*]

Rural and Regional Affairs and Transport References Committee—Australia's dairy industry—

from 19 August to 15 September 2020. [*Received 20 July 2020*]

from 15 September to 12 November 2020. [*Received 20 August 2020*]

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.]*

*A New Tax System (Family Assistance) Act 1999—*

Child Care Subsidy Amendment (Coronavirus Response Measures No. 4) Minister's Rules 2020 [F2020L00802].

Child Care Subsidy Amendment (Coronavirus Response Measures No. 5) Minister's Rules 2020 [F2020L00930].

*A New Tax System (Family Assistance) (Administration) Act 1999—*Child Care Subsidy (Extension of First Deadline) Instrument 2020 [F2020L00829].

*Acts Interpretation Act 1901—*Subsection 36C(6)—Statement relating to extension of time for presentation of a periodic report—Northern Land Council—Report for 2019-20.

*Aged Care Act 1997—*

Aged Care (Subsidy, Fees and Payments) Amendment (Adjusted Subsidy Reduction Multi-purpose Services) Determination 2020 [F2020L00830].

Aged Care (Subsidy, Fees and Payments) Amendment (July Indexation) Determination 2020 [F2020L00842].

*Aged Care (Transitional Provisions) Act 1997—*Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (July Indexation) Determination 2020 [F2020L00858].

*Agricultural and Veterinary Chemicals (Administration) Act 1992—*Agricultural and Veterinary Chemicals (Administration) Amendment (Phorate) Regulations 2020 [F2020L00906].

*Agricultural and Veterinary Chemicals Code Act 1994—*

Agricultural and Veterinary Chemicals Code (Application Requirements) Amendment Instrument 2020 [F2020L01022].

Agricultural and Veterinary Chemicals Code (MRL Standard) Amendment Instrument (No. 5) 2020 [F2020L00888].

Agricultural and Veterinary Chemicals Code (MRL Standard) Amendment Instrument (No. 6) 2020 [F2020L00988].

Agricultural and Veterinary Chemicals Code (Prescribed Variations) Amendment Instrument 2020 [F2020L01027].

*Air Navigation Act 1920—*Air Navigation (Exemption for Commercial Non-Scheduled Flights) Amendment Determination 2020 [F2020L00571]—Replacement explanatory statement.

*Australian Bureau of Statistics Act 1975—*

Livestock Slaughtered Survey—Proposal No. 5 of 2020.

Survey of Health and Wellbeing—Proposal No. 6 of 2020.

Time Use Survey—Proposal No. 4 of 2020.

*Australian Communications and Media Authority Act 2005*—Australian Communications and Media Authority (Community Television) Direction 2020 [F2020L00847].

*Australian Defence Force Superannuation Act 2015*—Australian Defence Force Superannuation Amendment (Trust Deed—Contributions) Instrument 2020 [F2020L00878].

*Australian Hearing Services Act 1991*—Australian Hearing Services (Declared Hearing Services) Amendment Determination 2020 [F2020L00762].

*Australian National University Act 1991*—Council (Elections) Statute 2016—Council (Elections) Order 2020 [F2020L00883].

*Australian Prudential Regulation Authority Act 1998*—Australian Prudential Regulation Authority (confidentiality) determination No. 1 of 2020 [F2020L00945].

*Australian Prudential Regulation Authority Act 1998, Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998, Authorised Non-operating Holding Companies Supervisory Levy Imposition Act 1998, General Insurance Supervisory Levy Imposition Act 1998, Life Insurance Supervisory Levy Imposition Act 1998, Private Health Insurance Supervisory Levy Imposition Act 2015, Retirement Savings Account Providers Supervisory Levy Imposition Act 1998 and Superannuation Supervisory Levy Imposition Act 1998*—Australian Prudential Regulation Authority Supervisory Levies Determination 2020 [F2020L00855].

*Australian Securities and Investments Commission Act 2001*—

ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98 [F2020L00962].

ASIC Corporations, Superannuation and Credit (Amendment) Instrument 2020/99 [F2020L00789].

*Australian Securities and Investments Commission Act 2001 and Competition and Consumer Act 2010*—Treasury Laws Amendment (Acquisition as Consumer—Financial Thresholds) Regulations 2020 [F2020L00907].

*Australian Securities and Investments Commission Act 2001 and Corporations Act 2001*—

Amendments to Australian Auditing Standards made under Section 336 of the *Corporations Act 2001* – June 2020—ASA 2020-2 [F2020L00885].

Review of a Financial Report Performed by the Independent Auditor of the Entity – June 2020—ASRE 2410 [F2020L00788].

Review of a Financial Report Performed by the Independent Auditor of the Entity – July 2020—ASRE 2410 [F2020L00909].

*Autonomous Sanctions Act 2011*—Autonomous Sanctions Regulations 2011—

Autonomous Sanctions (Classes of Sanctioned Vessels – Democratic People's Republic of Korea) Continuing Effect Declaration 2020 [F2020L00743].

Autonomous Sanctions Legislation Amendment (Syria and Proliferation of Weapons of Mass Destruction) Instrument 2020 [F2020L01019].

*Biosecurity Act 2015*—

Biosecurity (First Point of Entry—Coral Sea Marina, Airlie Beach) Determination 2020 [F2020L00775].

Biosecurity (First Point of Entry—Port of Darwin) Amendment (Non-commercial Vessels) Determination 2020 [F2020L00746].

Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Amendment (No. 6) Determination 2020 [F2020L00752].

Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Repeal Determination 2020 [F2020L00897].

Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Retail Outlets at International Airports) Amendment (No. 1) Determination 2020 [F2020L00964].

*Broadcasting Services Act 1992*—Television Licence Area Plan (Melbourne) Variation 2020 (No. 1) [F2020L00863].

*Civil Aviation Act 1988*—

Civil Aviation Orders 82.3 and 82.5 Amendment Instrument 2020 (No. 1) [F2020L01023].

Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—

Civil Aviation Order 48.1 Amendment Instrument 2020 (No. 1) [F2020L00805].

Number of Cabin Attendants (National Jet Systems) Direction 2020—CASA 40/20 [F2020L00957].

Number of Cabin Attendants (Qantas Airways) Direction 2020—CASA 41/20 [F2020L00958].

Number of Cabin Attendants (Virgin Australia Regional Airlines) Direction 2020—CASA 36/20 [F2020L00776].

Civil Aviation Safety Amendment (Part 66 Transition Extension) Regulations 2020 [F2020L00824].

Civil Aviation Safety Regulations 1998—

Aircraft Engineer Licence and Rating Training and Qualification (Extension of Time Due to COVID-19) Exemption 2020—CASA EX97/20 [F2020L00866].

Civil Aviation Order 95.54 Amendment Instrument 2020 (No. 1) [F2020L00778].

Design of Temporary Modifications or Repairs (Special Flight Permit) Instrument 2020—CASA EX98/20 [F2020L00766].

Drug and Alcohol Testing by CASA under Subpart 99.C of CASR Instrument 2020—CASA 39/20 [F2020L00983].

Emergency Locator Transmitters (AMSA Registration Requirement – Relevant High-Capacity Flights) Exemption 2020—CASA EX110/20 [F2020L00974].

EPC Requirements for ATOs Transitioning to the FER (Extensions of Time Due to COVID-19) – Exemption Amendment Instrument 2020 (No. 2)—CASA EX108/20 [F2020L00986].

Exemption from Regulation 42.150 of CASR (Time Allowed to Vary Approved Maintenance Program) Instrument 2020—CASA EX94/20 [F2020L00995].

Materials Flammability Airworthiness Standards (Medical Isolation Transportation Devices) Instrument 2020—CASA EX92/20 [F2020L00796].

Part 66 Manual of Standards Amendment Instrument 2020 (No. 1) [F2020L00874].

Part 66 Manual of Standards Amendment Instrument 2020 (No. 2) [F2020L00908].

Part 139 (Aerodromes) Manual of Standards Amendment Instrument 2020 (No. 1) [F2020L00931].

Particular Significant Changes Approval Requirements (Part 141 Operators and Relevant Part 142 Operators) Exemption 2020—CASA EX100/20 [F2020L00803].

Passenger Carrying Small Portable Electronic Device during Flight Exemption 2020—CASA EX109/20 [F2020L00963].

Remotely Piloted Aircraft – RPA Application Day Determination 2020—CASA 44/20 [F2020L01030].

Repeal of Airworthiness Directive AD/CF6/60—CASA ADCX 007/20 [F2020L00948].

Repeal of Airworthiness Directive AD/INST/37—CASA ADCX 009/20 [F2020L01024].

Repeal of Airworthiness Directives AD/ELECT/23 and AD/ELECT/65—CASA ADCX 008/20 [F2020L00991].

Use of Portable Electronic Devices during Fuelling Instrument 2020—CASA EX113/20 [F2020L00975].

*Civil Aviation Act 1988, Environment Protection and Biodiversity Conservation Act 1999 and Transport Safety Investigation Act 2003—Civil Aviation Legislation Amendment (Part 139 Aerodromes—Transitional Provisions and Consequential Amendments) Regulations 2020* [F2020L00913].

Commissioner of Taxation—Public Rulings—

Class Rulings—

Addendum—CR 2019/19.

CR 2020/30-CR 2020/43.

Goods and Services Tax Ruling—Addendum—GSTR 2001/4.

Product Rulings—

Addendum—PR 2017/7.

Notice of Withdrawal—PR 2019/4.

PR 2020/7-PR 2020/10.

Taxation Determinations—

Notices of Withdrawals—TD 2013/16, TD 2014/19 and TD 2014/20.  
TD 2020/5 and TD 2020/6.

Taxation Rulings—

Erratum—TR 2005/19.  
Notice of Withdrawal—TR 2019/5.  
TR 2020/2-TR 2020/4.

*Competition and Consumer Act 2010—*

Competition and Consumer (Consumer Data Right) Amendment Rules (No. 1) 2020 [F2020L00757].

Competition and Consumer (Price Monitoring—Domestic Air Passenger Transport) Direction 2020 [F2020L00763].

Consumer Data Right (Energy Sector) Designation 2020 [F2020L00833].

Permanent Ban on Miniature Motorbikes (Monkey Bikes) with Unsafe Design Features Repeal Notice 2019 [F2019L01634]—Written explanation regarding lodgement of explanatory statement.

*Coronavirus Economic Response Package Omnibus Act 2020—*

Coronavirus Economic Response Package (Deferral of Sunsetting—PGPA Act Determination (National Disability Research Special Account 2016)) Determination 2020 [F2020L00780].

Coronavirus Economic Response Package (Deferral of Sunsetting—Treasury Portfolio Instruments) Determination 2020 [F2020L00895].

Social Security (Coronavirus Economic Response—2020 Measures No. 11) Determination 2020 [F2020L00765].

Social Security (Coronavirus Economic Response—2020 Measures No. 13) Determination 2020 [F2020L00980].

*Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020—*

Social Security (Coronavirus Economic Response—2020 Measures No. 12) Determination 2020 [F2020L01010].

*Coronavirus Economic Response Package (Payments and Benefits) Act 2020—*

Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 5) 2020 [F2020L00884].

Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 6) 2020 [F2020L00921].

Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 7) 2020 [F2020L01021].

*Corporations Act 2001—*

Amendments to Australian Accounting Standards – Annual Improvements 2018-2020 and Other Amendments—AASB 2020-3 [F2020L00876].

Amendments to Australian Accounting Standards – Covid-19-Related Rent Concessions—AASB 2020-4 [F2020L00877].

Amendments to Australian Accounting Standards – Insurance Contracts—AASB 2020-5 [F2020L01007].

ASIC Corporations (Amendment and Repeal) Instrument 2020/579 [F2020L00932].

ASIC Corporations (Amendment) Instrument 2019/784 [F2019L01206]—Supplementary explanatory statement.

ASIC Corporations (Amendment) Instrument 2020/635 [F2020L01020].

ASIC Corporations (Approval of Variation of March 2020 Banking Code of Practice) Instrument 2020/602 [F2020L00854].

ASIC Market Integrity Rules (Securities Markets) 2017—ASIC Market Integrity Rules (Securities Markets) Class Waiver Amendment Instrument 2020/586 [F2020L00764].

Corporations Amendment (Litigation Funding) Regulations 2020 [F2020L00942].

Corporations Amendment (Stamping Fee Exemption) Regulations 2020 [F2020L00834].

Corporations (Relevant Providers Continuing Professional Development Standard) Determination (Amendment) 2020 [F2020L00912].

*Criminal Code Act 1995—*

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Water Act (Australian Capital Territory (groundwater) Water Resource Plan) Accreditation Decision 2020 [F2020L00809].

Water Act (Australian Capital Territory (surface water) Water Resource Plan) Accreditation Decision 2020 [F2020L00810].

Water Amendment (State Water Management Law) Regulations 2020 [F2020L01002].

Water Charge Amendment (Termination Fees) Rules 2020 [F2020L00815].

*Work Health and Safety Act 2011—*Work Health and Safety Amendment (Silica Workplace Exposure Standards) Regulations 2020 [F2020L00807].

### 3 **Committees—Leave to meet during sittings**

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

Administration of Sports Grants—Select Committee—public meetings, from 5 pm on Thursday, 27 August and Wednesday, 2 September 2020.

Community Affairs References Committee—

private briefing on Tuesday, 25 August 2020, from midday.

private meeting otherwise than in accordance with standing order 33(1) on Monday, 31 August 2020, from 11 am.

Corporations and Financial Services—private meetings otherwise than in accordance with standing order 33(1), from 9.30 am, on Thursday, 27 August, 3 September, 8 October, 12 November and 10 December 2020.

Electoral Matters—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 26 August and 2 September 2020, from 9.40 am.

Environment and Communications Legislation Committee—private meetings otherwise than in accordance with standing order 33(1) today, from 10 am and from 4.30 pm.

Environment and Communications References Committee—public meetings—today, from 10.50 am.

Monday, 31 August 2020, from 4.30 pm.

Foreign Affairs, Defence and Trade—Joint Standing Committee—

public meeting today, from 4 pm.

public hearing followed by a private briefing on Tuesday, 25 August 2020, from 4.30 pm.

private meeting otherwise than in accordance with standing order 33(1), followed by a private briefing on Wednesday, 26 August 2020, from midday.

public hearing, followed by a private meeting otherwise than in accordance with standing order 33(1) on Thursday, 27 August 2020, from 9.45 am.

Intelligence and Security—Joint Statutory Committee—private meetings other otherwise than in accordance with standing order 33(1), followed by public hearings—

Wednesday, 26 August 2020, from midday.

Tuesday, 25 August 2020, from 4 pm.

Thursday, 27 August 2020, from 9 am.

Tuesday, 1 September 2020, from 4 pm.

Wednesday, 2 September 2020, from midday.

Thursday, 3 September 2020, from 9 am.

#### 4 **Remote participation in Senate proceedings—Adoption of rules**

The Minister for Finance (Senator Cormann), by leave, moved—That the rules for remote participation in Senate proceedings recommended by the Procedure Committee in its first report of 2020 have effect during the sittings of the Senate from 24 August to 3 September 2020.

Debate ensued.

Question put and passed.

Accordingly, the following rules were adopted, with effect from 24 August to 3 September 2020:

- (1) A senator may seek and receive the call to speak by video or audio link by addressing the President. Wherever practicable, this should be in accordance with a list of speakers provided through the whips.
- (2) Senators participating remotely:
  - (a) may not move motions or amendments, other than amendments and requests to legislation in committee of the whole; and
  - (b) may not propose or be counted in support of a proposal to discuss an MPI or urgency motion.
- (3) Senators may not be counted in the formation of a quorum, may not draw attention to the lack of a quorum, may not raise points of order, and may not call for or participate in a division unless they are physically present in the Senate chamber.
- (4) To avoid doubt:
  - (a) the standing orders and other orders of the Senate, including the standing orders relating to the conduct of senators and rules of debate, otherwise apply to senators participating remotely, to the extent they are capable of applying; and
  - (b) the contributions of remote participants form part of Senate proceedings and are to be incorporated in the Hansard record.
- (5) Standing orders that require or rely on the provision of documents to the President or the Clerk, as the case may be, or the presentation of documents to the Senate, will be satisfied by the provision or presentation of a digital copy of the document. A document provided in digital format will not be taken to be received unless its receipt is acknowledged by or on behalf of the President or the Clerk.

## 5 **COVID-19 and Senate sittings—Statements by President**

The President made a statement relating to arrangements for the operation of the Senate in response to the coronavirus disease (COVID-19) pandemic and concerning the remote participation of senators.

The President also made a statement relating to the cancellation of sittings scheduled from 4 to 13 August 2020, on health advice, following a request from Senate leaders representing more than three quarters of the Senate, without whom it would not have been possible to establish a quorum. The President indicated that this action was consistent with the principle that the Senate controls its own meetings.

*Documents:* The President tabled the following documents:

Sitting of the Senate—Letters from—

Senator Cormann to the President of the Senate, dated 18 July 2020.

President of the Senate to all senators, dated 20 July 2020.

President of the Senate to all senators, dated 6 August 2020, and attachments.

Finally, the President made a statement relating to the effect of public health advice, travel restrictions and quarantine requirements imposed through executive orders, directions and decisions, on the capacity of senators to undertake their parliamentary duties.

*Documents:* The President tabled the following documents:

Coronavirus disease (COVID-19) pandemic—

Statements by the Presiding Officers regarding sittings of Parliament for the period 24 August to 3 September 2020, dated 17 and 21 August 2020.

Letter to the President of the Senate from Queensland Chief Health Officer (Dr Young), dated 17 August 2020.

Letter to all Commonwealth Parliamentarians from the Tasmanian State Controller (Mr Hine), dated 17 August 2020.

Letter from the Western Australian State Emergency Coordinator (Mr Dreibergs), dated 21 August 2020.

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

## 6 **Senator Patrick—Resignation from Centre Alliance—Statement by leave**

Senator Patrick, by leave, made a statement informing the Senate of his resignation from Centre Alliance, of his new status as an independent senator for South Australia and his designation as whip for the purposes of standing order 24A, relating to the Selection of Bills Committee.

## 7 **Private senators' bills—Consideration**

The Minister for Families and Social Services (Senator Ruston) moved—That the following bills be considered at the time for private senators' bills today:

No. 52 Fair Work Amendment (COVID-19) Bill 2020, and

No. 55 Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020.

Question put and passed.

## 8 **Fair Work Amendment (COVID-19) Bill 2020**

Order of the day read for the adjourned debate on the motion of Senator Faruqi—That this bill be now read a second time.

Debate resumed.

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

## 9 **Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020**

Order of the day read for the adjourned debate on the motion of Senator McCarthy—That this bill be now read a second time.

Debate resumed.

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

## 10 **National Vocational Education and Training Regulator Amendment (Governance and Other Matters) Bill 2020**

Order of the day read for the adjourned debate on the motion of the Minister for Aged Care and Senior Australians (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

*At 2 pm:* Debate was interrupted while Senator Lambie was speaking.

## 11 **Shadow ministry—Statement by leave**

The Leader of the Opposition in the Senate (Senator Wong), by leave, informed the Senate of changes to the Opposition shadow ministry and tabled a document showing all members of the shadow ministry, dated 24 August 2020.

## 12 **Questions**

Questions without notice were answered.

## 13 **Motions to take note of answers**

Senator Keneally moved—That the Senate take note of the answers given by the Minister for Aged Care and Senior Australians (Senator Colbeck) to questions without notice asked by Opposition senators today relating to COVID-19 and aged care.

Debate ensued.

Question put and passed.



Senator Siewert moved—That the Senate take note of the answer given by the Minister for Aged Care and Senior Australians (Senator Colbeck) to a question without notice asked by Senator Siewert today relating to COVID-19 and aged care.

Question put and passed.

#### 14 **Death of former senator Dominic John Foreman**

The Deputy President (Senator Lines) informed the Senate of the death, on 17 July 2020, of Dominic John Foreman, a senator for the state of South Australia from 1981 to 1997.

The Leader of the Government in the Senate (Senator Cormann), by leave, moved—That the Senate records its deep sorrow at the death, on 17 July 2020, of Dominic John Foreman, former senator for South Australia, places on record its gratitude for his service to the Parliament and the nation and tenders its profound sympathy to his family in their bereavement.

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

Question passed.

#### 15 **Notices**

Senators Sheldon, Ayres, Keneally, McCarthy, Dodson, McAllister and O'Neill: To move on the next day of sitting—That the Senate—

- (a) honours the life and acknowledges the death of Mr Lyall Munro Sr, Komerioi elder, on 21 May 2020, and notes that:
  - (i) born in 1921 in Tingha New South Wales (NSW), Mr Munro Sr fought for rights, justice, opportunities and a voice for Aboriginal people and Indigenous people around the world,
  - (ii) Mr Munro Sr was at the forefront of the 1965 Freedom Ride in Moree, highlighting racist practices in NSW that excluded Aboriginal people from clubs, pools and picture theatres,
  - (iii) Mr Munro Sr was a descendant of the victims of the Myall Creek massacre, and was instrumental in establishing a memorial to the massacre near Bingara NSW,
  - (iv) Mr Munro Sr contributed to the Royal Commission into Aboriginal Deaths in Custody and was a founding member of the NSW Aboriginal Legal Service, the Aboriginal Housing Company and the Aboriginal Medical Service,
  - (v) Mr Munro Sr is preceded in death by his wife of 63 years, Carmine May Munro – together they had 12 children and he is survived by 9 children, 45 grandchildren, 122 great-grandchildren and 28 great-great grandchildren, and
  - (vi) Mr Munro Sr leaves a profound and significant legacy of achievements; and
- (b) expresses its sympathy to his family, friends and community in Moree and across Australia. (*general business notice of motion no. 719*)

Senator Griff: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Interactive Gambling Act 2001*, and for related purposes.

***Interactive Gambling Amendment (Prohibition on Credit Card Use)***

***Bill 2020.*** (*general business notice of motion no. 720*)

Senators Stoker, Canavan, Scarr, McGrath, Brockman, O’Sullivan and Dean Smith: To move on the next day of sitting—That the Senate—

- (a) notes that, on 17 August 1971, Neville Thomas Bonner was sworn in as a senator for Queensland, in doing so becoming the first Indigenous Australian to sit in the Australian Parliament; and
- (b) recognises:
  - (i) the significance of this moment, and commemorates the legacy of his parliamentary contribution, and
  - (ii) that his accomplishments for the people of Queensland were a product of his industry, intellect and concern for his constituents. (*general business notice of motion no. 721*)

The Minister for Families and Social Services (Senator Ruston): To move on the next day of sitting—That on Tuesday, 25 August 2020, consideration of the business before the Senate be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make valedictory statements relating to Senator Di Natale.

The Chair of the Select Committee on the Multi-Jurisdictional Management and Execution of the Murray-Darling Basin Plan (Senator Brockman): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on the Multi-Jurisdictional Management and Execution of the Murray Darling Basin Plan be extended to 30 June 2021. (*general business notice of motion no. 722*)

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

- (a) acknowledges the exemplary work of all Department of Home Affairs staff who assisted the Government to overcome social isolation challenges, and continue to hold Australian citizenship ceremonies throughout the COVID-19 period;
- (b) notes that Australian citizenship ceremonies have been hosted online via secure video-link since April 2020;
- (c) recognises Mr Scott Osborne of the Department of Home Affairs, Perth Citizenship Section; and
- (d) further recognises the following who made the pledge of commitment as a citizen of the Commonwealth of Australia before us in ceremonies held between May and June 2020: Mr Terry Dunn, Mrs Jacqueline Dunn, Mr Carter Dunn, Mr Conrad Cowan and Mrs Shradha Cowan of Tapping, Western Australia; Mr Mario Bermundo and Ms Maria Mercado of Pearsall, Western Australia; Mr Rhyno Saunderson and Mrs Krystil Saunderson of Mount Hawthorn, Western Australia; Mr Roger Miro, Mrs Gerlyn Miro, Miss Eunice Miro, Mr Roge Miro, Mr Jimmy Villanueva, Mrs Madelyn Villanueva, Miss Jemalyn Villanueva and Mr Jhay Villanueva of Hocking, Western Australia; Mr Bel Bhandari and Mrs Gita Bhandarib of Landsdale, Western Australia; and Mr Amandeep Bhullar and Mrs Gagandeep Brar of Bassendean, Western Australia. (*general business notice of motion no. 723*)

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

- (a) notes that:
- (i) for many years there has been a lack of access for independent repairers to digital files and codes needed for repair or service of vehicles, limiting competition in the sector between international automakers and Australia's independent repair and service sector,
  - (ii) prior to the 2019 election, Federal Labor announced its policy for a mandatory code to be established to mandate access for independent repairers to service and repair information,
  - (iii) in February 2019, the Federal Government released a consultation paper which indicated it would implement a mandatory code in 2019,
  - (iv) the Government is still yet to release a draft mandatory code for public consultation,
  - (v) the Australian Competition and Consumer Commission (ACCC) has already confirmed that the Government's inaction on data-sharing among mechanics is costing Australian drivers over one billion dollars each year, and
  - (vi) the Government's inaction is hurting the 30,000 local repairers who have been patiently waiting for the proposed mandatory code to be implemented; and
- (b) calls on the Government to implement a mandatory code by the end of 2020.  
(*general business notice of motion no. 724*)

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

- (a) COVID-19 and the associated recession should not be used to justify changes to the scheduled superannuation payment increase from 9.5% to 12% by July 2025 – too many people retire with insufficient retirement savings, and data from the Australian Bureau of Statistics does not show that an increase in superannuation leads to a decrease in wages;
- (b) with superannuation withdrawals at \$32 billion, and predictions that this will reach \$42 billion by the end of the year, Australians will regard this temporary measure that is allowing early access to super as careless policy management and a complete lack of foresight;
- (c) there have already been 560,000 Australians who have completely cleared out their retirement savings, with 82% of these people under the age of 35 – young people will already fare worse following this pandemic and this has aggravated the problem;
- (d) females are already worse off, with women retiring with approximately 47% less super than men – this is due to higher levels of part-time and casual work and repeated career breaks; and
- (e) there also needs to be a more targeted approach to reducing inequalities females face, and prevent them from retiring in poverty. (*general business notice of motion no. 725*)

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

- (a) notes that, 10 years ago, the Australian people elected a Parliament where no single party had a majority;
- (b) affirms that the 43rd Parliament was one of the most productive the country has seen, getting dental into Medicare for over 3 million children, making Parliament more democratic, including by creating the Parliamentary Budget Office, and being the only Parliament in recent history to meaningfully cut climate pollution; and
- (c) congratulates former Prime Minister Julia Gillard, former Greens Leader Bob Brown and the independent Members of Parliament for agreeing to work together for the benefit of the Australian people. (*general business notice of motion no. 726*)

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

- (a) notes that the Government is cutting the Coronavirus Supplement by \$300 a fortnight from 25 September 2020;
- (b) acknowledges that there is uncertainty around the future rate of the Coronavirus Supplement after 31 December 2020, which is causing significant distress and anxiety for Australians;
- (c) recognises that it is irresponsible to cut income support payments at this time, especially as the effective unemployment rate is predicted to hit 13% by the end of the year; and
- (d) calls on the Government to maintain the current rate of the Coronavirus Supplement of \$550 a fortnight to ensure unemployed Australians receive adequate support. (*general business notice of motion no. 727*)

Senator Farrell: To move on the next day of sitting—That there be laid on the table, by the Minister representing the Minister for Agriculture, Drought and Emergency Management, by no later than 3 pm on Thursday 27 August 2020, the full Independent Observer Summary report on MV *Al Kuwait*, Report 219. (*general business notice of motion no. 728*)

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

- (a) notes that:
  - (i) the National Farmers' Federation (NFF) is the latest significant body which has reviewed its climate change policy and committed to net zero emissions by 2050,
  - (ii) our agriculture sector is amongst the most adversely affected by the impacts of climate change,
  - (iii) climate action will provide farmers with opportunities to participate in carbon markets, reaping the benefits of carbon-generated income for efforts to further improve the productivity and efficiency of farming practices, and
  - (iv) in adopting net zero emissions by 2050, the NFF joins 73 nations, every state and territory, the Australian Industry Group, the Business Council of Australia, the energy industry, our biggest airline, mining company, bank and telecommunications provider, and countless experts and scientists;

- (b) supports the NFF, its members, other growers and producers, all those along the food production value chain, and the research community to improve the prospects of meeting the NFF's ambition of making farming a \$100 billion industry by 2030; and
- (c) calls on the Morrison Government to accept net zero emissions by 2050 as Australia's long-term climate change goal, and implement policies that support the members of the NFF and others to achieve their shared goals of net zero emissions by 2050. (*general business notice of motion no. 729*)

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

- (1) There be laid on the table by the Minister for Aged Care and Senior Australians, by no later than 12.45 pm on 26 August 2020, the following documents:
  - (a) the daily briefings prepared for the Government containing updates on COVID-19 cases in aged care, referred to by the Minister for Aged Care and Senior Australians in evidence to Senate Select Committee on COVID-19 on 21 August 2020 as 'Sit Rep', for each day from 1 July 2020;
  - (b) any communications plan prepared by the Department of Health or other agency for use by the Government relating to the handling of COVID-19 cases in aged care; and
  - (c) plans to develop the training modules produced by the Government for staff in aged care in the use of personal protective equipment and the plan to distribute those modules.
- (2) In the event that the Minister fails to table any of the documents, the Senate requires the Minister for Aged Care and Senior Australians to attend the Senate at the conclusion of question time on 26 August 2020 to provide an explanation, of no more than 10 minutes, of the Minister's failure to table the documents.
- (3) Any senator may move to take note of the explanation required by paragraph (2).
- (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. (*general business notice of motion no. 730*)

Senators McKenzie, Davey, Canavan and McMahon: To move on the next day of sitting—That the Senate—

- (a) notes that regional border communities across Australia are home to hundreds of thousands of residents;
- (b) acknowledges that border travel restrictions imposed by state and territory governments have negatively impacted the lives and livelihoods of hundreds of thousands of regional Australians who live and work across border communities;
- (c) expresses concern for the health and welfare of those impacted by these restrictions within our border communities, particularly where restrictions prevent travel for:
  - (i) medical/health purposes,
  - (ii) accessing education,

- (iii) accessing employment, particularly in primary production, where the lack of a workforce is preventing primary producers, who feed the nation, from operating, and
  - (iv) compassionate grounds; and
- (d) urgently calls on state and territory governments, in the spirit of the bipartisan National Cabinet, to adopt a risk-based approach and:
  - (i) agree fair and proportionate protocols for essential travel within border communities for:
    - (A) employment, particularly within the agricultural supply chain,
    - (B) education, particularly for year 12 students,
    - (C) health purposes, and
    - (D) facilitating relocations, particularly for employment,
  - (ii) agree and publish clear and accessible exemption regulations, which afford natural justice to applicants through an appeals process,
  - (iii) adequately resource essential services responsible for monitoring and enforcing protocols that ensure efficient travel, and
  - (iv) treat COVID-19 outbreaks swiftly and in isolation. (*general business notice of motion no. 731*)

Senator Hanson-Young: To move on 26 August 2020—

- (1) That the Senate notes that:
  - (a) the Final Report of the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is due to be presented to the Federal Government in October 2020; and
  - (b) the EPBC Act states that the Final Report of the Independent Review of the EPBC Act must be laid on the table by the Minister representing the Minister for the Environment within fifteen sitting days of the Minister receiving the report.
- (2) That consideration of the proposed introduction of any government bill to amend the EPBC Act be deferred until the next sitting day after the Final Report has been tabled. (*general business notice of motion no. 732*)

*Contingent notice of motion:* Senator Griff gave contingent notices of motion as follows:

No. 1—To move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business)—That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

No. 2—To move (contingent on any senator objecting to a motion being taken as formal)—That so much of the standing orders be suspended as would prevent the motion being moved immediately and determined without amendment or debate.

No. 3—To move (contingent on any senator being refused leave to move an amendment to a motion discovered during formal business )—That so much of the standing orders be suspended as would prevent that senator moving the amendment to the motion.

No. 4—To move (contingent on any senator being refused leave to amend a motion prior to it being taken as formal)—That so much of the standing orders be suspended as would prevent that senator amending the motion.

No. 5—To move (contingent on a minister moving a motion that a bill be considered an urgent bill)—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

No. 6—To move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill)—That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

No. 7—To move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired)—That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

No. 8—To move (contingent on the moving of a motion to debate a matter of urgency under standing order 75)—That so much of the standing orders be suspended as would prevent the senator moving an amendment to the motion.

No. 9—To move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business)—That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the *Notice Paper*.

No. 10—To move (contingent on a minister at question time on any day asking that further questions be placed on notice)—That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 30 questions, including supplementary questions, have been asked and answered.

No. 11—To move (contingent on any senator being refused leave to make a statement to the Senate )—That so much of the standing orders be suspended as would prevent that senator making that statement.

No. 12—To move (contingent on any senator being refused leave to table a document in the Senate)—That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

*Notices of motion withdrawn:*

Senator Urquhart, at the request of Senator Green, withdrew general business notice of motion no. 708 standing in the name of Senator Green for today, relating to the HomeBuilder program.

Senator Siewert, at the request of Senator Steele-John, withdrew general business notices of motion standing in the name of Senator Steele-John for today as follows:

no. 710, relating to rights of persons with disabilities.

no. 711, relating to formal motions and notices.

no. 712, relating to foreign policy.

no. 713, relating to autonomous weapons.

no. 717, proposing the introduction of a bill concerning the Hong Kong Free Trade Agreement.

Senator Urquhart, at the request of Senator McCarthy, withdrew general business notice of motion no. 715 standing in the name of Senator McCarthy for today, relating to debt recovery.

*Intention to withdraw:* Senator Hanson-Young, also on behalf of Senators Kitching and Carr, pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in their names for today for the disallowance of the Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations 2020 [F2020L00579].

## 16 Postponements

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Hanson-Young for today, proposing the disallowance of the Industry Research and Development (Water for Fodder Program) Instrument 2019 [F2019L01591], postponed till 31 August 2020.

General business notice of motion no. 718 standing in the names of Senators Waters and Rice for today, relating to the establishment of a select committee on the allocation of government grants, postponed till 31 August 2020.

## 17 Leave of absence

Senator Urquhart, by leave, moved—That leave of absence be granted to the following senators for personal reasons:

- (a) Senators Brown, Ciccone, Dodson, Gallacher, Kitching and Sterle from 24 August to 3 September 2020; and
- (b) Senator Marielle Smith from 31 August to 3 September 2020.

Question put and passed.

Senator Dean Smith, by leave, moved—That leave of absence be granted to the following senators:

- (a) Senators Abetz, Hanson, McDonald and Roberts from 24 to 27 August 2020, due to COVID-19 travel restrictions; and
- (b) Senator Canavan for today, for personal reasons;

Question put and passed.

Senator Siewert, by leave, moved—That leave of absence be granted to Senators Di Natale, Rice, Steele-John, Waters and Whish-Wilson from 24 August to 3 September 2020, for personal reasons.

Question put and passed.



## 18 JobKeeper

Senator Faruqi, also on behalf of Senator Steele-John, amended general business notice of motion no. 714 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that the Government is leaving young people, students and universities behind in the jobs and economic crisis due to COVID-19 and that:
  - (i) the Government’s planned university fee hikes in the ‘Job-ready graduates’ package will saddle new students with billions of dollars in extra debt,
  - (ii) young people have already lost a decade’s worth of wage growth, according to a July Productivity Commission report,
  - (iii) youth unemployment rose to 16.3% in July, more than double that of the general population,
  - (iv) young people are disproportionately employed as short term casuals, who are excluded from the JobKeeper Payment, and have experienced widespread cuts to their hours worked during the pandemic, and
  - (v) the Government has repeatedly excluded universities from eligibility for JobKeeper, resulting in thousands of job losses across the sector, which will reduce student support, course offerings and quality of learning and teaching; and
- (b) calls on the Federal Government to:
  - (i) expand the JobKeeper Payment to all workers, including university staff, early childhood educators and carers, casuals and temporary visa holders, and
  - (ii) maintain the JobKeeper Payment at \$1,500 per fortnight for all workers, including for low income earners.

*Statement by leave:* Senator Gallagher, by leave, made a statement relating to the motion. Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

## 19 Multilateralism

Senator Urquhart, at the request of Senator McAllister and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 716—That the Senate—

- (a) notes that:
  - (i) the Prime Minister asserted in a speech at the Lowy Institute in October last year that: ‘We should avoid any reflex towards a negative globalism that coercively seeks to impose a mandate from an often ill defined borderless global community’,
  - (ii) on 16 April 2020, Home Affairs Minister Dutton said: ‘There are other bodies within the UN that I would argue aren’t acting in the global interest, aren’t acting certainly in the interests of countries like Australia’, and

- (iii) in her speech on 16 June 2020, Foreign Minister Payne said: ‘the pandemic has brought into stark relief the major role of international institutions in addressing and coordinating a global response to a global problem, across multiple lines of effort’ and that multilateral organisations ‘promote universal values and play critical roles in responding to emerging global challenges, from the regulation of cyber security and maintaining a peaceful outer space, to outbreaks of Ebola and COVID-19’; and
- (b) commends Senator Payne for affirming that effective multilateralism is a key Australian national interest.

*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 Urgency motion—COVID-19 in aged care

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

The need for the Senate to:

- (a) note:
  - (i) that aged care is in crisis, and as at 23 August 2020:
    - (A) 1,745 COV/O-19 cases have been recorded in aged care facilities, and
    - (B) 313 aged care residents have died,
  - (ii) evidence to the Royal Commission into Aged care Quality and Safety that Australia has ‘one of the highest rates in the world of residential aged care deaths as a proportion of deaths from COVID-19’,
  - (iii) that the Federal Government is in charge of aged care, it regulates aged care, it funds aged care, it has the legislation that determines the quality of aged care older Australians receive, and its own document on the health response to COVID-19 in February clearly stated the it would be responsible for residential aged care facilities,
  - (iv) that the Morrison Government has failed to plan to protect older Australians in aged care during the coronavirus pandemic, leading to unnecessary deaths,
  - (v) that even before the COVID-19 pandemic, the Morrison government had been warned of widespread neglect in its aged care system, and
  - (vi) that the Morrison Government has let down hundreds of thousands of aged care residents and workers;
- (b) express its sympathy to the families of all those residents of aged care who have died as a result of the coronavirus pandemic; and
- (c) call on the Prime Minister, Mr Morrison, and the Minister for Aged Care and Senior Australians, Senator Colbeck, to demonstrate leadership, stop seeking to deflect blame and take responsibility for the tragedy unfolding in aged care.

The proposal was supported by four senators.

Senator McAllister, at the request of Senator Keneally, moved the motion.

Debate ensued.

Question put and passed.

## 21 Documents—Consideration

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

Motion to take note of document no. 12 moved by Senator Siewert on behalf of Senator Waters and debated. Consideration to resume on Thursday.

Motion to take note of documents nos 16 to 23, 26, 29, 31, 33, 35, 36 and 41 moved by Senator McCarthy. Consideration to resume on Thursday.

Motion to take note of document no. 28 moved by Senator Siewert. Consideration to resume on Thursday.

## 22 Committee reports—Consideration

Senator McKim, by leave, moved—That the Senate take note of report 9 of 2020 of the Parliamentary Joint Committee on Human Rights.

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

## 23 Notice

Senator Lambie, by leave, gave a notice of motion as follows: To move on the next day of sitting—That paragraph (a) of the temporary order agreed to on 18 June 2020 be varied to read as follows:

- (a) at the end of standing order 66, add:
  - (5) The following requirements apply to the consideration of general business notices of motion as formal motions:
    - (a) senators may make only one request for formality in any sitting week, except for minor party and independent senators who may make requests up to the limit in paragraph (b);
    - (b) no more than 13 motions may be dealt with as formal motions on any sitting day, comprising no more than four by government senators, four by opposition senators, and five by minor party and independent senators;
    - (c) motions to be considered shall be notified to the President; and
    - (d) the allocation of motions to be taken as formal amongst minor party and independent senators shall be determined by the President and, during a sitting week, shall allow minor party and independent senators to propose at least one motion per day and otherwise be proportional to the numbers of minor party and independent senators.

- (6) The restrictions in paragraph (5) do not apply to motions for the consideration of legislation, orders for the production of documents, the conduct of Senate or committee business, or that have been co-sponsored by senators representing different parties. (*general business notice of motion no. 733*)

## 24 **Water for fodder program—Order for production of documents—Documents**

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

Water for fodder program—Order of 14 May 2020 (576)—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham), dated 23 August 2020, responding to the order, and attachment.

## 25 **Committee membership**

The Acting Deputy President (Senator Brockman) informed the Senate that the President had received a letter nominating senators to be members of a committee.

The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja), by leave, moved—That senators be appointed to the Select Committee on Foreign Interference through Social Media as follows:

Appointed—

Senator Hanson-Young

Participating members: Senators McKim and Waters.

Question put and passed.

## 26 **Treasury Laws Amendment (2020 Measures No. 2) Bill 2020**

A message from the House of Representatives as follows:

Message no. 228, dated 18 June 2020—Treasury Laws Amendment (2020 Measures No. 2) Bill 2020, insisting on disagreeing to the amendments made and insisted on by the Senate.

On the motion of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

## 27 **National Skills Commissioner Bill 2020**

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

Message no. 230, dated 24 August 2020—National Skills Commissioner Bill 2020.

## 28 **Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations—Proposed disallowance**

Order of the day read for the adjourned debate on the motion of Senator Kitching—That the Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations 2020, made under the *Australian Postal Corporation Act 1989*, be disallowed [F2020L00579].

Debate resumed.

Question put.

The Senate divided—

### AYES, 23

Senators—

Ayres	Gallagher	McKim	Siewert
Bilyk*	Green	O'Neill	Smith, Marielle
Carr	Hanson-Young	Patrick	Urquhart
Chisholm	Lines	Polley	Walsh
Farrell	McAllister	Pratt	Watt
Faruqi	McCarthy	Sheldon	

### NOES, 27

Senators—

Antic	Davey	McGrath	Ruston
Askew	Fawcett	McKenzie	Ryan
Bragg	Fierravanti-Wells	McLachlan	Scarr
Brockman	Griff	McMahon	Seselja
Cash	Hughes	Molan	Smith, Dean*
Chandler	Hume	Paterson	Van
Colbeck	Lambie	Rennick	

\* Tellers

Question negatived.

## 29 **Economics Legislation Committee—Report—Banking Amendment (Deposits) Bill 2020**

Pursuant to order, the Chair of the Economics Legislation Committee (Senator Brockman) tabled the following report and documents:

Economics Legislation Committee—Banking Amendment (Deposits) Bill 2020—  
Report, dated August 2020, additional information and submissions.

## 30 **National Vocational Education and Training Regulator Amendment (Governance and Other Matters) Bill 2020**

Order of the day read for the adjourned debate on the motion of the Minister for Aged Care and Senior Australians (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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### *In the committee*

Bill taken as a whole by leave.

Senator Pratt moved the following amendment:

Schedule 1, item 41, page 15 (after line 24), after section 177, insert:

**177A Membership—TAFE sector, union and employer representatives**

The membership of the Advisory Council must include representatives of:

- (a) public technical and further education (TAFE) sector; and
- (b) trade unions and employer groups in equal numbers.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 24**

Senators—

Ayres	Gallagher	McAllister	Pratt
Bilyk	Green	McCarthy	Sheldon
Carr	Griff	McKim	Siewert
Chisholm	Hanson-Young	O'Neill	Smith, Marielle
Farrell	Lambie	Patrick	Urquhart*
Faruqi	Lines	Polley	Watt

**NOES, 24**

Senators—

Antic	Davey	McLachlan	Ruston
Askew	Fawcett	McMahon	Ryan
Bragg	Henderson	Molan	Scarr
Brockman*	Hughes	O'Sullivan	Smith, Dean
Cash	McGrath	Paterson	Stoker
Chandler	McKenzie	Rennick	Van

*\* Tellers*

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

Bill agreed to and reported without amendment.

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On the motion of the Minister for Employment, Skills, Small and Family Business (Senator Cash) the report from the committee was adopted and the bill read a third time.

**31 Transport Security Amendment (Testing and Training) 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.

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

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*In the committee*

Bill taken as a whole by leave.

*Explanatory memorandum:* The Minister for Employment, Skills, Small and Family Business (Senator Cash) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, page 3 (before line 4), before item 1, insert:

**1A Section 9**

Insert:

*test weapon* means a weapon of a kind that is a replica or an imitation of another weapon.

Schedule 1, item 2, page 3 (line 9), omit “weapon”, substitute “test weapon”.

Schedule 1, item 2, page 3 (after line 19), at the end of paragraph 79(2)(h), add:

Note: An aviation security inspector must ensure that the exercise of the power under paragraph (h) does not seriously endanger the health or safety of any person, or the inspector will not be immune from civil or criminal liability (see subsection (9)).

Schedule 1, item 12, page 5 (line 9), omit “weapon”, substitute “test weapon”.

Schedule 1, item 12, page 5 (after line 14), at the end of paragraph 80(2)(f), add:

Note: An aviation security inspector must ensure that the exercise of the power under paragraph (f) does not seriously endanger the health or safety of any person, or the inspector will not be immune from civil or criminal liability (see subsection (7)).

Schedule 2, item 8, page 9 (after line 20), after section 94C, insert:

**94D Report on number of exemptions**

The annual report prepared by the Secretary and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the number of exemptions given by the Secretary under subsection 94B(1) in that period.

Schedule 2, item 18, page 12 (after line 13), after section 165C, insert:

**165D Report on number of exemptions**

The annual report prepared by the Secretary and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the number of exemptions given by the Secretary under subsection 165B(1) in that period.

Bill, as amended, debated.

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

Schedule 1, page 3 (after line 19), after item 2, insert:

**2A After subsection 79(2)**

Insert:

(2A) However, a power under paragraph (2)(h) may not be exercised unless regulations prescribing requirements for conducting tests of security systems have been made for the purposes of that paragraph and are in force.

Schedule 1, item 12, page 5 (line 13), omit “any”, substitute “the”.

Schedule 1, page 5 (after line 14), after item 12, insert:

**12A After subsection 80(2)**

Insert:

- (2A) However, a power under paragraph (2)(f) may not be exercised unless regulations prescribing requirements for conducting tests of security systems have been made for the purposes of that paragraph and are in force.

Senator Rice moved the following amendments together by leave:

Schedule 2, item 8, page 9 (after line 7), at the end of section 94B, add:

- (3) The annual report prepared by the Secretary and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the following information in relation to exemptions granted under subsection (1) during the period:
- (a) the number of exemptions granted;
  - (b) the number of screening officers in the class of screening officers covered by each exemption;
  - (c) the number of requirements from which a class of screening officers is exempt under each exemption;
  - (d) the period for which each exemption is specified to remain in force, or if a period is not specified, the period for which the exemption is likely to remain in force.

Schedule 2, item 18, page 11 (after line 31), at the end of section 165B, add:

- (3) The annual report prepared by the Secretary and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the following information in relation to exemptions granted under subsection (1) during the period:
- (a) the number of exemptions granted;
  - (b) the number of screening officers in the class of screening officers covered by each exemption;
  - (c) the number of requirements from which a class of screening officers is exempt under each exemption;
  - (d) the period for which each exemption is specified to remain in force, or if a period is not specified, the period for which the exemption is likely to remain in force.

Debate ensued.

Question—That the amendments be agreed to—put and negatived. All Australian Greens senators and Senator Patrick, by leave, recorded their votes for the ayes.

Bill agreed to and reported with amendments.

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On the motion of the Minister for Employment, Skills, Small and Family Business (Senator Cash) the report from the committee was adopted and the bill read a third time.

## 32 Notice

Senator Griff, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) notes that:
  - (i) currently the Australian Government has no quality outcome reporting for home care and reports on only three indicators for residential aged care,



- (ii) research conducted for the Royal Commission into Aged Care Quality and Safety shows the Government could immediately establish independent, transparent, routine monitoring and public reporting of many aspects of aged care quality outcomes,
  - (iii) the research, by the South Australian Health and Medical Research Institute (SAHMRI), shows a range of quality outcome indicators can be produced from existing data without any burden to providers, and
  - (iv) the reporting would include indicators for medication-related quality of care, falls and fractures, hospital re-admissions, hospitalisation for dementia/delirium, pain, premature mortality, pressure injury, utilisation of care plans and medication reviews, and weight loss/malnutrition;
- (b) acknowledges the opinion of the Royal Commissioners, Tony Pagone and Lynelle Briggs, that independent measurement and public reporting is essential for the good operation of the aged care system; and
  - (c) calls on the Government to immediately move to implement routine monitoring and public reporting of aged care quality indicators at the service provider level, as outlined in the SAHMRI report, to enhance transparency and accountability.  
(*general business notice of motion no. 734*)

### 33 **Tertiary Education Quality and Standards Agency Amendment (Prohibiting Academic Cheating Services) Bill 2019**

Order of the day read for the adjourned debate on the motion of the Minister for Trade, Tourism and Investment (Senator Birmingham)—That this bill be now read a second time.

Debate resumed.

*At 9.50 pm:* Debate was interrupted while Senator Henderson was speaking.

### 34 **Adjournment**

The Acting Deputy President (Senator Askew) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.05 pm till Tuesday, 25 August 2020 at midday.

### 35 **Attendance**

Present, all senators except Senators Abetz\*, Brown\*, Canavan\*, Ciccone\*, Di Natale\*, Dodson\*, Gallacher\*, Hanson\*, Kitching\*, McDonald\*, Rice\*, Roberts\*, Steele-John\*, Sterle\*, Waters\* and Whish-Wilson\* (\*on leave).

**RICHARD PYE**  
Clerk of the Senate