



46th Parliament

Senate Journals

No. 62: Thursday, 27 August 2020

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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 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.]

Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—Repeal of CASA Part 61 Exemptions Instrument 2020—CASA EX126/20 [F2020L01056].

Commonwealth Electoral Act 1918—Certificate of the Electoral Commissioner as to the number of the people of the Commonwealth and of the several States and Territories and the number of members of the House of Representatives to be chosen in the several States and Territories—3 July 2020.

Environment Protection and Biodiversity Conservation Act 1999—Amendment of List of Exempt Native Specimens – Queensland Commercial Trawl (Fin Fish) Fishery, August 2020—EPBC303DC/SFS/2020/05 [F2020L01054].

National Health Act 1953—National Health (Pharmaceutical Benefits) Amendment (Active Ingredient Prescribing) Regulations 2020 [F2020L01055].

Supply Act (No. 1) 2020-2021—Advance to the Finance Minister Determination (No. 2 of 2020-2021) [F2020L01057].

The Clerk tabled the following documents pursuant to order:

Entity contracts for 2019-20—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—

Attorney-General's portfolio.

Finance portfolio.

Home Affairs portfolio.

Treasury portfolio.

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—

Infrastructure, Transport, Regional Development and Communications portfolio.

Treasury portfolio.

3 Committee—Leave to meet during sitting

The Select Committee on Autism was authorised to hold a private meeting otherwise than in accordance with standing order 33(1) on Monday, 31 August 2020, from 1.30 pm.

4 COVID-19—Aged care—Explanation by minister

Pursuant to order (*see entry no. 22, 26 August 2020*), the Minister for Aged Care and Senior Australians (Senator Colbeck) provided an explanation concerning the administration of his portfolio during the COVID-19 pandemic.

The Leader of the Opposition in the Senate (Senator Wong) moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

5 Family Assistance Legislation Amendment (Improving Assistance for Vulnerable and Disadvantaged Families) Bill 2020

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Trade, Tourism and Investment (Senator Birmingham) the bill was read a third time.

6 Superannuation Amendment (PSSAP Membership) Bill 2020

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

Debate resumed.

Senator Gallagher moved the following amendment:

At the end of the motion, add “, but the Senate calls on the Government to commit to ensuring that all Australians have a decent retirement, including by committing to:

- (a) no cuts to the legislated superannuation guarantee for Australian workers, and
- (b) adequate funding for the aged pension”.

Debate continued.

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

Main question, as amended, put and passed.

Bill read a second time.

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

On the motion of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) the bill was read a third time.

7 Notices

The Chair of the Standing Committee for the Scrutiny of Delegated Legislation (Senator Fierravanti-Wells): To move 15 sitting days after today—

No. 1—That the ASIC Corporations (Foreign Financial Services Providers—Foreign AFS Licensees) Instrument 2020/198, made under the *Corporations Act 2001*, be disallowed [F2020L00237].

No. 2—That the ASIC Corporations (Foreign Financial Services Providers—Funds Management Financial Services) Instrument 2020/199, made under the *Corporations Act 2001*, be disallowed [F2020L00238].

Senator O’Sullivan: To move on the next day of sitting—That—

- (a) the time for the presentation of the final report of the Joint Select Committee on Australia’s Family Law System be extended to the last sitting day in February 2021; and
- (b) a message be forwarded to the House of Representatives seeking the concurrence of the House in this variation to the resolution of appointment of the committee. (*general business notice of motion no. 756*)

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

- (a) notes that:
 - (i) casualisation and labour hire in the mining industry have exploded under the Coalition Government,
 - (ii) thousands of miners are now employed for years as ‘permanent casuals’, with no job security, leave or other benefits of permanent miners, and
 - (iii) the Morrison Government has joined a High Court appeal which seeks to keep those miners as ‘permanent casuals’; and
- (b) calls on the Government to withdraw from the High Court case, so that ‘permanent casual’ miners can receive the pay and conditions of permanent miners. (*general business notice of motion no. 757*)

Senator Faruqi: 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 10 am on Thursday, 3 September 2020, the following documents:

- (a) documents relating to the MV *Al Kuwait* voyage which departed Fremantle in June 2020, including:
 - (i) all daily voyage reports,
 - (ii) the end of voyage report,
 - (iii) the Master’s report, and
 - (iv) the full independent observer report; and
- (b) all records of meetings and correspondence to and within the Department of Agriculture, Water and the Environment regarding the exemption decisions made on 2 and 13 June 2020 by the Department relating to the MV *Al Kuwait* voyage. (*general business notice of motion no. 758*)

The Leader of the Australian Greens in the Senate (Senator Waters): To move on the next day of sitting—That the Industry Research and Development (Bankable Feasibility Study on High-Efficiency Low-Emissions Coal Plant in Collinsville Program) Instrument 2020, made under the *Industry Research and Development Act 1986*, be disallowed [F2020L00772].

The Leader of the Australian Greens in the Senate (Senator Waters): To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) this year, 28 August marked Equal Pay Day, reflecting that, on average, women need to work an additional 59 days to earn the same as male counterparts, and
 - (ii) according to the Workplace Gender Equality Agency (WGEA):
 - (A) Australia's national gender pay gap is 14%,
 - (B) full-time average weekly earnings for women are \$253.60 less than for men,
 - (C) gender pay gaps favour men across all industries and all levels of the workforce – highest in financial services, real estate and construction,
 - (D) median undergraduate starting salaries are 4.9% lower for women, and
 - (E) median superannuation balances at retirement are 21.6% lower for women; and
- (b) calls on the Government to:
 - (i) increase funding for WGEA and expand its coverage to the public sector,
 - (ii) require all large employers to report their gender pay gap, and strengthen WGEA's powers to act against non-compliant employers,
 - (iii) ban pay gag clauses in employment contracts,
 - (iv) make gender pay equality an objective of awards and the *Fair Work Act 2009*,
 - (v) make early childhood education free,
 - (vi) require superannuation contributions to continue during paid parental leave,
 - (vii) facilitate gender-neutral parental leave and flexible work schemes, and
 - (viii) close the gender retirement income gap. (*general business notice of motion no. 759*)

Senator Steele-John: 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 30 November 2020:

The reassessment of the Australia-Hong Kong Free Trade Agreement (A-HKFTA), with particular reference to:

- (a) the appropriateness of the A-HKFTA given the passage and imposition of China's national security law in Hong Kong;
- (b) whether Hong Kong still enjoys the high degree of autonomy valued by Australia through the 'One Country, Two Systems' framework;
- (c) ongoing human rights abuses and repression in Hong Kong; and
- (d) any other related matters.

Intention to withdraw: The Chair of the Standing Committee for the Scrutiny of Delegated Legislation (Senator Fierravanti-Wells), 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 notices of motion standing in her name as follows:

No. 1 for two sitting days after today for the disallowance of the National Health (Take Home Naloxone Pilot) Special Arrangement 2019 [F2019L01542].

No. 2 for four sitting days after today for the disallowance of the Higher Education Provider Amendment (Tuition Protection and Other Measures) Guidelines 2019 [F2019L01699].

No. 1 for 11 sitting days after today for the disallowance of the Defence Amendment (2020 Measures No. 1) Regulations 2020 [F2020L00120].

8 **Selection of Bills—Standing Committee—Report no. 7 of 2020**

The Chair of the Selection of Bills Committee (Senator Dean Smith) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 7 OF 2020

1. The committee met in private session on Wednesday, 26 August 2020 at 7.50pm.
2. The committee recommends that the following bills **not** be referred to committees:
 - Competition and Consumer Amendment (Australian Consumer Law—Country of Origin Representations) Bill 2020
 - Coronavirus Economic Response Package (Jobkeeper Payments) Amendment Bill 2020
 - Defence Amendment (Sovereign Naval Shipbuilding) Bill 2018
 - Education Legislation Amendment (Up-front Payments Tuition Protection) Bill 2020
 - Higher Education (Up-front Payments Tuition Protection Levy) Bill 2020
 - Social Services and Other Legislation Amendment (Omnibus) Bill 2020.
3. The committee deferred consideration of the following bills to its next meeting:
 - Aged Care Legislation Amendment (Improved Home Care Payment Administration No. 1) Bill 2020
 - Air Services Amendment Bill 2018
 - Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020
 - Civil Aviation (Unmanned Aircraft Levy) Bill 2020
 - Civil Aviation Amendment (Unmanned Aircraft Levy Collection and Payment) Bill 2020
 - Clean Energy Finance Corporation Amendment (Grid Reliability Fund) Bill 2020
 - Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
 - Customs Amendment (Safer Cladding) Bill 2019
 - Discrimination Free Schools Bill 2018
 - Family Law Amendment (Risk Screening Protections) Bill 2020
 - Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019

Great Australian Bight Environment Protection Bill 2019
 Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020
 National Disability Insurance Scheme Amendment (Strengthening Banning Orders) Bill 2020
 Regional Forest Agreements Legislation (Repeal) Bill 2017
 Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020
 Radiocommunications (Receiver Licence Tax) Amendment Bill 2020
 Radiocommunications (Transmitter Licence Tax) Amendment Bill 2020
 Recycling and Waste Reduction Bill 2020
 Recycling and Waste Reduction (Consequential and Transitional Provisions) Bill 2020
 Recycling and Waste Reduction Charges (General) Bill 2020
 Recycling and Waste Reduction Charges (Customs) Bill 2020
 Recycling and Waste Reduction Charges (Excise) Bill 2020
 Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
 Social Services Legislation Amendment (Payment Integrity) Bill 2019
 Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020.

4. The committee considered the following bills but was unable to reach agreement:
- Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020
 - Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020
 - National Commissioner for Defence and Veteran Suicide Prevention Bill 2020
 - National Commissioner for Defence and Veteran Suicide Prevention (Consequential Amendments) Bill 2020.

Dean Smith

Chair

27 August 2020.

Senator Dean Smith moved—That the report be adopted.

Senator Hanson-Young moved the following amendment:

At the end of the motion, add “and, in respect of the Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020 the provisions of the bill be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 30 November 2020”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 25

Senators—

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

NOES, 26

Senators—

Antic	Cormann	McGrath	Ruston
Askew	Davey	McKenzie	Ryan
Bragg	Duniam	Molan	Scarr
Brockman	Fierravanti-Wells	O'Sullivan	Seselja
Cash	Henderson	Rennick	Smith, Dean*
Chandler	Hughes	Reynolds	Stoker
Colbeck	Hume		

* Tellers

Question negatived.

Main question put and passed.

9 Leave of absence

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

Question put and passed.

10 Order of business—Rearrangement

The Assistant Minister for Forestry and Fisheries (Senator Duniam) moved—That—

(a) the following government business orders of the day be considered from 12.45 pm today:

No. 5 Competition and Consumer Amendment (Australian Consumer Law—Country of Origin Representations) Bill 2020

No. 6 Product Stewardship (Oil) Amendment Bill 2020
Excise Tariff Amendment Bill 2020

No. 7 Norfolk Island Amendment (Supreme Court) Bill 2020

(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today;

(c) general business notice of motion no. 755 standing in the name of Senator Keneally relating to COVID-19 in aged care be considered during general business today;
and

- (d) the following bills be considered at the time for private senators' bills on Monday, 31 August 2020:

No. 47 Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020

No. 2 Freedom of Information Legislation Amendment (Improving Access and Transparency) Bill 2018.

Question put and passed.

11 Consideration of legislation

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Minister for Families and Social Services (Senator Ruston) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Coronavirus Economic Response Package (Jobkeeper Payments) Amendment Bill 2020, allowing it to be considered during this period of sittings.

Question put and passed.

12 Coronavirus Supplement

Senator Urquhart, at the request of Senator Bilyk and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 739—That the Senate—

- (a) notes that:
- (i) economists, business groups and civil society organisations are calling for a permanent increase to unemployment payments, including the Business Council of Australia, Australian Council of Social Service, Reserve Bank of Australia, Council of Small Business Organisations Australia and Australian Retailers Association;
 - (ii) the Coronavirus Supplement is scheduled to cease entirely in December, reducing the base rate of JobSeeker to \$565 a fortnight – a rate which is so low it traps people in poverty,
 - (iii) the number of people relying on unemployment payments has more than doubled since the beginning of the year, and
 - (iv) Government legislation proposes to make people with modest savings wait six months to access JobSeeker Payment, leaving people without a buffer; and
- (b) calls on the Government to:
- (i) delay its plans to re-introduce the liquid assets waiting period and dump its legislation to double the waiting period to six months, and
 - (ii) permanently increase the rate of JobSeeker so people can afford to live with dignity and pay for the basics they need to get back to work.

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

Question put and negatived.

13 **COVID-19—Retail workers**

Senator Urquhart, at the request of Senators Ciccone, Polley, Farrell, O'Neill and Marielle Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 746—That the Senate—

- (a) recognises that members of the Shop, Distributive and Allied Employees Association (SDA) in the retail and fast food sectors have been at the forefront of service delivery during the COVID-19 pandemic;
- (b) acknowledges that retail and fast food workers have:
 - (i) suffered abusive behaviour from customers,
 - (ii) put themselves at risk of infection just by turning up to work,
 - (iii) worked inordinate hours to help provide the basic goods that Australians need to survive, and
 - (iv) had their penalty rates cut by the Fair Work Commission despite their efforts;
- (c) notes that:
 - (i) retail workers have proven themselves truly essential during this year of disasters,
 - (ii) the SDA union worked hard with the retail industry to have the 'SDA 10 Point COVID Safety Plan' implemented as an industry benchmark, and
 - (iii) the SDA union worked tirelessly to promote the need for up to 14 days special paid pandemic leave for all employees – this industry wide claim was adopted in full or in part by numerous retailers; and
- (d) congratulates the SDA union on securing an appropriate and well-deserved recognition payment for its thousands of members at a range of retail employers.

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

Question put and passed.

14 **Right Honourable Sir Samuel Walker Griffith, GCMG, PC, KC**

Senator Chandler, also on behalf of Senators Dean Smith, Stoker, Antic, Molan, Paterson and Ryan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 747—That the Senate—

- (a) recognises that 9 August 2020 marked the centenary anniversary of the death of Australian statesman Right Honourable Sir Samuel Walker Griffith, GCMG, PC, KC;
- (b) notes that Sir Samuel Griffith had a distinguished career in public service (in politics government, and the judiciary); he:
 - (i) was a Member of the Queensland Legislative Assembly (1872-93); Attorney-General (1874-78); Leader of the Opposition (1879-83); Colonial Secretary (1883-86); Colonial Treasurer (1887-88); and Lieutenant Governor (Queensland) (1899-1903),
 - (ii) served as Queensland's Premier between 1883-88 and 1890-93,
 - (iii) served as Chief Justice of the Supreme Court of Queensland between 1893-1903, and

- (iv) was Australia's first Chief Justice of the High Court (1903-19);
- (c) acknowledges the significant public contribution Sir Samuel Griffith made to our nation as a key architect of the Australian Constitution, a leading proponent of federalism, an intellectual giant in the field of jurisprudence (Originalism), and drafter of the Criminal Code of Queensland, which was also largely adopted by Western Australia; and
- (d) further notes that Sir Samuel Griffith's public contribution and legacy is honoured today through the Samuel Griffith Society, its membership, and their commitment to upholding and preserving the Australian Constitution and its founding principles.

Question put and passed.

15 **COVID-19—Access to Australian hospitals**

Senator Rennick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 748—That the Senate—

- (a) acknowledges that:
 - (i) Medicare is a universal healthcare system, paid for by all Australians, from the Federal Government to healthcare providers in each state and territory in Australia, and
 - (ii) we are all in this battle together against COVID-19; and
- (b) notes with concern reports that the Queensland Labor Government is not allowing some Australian children to use Australian hospitals that are funded by the Australian taxpayer.

Question put and passed.

16 **Energy—Gas-led recovery**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 749—That the Senate—

- (a) notes that:
 - (i) 25 leading Australian scientists have just unanimously stated that there is no new role for gas and that 'existing and planned fossil fuel infrastructure is more than sufficient to push the world past 2°C, pushing the Paris Agreement's temperature goals well out of reach',
 - (ii) the Chief Scientist's response to the scientists states that he is not advocating 'an expanded role of natural gas for industry' and that 'any residual role of gas-fired generators be ultimately met by fuelling them from clean hydrogen', and
 - (iii) the Australian Energy Market Operator's advice on our future energy grid states that 'based on cost assumptions, new batteries are more cost-effective than gas-powered generation...when significant investment in new dispatchable capacity is needed'; and
- (b) therefore urges the Government to act on the science and scrap its so-called 'gas-led recovery'.

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

Question put and negatived.

17 **Environment Protection and Biodiversity Conservation Act— Controlled actions**

Senator Green, also on behalf of Senator McAllister, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 750—That the Senate—

- (a) welcomes the release of the Auditor-General's report *Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- (b) notes the damning findings from the Auditor-General including that:
 - (i) there has been a 510% increase in the average delays for approval decisions since the Liberals and Nationals were elected (between 2014-15 and 2018-19),
 - (ii) 79% of approvals assessed were non-compliant or contained errors,
 - (iii) in 2018-19, 95% of key decisions (referral, assessment method, approval), were made outside the statutory time frames,
 - (iv) conflicts of interest are not managed,
 - (v) reporting arrangements are not consistent with the EPBC Act, and
 - (vi) environmental outcomes are not being monitored;
- (c) further notes that government cuts and mismanagement (Liberal Party blue-tape) is at the heart of job and investment delays, poor quality decisions and legal challenges; and
- (d) calls on the Government to stop tying-up projects and strangling the environment with Liberal Party blue-tape, which is delaying jobs and investment, putting a handbrake on our economy, failing to protect iconic Australian species like the koala, and allowing the state of our natural environment to rapidly decline.

Leave refused: Senator Hanson-Young sought leave to move an amendment to the motion. An objection was raised and leave was not granted.

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

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

The question was divided at the request of Senator Hanson Young.

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

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

18 Income compliance program

Senator O'Neill, also on behalf of Senators McCarthy, Urquhart and Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 752—That the Senate—

- (a) notes that:
 - (i) the Government's unlawful 'Robodebt' scheme has:
 - (A) caused hardship for working Australians who paid faulty debts,
 - (B) had consequences for mental health including being linked to suicide,
 - (C) negatively impacted people's credit ratings, and
 - (D) created a 'climate of fear' among ordinary Australians,
 - (ii) despite four years of warnings, the Government failed to address the fundamental flaws of 'Robodebt',
 - (iii) the Government has admitted that 'Robodebt' was unlawful,
 - (iv) the 'Robodebt' scheme has likely cost more to implement than was recouped through stand-over tactics, debt collectors and tax returns,
 - (v) the current Prime Minister and Attorney-General were involved in 'Robodebt's' design and implementation as the Treasurer and Social Services Minister,
 - (vi) the Government has attempted to cover up the 'Robodebt' scandal through a public interest immunity claim in the Senate and the Federal Court,
 - (vii) it is in the public interest to uncover the circumstances under which a government unlawfully took money from its own people, and
 - (viii) a Royal Commission is the only forum with the coercive powers and broad jurisdiction necessary to properly perform this investigation; and
- (b) calls on the Government to immediately establish a Royal Commission into 'Robodebt'.

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, 25

Senators—

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

NOES, 25

Senators—

Antic
Bragg
Brockman
Cash
Chandler
Colbeck
Cormann

Davey
Duniam
Fawcett
Fierravanti-Wells
Hughes
Hume

McLachlan
McMahon
Molan
O’Sullivan
Rennick
Ruston

Ryan
Scarr
Seselja
Smith, Dean*
Stoker
Van

* Tellers

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

19 Energy—Offshore oil and gas exploration

Senator Siewert, also on behalf of Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 754—That the Senate—

(a) notes that:

- (i) each year the Australian Government releases areas in Australian waters for oil and gas exploration,
- (ii) the 2020 Offshore Petroleum Exploration Acreage Release was announced on 26 August 2020 by the Honourable Keith Pitt MP, Minister for Resources, Water and Northern Australia,
- (iii) new areas have been released in Victoria, Western Australia and the Northern Territory, and
- (iv) a number of areas across Australia have already been opened or proposed for oil and gas exploration including the World Heritage listed Ningaloo Reef, the Great Australian Bight, the New South Wales coast under Petroleum Exploration Permit 11 (PEP11), the Otway Basin and Lakes Entrance in Victoria and Tasmania’s King Island;

(b) acknowledges that:

- (i) seismic exploration and drilling pose a risk to our oceans,
- (ii) further research into the impacts of oil and gas exploration on marine life and ecosystems needs to be conducted,
- (iii) the New Zealand Government will no longer issue new offshore oil and gas exploration permits, and
- (iv) in a time of climate emergency, there is a need to transition to clean energy; and

(c) calls on the Federal Government to ban all new offshore oil and gas exploration.

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

Leave refused: Senator Gallagher 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, 4

Senators—
Faruqi

Hanson-Young

McKim

Siewert*

NOES, 36

Senators—

Antic

Colbeck

Hughes

Pratt

Askew

Cormann

Hume

Rennick

Ayres

Davey

McAllister

Ryan

Bilyk

Duniam

McCarthy

Scarr

Bragg

Farrell

McLachlan

Smith, Dean

Brockman

Fawcett

McMahon

Stoker

Carr

Fierravanti-Wells

Molan

Urquhart*

Cash

Gallagher

O'Sullivan

Van

Chandler

Henderson

Patrick

Watt

* Tellers

Question negated.

20 **Coronavirus Economic Response Package (Jobkeeper Payments) Amendment Bill 2020**

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

Message no. 238, dated 26 August 2020—A Bill for an Act to amend the law relating to the Coronavirus economic response, and for related purposes.

The Assistant Minister for Forestry and Fisheries (Senator Duniam) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

21 **Industry Research and Development (Bankable Feasibility Study on High-Efficiency Low-Emissions Coal Plant in Collinsville Program) Instrument—Proposed disallowance**

Order of the day read for the adjourned debate on the motion of Senator McAllister—That the Industry Research and Development (Bankable Feasibility Study on High-Efficiency Low-Emissions Coal Plant in Collinsville Program) Instrument 2020, made under the *Industry Research and Development Act 1986*, be disallowed [F2020L00772].

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Rennick was speaking.

22 Competition and Consumer Amendment (Australian Consumer Law—Country of Origin Representations) Bill 2020

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of Senator Duniam the bill was read a third time.

**23 Product Stewardship (Oil) Amendment Bill 2020
Excise Tariff Amendment Bill 2020**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of Senator Seselja the bills were read a third time.

24 Norfolk Island Amendment (Supreme Court) Bill 2020

Order of the day read for the adjourned debate on the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of Senator Seselja the bill was read a third time.

25 Primary Industries (Customs) Charges Amendment (Dairy Cattle Export Charge) Bill 2020

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja)—That this bill be now read a second time.

Debate resumed.

Senator Faruqi moved the following amendment:

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

- (a) notes with concern:
 - (i) the inherent cruelty of the live export trade, including the well documented impacts of heat stress on sheep and cattle during voyages departing Australia, and
 - (ii) that thousands of animals die from heat stress and overcrowding on live export ships; and
- (b) calls on the Government to:
 - (i) bring an end to the live export industry in Australia,
 - (ii) ensure that all funds raised by the dairy export cattle charge, including co-contributions from the Australian Government, be allocated directly to animal health and welfare initiatives, and
 - (iii) ensure that all animal health and welfare initiatives, including research, is undertaken transparently with regular public reporting and appropriate oversight.”

Debate ensued.

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

26 Questions

Questions without notice were answered.

The Minister for Foreign Affairs (Senator Payne) and the Minister for Aged Care and Senior Australians (Senator Colbeck) provided additional information relating to questions without notice asked today.

Statement by leave: Senator Watt, by leave, made a statement relating to the information provided by Senator Colbeck.

27 Motions to take note of answers

Senator Bilyk 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 in aged care.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answers given by the Minister for Foreign Affairs (Senator Payne) and the Minister for Trade, Tourism and Investment (Senator Birmingham) to questions without notice asked by Senators Steele-John and Rice today relating to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and to Regional Forest Agreements.

Debate ensued.

Question put and passed.

28 Committee reports and government responses—Tabling and consideration

Pursuant to order, Senator Urquhart, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Kitching), tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Opportunities for strengthening Australia’s relations with the Republic of France—Report, dated August 2020, Hansard record of proceedings, additional information and submissions.

Senator Urquhart moved—That the Senate take note of the report.

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

The Chair of the Education and Employment Legislation Committee (Senator McGrath) tabled the following documents:

Budget estimates 2019-20—Education and Employment Legislation Committee—Additional information—

Education portfolio.

Education and Training portfolio.

Budget estimates 2019-20 (Supplementary)—Education and Employment Legislation Committee—Additional information—Employment, Skills, Small and Family Business portfolio.

Senator McGrath, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Inquiry into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press—Report, dated August 2020.

Senator McGrath moved—That the Senate take note of the report.

Debate ensued.

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

The Chair of the Standing Committee for the Scrutiny of Delegated Legislation (Senator Fierravanti-Wells) tabled the following report:

Scrutiny of Delegated Legislation—Standing Committee—Delegated legislation monitor 9 of 2020, dated 27 August 2020.

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

Debate adjourned till the next day of sitting, Senator Fierravanti-Wells in continuation.

29 Documents—Orders of the day—Consideration

The following orders of the day relating to documents were considered:

Education and Employment References Committee—Report—The people behind 000: mental health of our first responders—Order of 4 December 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash) responding to the order, and attachment. Motion of Senator McCarthy to take note of document called on. Debate adjourned till Thursday.

President's report to the Senate on the status of government responses to parliamentary committee reports as at 31 December 2019. Motion of Senator Urquhart to take note of document debated. Debate adjourned till Thursday.

Female Facilities and Water Safety program—Order of 11 February 2020 (430)—Letter to the President of the Senate from the Minister for Youth and Sport (Senator Colbeck), responding to the order and raising public interest immunity claims, and attachments. Motion to take note of documents agreed to.

PFAS testing—Blood and genetic testing on humans and livestock—Order of 12 February 2020—Letter to the President of the Senate from the Minister for Defence (Senator Reynolds) responding to the order. Motion of Senator Roberts to take note of document agreed to.

Aged Care Legislation Amendment (Emergency Leave) Bill 2020—Answer to question—Letter to the President of the Senate from the Minister for Aged Care and Senior Australians (Senator Colbeck) providing information concerning a question asked by Senator Siewert on 14 May 2020 during debate on the bill. Motion of Senator Urquhart to take note of document called on. Debate adjourned till Thursday.

Cabinet briefings by the Chief Medical Officer—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), providing information concerning a question without notice asked by Senator Wong on 14 May 2020. Motion of Senator Urquhart to take note of document debated. Debate adjourned till Thursday.

National Bushfire Recovery Agency Fund—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), providing information concerning a question without notice asked by Senator Watt on 13 May 2020. Motion of Senator Urquhart to take note of document agreed to.

Victoria Cross for Australia—Ordinary Seaman Edward 'Teddy' Sheean—Letter to the President of the Senate from the Minister for Defence (Senator Reynolds), correcting a statement made to the Senate on 13 May 2020. Motion of Senator Urquhart to take note of document agreed to.

Death of Work for the Dole participant—Order of 22 March 2017—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash), responding to the order, and attachment. Motion of Senator Urquhart to take note of document called on. Debate adjourned till Thursday.

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. Motion of Senator McCarthy to take note of document agreed to.

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), responding to the order. Motion of Senator McCarthy to take note of document agreed to.

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. Motion of Senator McCarthy to take note of document called on. Debate adjourned till Thursday.

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), responding to the order and raising a public interest immunity claim. Motion of Senator McCarthy to take note of document agreed to.

Environment Protection and Biodiversity Conservation Act 1999—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), responding to the order and raising a public interest immunity claim. Motion of Senator McCarthy to take note of document agreed to.

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. Motion of Senator McCarthy to take note of document agreed to.

JobKeeper recipient data—Order of 11 June 2020—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), responding to the order, and attachment. Motion of Senator McCarthy to take note of document called on. Debate adjourned till Thursday.

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. Motion of Senator McCarthy to take note of document agreed to.

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), responding to the order. Motion of Senator McCarthy to take note of document agreed to.

Australian Education Act 2013—National School Resourcing Board—Review of the loading for students with disability—Final report. Motion of Senator McCarthy to take note of document called on. Debate adjourned till Thursday.

Australian Institute of Health and Welfare—Seventeenth biennial report—Australia’s health 2020. Motion of Senator Siewert to take note of document called on. Debate adjourned till Thursday.

Australian Sports Commission—Corporate plan for 2020-24. Motion of Senator McCarthy to take note of document agreed to.

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2019. Motion of Senator McCarthy to take note of document agreed to.

Human Trafficking and Slavery Interdepartmental Committee—Trafficking in persons: The Australian Government response—Ninth report—1 July 2016 to 30 June 2017. Motion of Senator McCarthy to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Commonwealth Ombudsman's reports—Reports nos 11 to 22 of 2020 and government responses. Motion of Senator McCarthy to take note of documents agreed to.

Minister's guidelines in relation to the performance by the Australian Security Intelligence Organisation of its functions and the exercise of its powers. Motion of Senator McCarthy to take note of documents called on. Debate adjourned till Thursday.

Northern Land Council—Report for 2018-19. Motion of Senator McCarthy to take note of documents called on. Debate adjourned till Thursday.

30 Committee reports and government responses—Orders of the day—Consideration

The following orders of the day relating to committee reports and government responses were considered:

Electoral Matters—Joint Standing Committee—Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020—Advisory report. Motion of Senator McKim to take note of report called on. Debate adjourned till the next day of sitting.

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. Motion of Senator Urquhart to take note of document debated. Debate adjourned till the next day of sitting.

Road Safety—Joint Select Committee—Improving road safety in Australia—Interim report. Motion of Senator Rice to take note of report called on. Debate adjourned till the next day of sitting.

Rural and Regional Affairs and Transport References Committee—Report—Aspects of road safety in Australia—Government response. Motion of Senator Sterle to take note of document agreed to.

Economics Legislation Committee—Performance of the Inspector-General of Taxation—Report. Motion of Senator McGrath to take note of report agreed to.

Education and Employment References Committee—Report—Jobactive: failing those it is intended to serve—Government response. Motion of Senator Ciccone to take note of document debated. Debate adjourned till the next day of sitting.

Community Affairs References Committee—Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia—Report. Motion of Senator Siewert to take note of report called on. Debate adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Supported independent living—Report. Motion of Senator Ciccone to take note of report called on. Debate adjourned till the next day of sitting.

Education and Employment References Committee—Report—The people behind 000: mental health of our first responders—Government response. Motion of Senator Watt to take note of document called on. Debate adjourned till the next day of sitting.

Jobs for the Future in Regional Areas—Select Committee—Report. Motion of Senator McDonald to take note of report called on. Debate adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—NDIS Planning—Interim report. Motion of Senator Brown to take note of report called on. Debate adjourned till the next day of sitting.

31 **Auditor-General's reports—Orders of the day—Consideration**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 23 of 2019-20—Performance audit—Award of funding under the Community Sport Infrastructure Program—Australian Sports Commission. Motion of Senator Urquhart to take note of document called on. Debate adjourned till the next day of sitting.

Auditor-General—Audit report no. 25 of 2019-20—Performance audit—Aboriginal and Torres Strait Islander participation targets in major procurements—Across entities. Motion of Senator Siewert to take note of document called on. Debate adjourned till the next day of sitting.

Auditor-General—Audit report no. 48 of 2019-20—Performance audit—Management of the Australian Government's Lobbying Code of Conduct – Follow-up audit: Attorney-General's Department. Motion of Senator Waters to take note of document agreed to.

32 **MV *Al Kuwait*—Independent Observer report—Order for production of documents—Document**

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

MV Al Kuwait, Report 219—Independent Observer report—Order of 25 August 2020—Letter to the President of the Senate from the Minister for Families and Social Services (Senator Ruston), dated 27 August 2020, responding to the order.

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

Debate ensued.

Debate adjourned till the next day of sitting.

33 **Notice**

Senator Faruqi: To move on the next day of sitting— That the provisions of the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020 be referred to the Education and Employment Legislation Committee for inquiry and report by 30 November 2020.

General business was called on.

34 COVID-19—Aged Care

Senator Polley, at the request of Senator Keneally and pursuant to notice, moved general business notice of motion no. 755—That the Senate notes that the Morrison Government has neglected Australians in aged care by ignoring the warnings from COVID-19 outbreaks in the northern hemisphere, at Dorothy Henderson Lodge, and at Newmarch House, resulting in unnecessary deaths.

Debate ensued.

At 5.30 pm: Debate was interrupted while Senator Chandler was speaking.

35 Adjournment

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 5.52 pm till Monday, 31 August 2020 at 10 am.

36 Attendance

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

RICHARD PYE
Clerk of the Senate