



46th Parliament

Senate Journals

No. 61: Wednesday, 26 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 following documents were tabled pursuant to standing order 61(1)(b):

Government documents

- 1 *Charter of Budget Honesty Act 1998*—Statement on Australian Government debt.
- 2 National Health and Medical Research Council (NHMRC)—Corporate plan 2020-21.
- 3 *Surveillance Devices Act 2004*—Commonwealth Ombudsman's report to the Minister for Home Affairs on agencies' compliance for the period 1 July to 31 December 2019.

The Clerk tabled the following documents pursuant to order:

Entity contracts for 2019-20—Letter of advice pursuant to the order of the Senate of 20 June 2001, as amended—Agriculture, Water and the Environment 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—

Department of Education, Skills and Employment.

Finance portfolio.

3 **Temporary chairs of committees**

The President tabled a warrant, dated 26 August 2020, nominating Senators McLachlan and Sheldon as additional temporary chairs of committees.

4 **Committees—Leave to meet during sittings**

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

Autism—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from midday.

Education and Employment Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1) today, from 11 am.

Environment and Communications Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1) on Thursday, 27 August 2020, from 1 pm.

Financial Technology and Regulatory Technology—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 11.30 am.

Human Rights—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 11 am.

National Capital and External Territories—Joint Standing Committee—

private meeting otherwise than in accordance with standing order 33(1) on Thursday, 27 August 2020, from 10 am.

public meeting on Thursday, 3 September 2020, from 10 am.

Scrutiny of Delegated Legislation—Standing Committee—

private meetings otherwise than in accordance with standing order 33(1), from 1 pm, on Wednesday, 26 August and 2 September 2020.

public meetings to take evidence for the committee's inquiry into the exemption of delegated legislation from parliamentary oversight—

Thursday, 27 August and 3 September 2020, from 4 pm.

Monday, 31 August 2020, from 6 pm.

5 **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.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Faruqi moved the following amendments together by leave:

Schedule 1, item 10, page 5 (lines 23 and 24), at the end of the heading to subsection 114A(1), add “—*criminal offence*”.

Schedule 1, item 10, page 6 (lines 10 to 17), omit subsection 114A(3), substitute:

Providing etc. an academic cheating service for a commercial purpose—civil penalty

- (3) A person contravenes this subsection if the person provides, offers to provide or arranges for a third person to provide an academic cheating service:
 - (a) to a student undertaking, with a higher education provider:
 - (i) an Australian course of study; or
 - (ii) an overseas course of study provided at Australian premises; and
 - (b) for a commercial purpose.

Civil penalty: 500 penalty units.

Schedule 1, item 10, page 7 (lines 12 to 17), omit subsection 114B(2), substitute:

- (2) A person contravenes this subsection if:
 - (a) the person advertises, or publishes or broadcasts an advertisement for, an academic cheating service to students undertaking, with a higher education provider:
 - (i) an Australian course of study; or
 - (ii) an overseas course of study provided at Australian premises; and

(b) either:

- (i) the person does so for a commercial purpose; or
- (ii) the academic cheating service has a commercial purpose.

Civil penalty: 500 penalty units.

Debate ensued.

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

Senator Griff moved the following amendments together by leave:

Schedule 1, item 10, page 6 (lines 10 to 17), omit subsection 114A(3).

Schedule 1, item 10, page 6 (line 20), omit “or (3)”.

Schedule 1, item 10, page 6 (line 25), omit “or (3)”.

Schedule 1, item 12, page 10 (line 12), omit “114A(3) or”.

Debate ensued.

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

Bill agreed to and reported without amendment.

On the motion of Senator Birmingham the report from the committee was adopted and the bill read a third time.

6 **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.

Closure: Senator Polley moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 21

Senators—

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

NOES, 27

Senators—

Antic
Askew
Birmingham
Bragg
Brockman*
Cash
Chandler

Duniam
Fierravanti-Wells
Griff
Henderson
Hughes
Hume
Lambie

McGrath
McLachlan
McMahon
Molan
O'Sullivan
Patrick
Rennick

Ruston
Ryan
Scarr
Smith, Dean
Stoker
Van

* Tellers

Question negatived.

Debate continued.

Closure: Senator Pratt moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 23

Senators—

Ayres
Bilyk
Carr
Chisholm
Farrell
Faruqi

Gallagher
Green
Hanson-Young
Lambie
Lines
McAllister

McCarthy*
McKim
O'Neill
Polley
Pratt
Sheldon

Siewert
Smith, Marielle
Urquhart
Walsh
Watt

NOES, 27

Senators—

Antic
Askew
Bragg
Brockman*
Cash
Chandler
Colbeck

Duniam
Fawcett
Fierravanti-Wells
Griff
Henderson
Hughes
Hume

McGrath
McKenzie
McLachlan
McMahon
Molan
O'Sullivan
Patrick

Rennick
Reynolds
Scarr
Smith, Dean
Stoker
Van

* Tellers

Question negatived.

Debate continued.

At 12.45 pm: Debate was interrupted while Senator Askew was speaking.**7 Senators' statements**

Senators made statements.

At 2 pm—
8 Questions

Questions without notice were answered.

9 **Vacancy in the representation of Victoria**

The President informed the Senate of the resignation today of Senator Di Natale and advised that, pursuant to section 21 of the Constitution, he had notified the Governor of Victoria that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

Vacancy in the representation of Victoria—Letters from—

Senator Di Natale to the President, dated 26 August 2020.

President of the Senate to the Governor of Victoria (Her Excellency the Honourable Linda Dessau AC), dated 26 August 2020 [copy].

10 **COVID-19—Parliament House—Health advice—Statement by President**

The President made a statement relating to advice from the Office of the Chief Medical Officer concerning COVID-19 and the wearing of masks in Parliament House.

11 **Motions to take note of answers**

Senator Watt 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 Hanson-Young moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Hanson-Young today relating to support for the arts and entertainment industry.

Question put and passed.

12 **Notices**

Senators Ciccone, Polley, Farrell, O'Neill and Marielle Smith: To move on the next day of sitting—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. (*general business notice of motion no. 746*)

Senators Chandler, Dean Smith, Stoker, Antic, Molan and Paterson: To move on the next day of sitting—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 Griffith had a distinguished career in public service (in politics government, and the judiciary); Sir Griffith:
 - (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 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 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. (*general business notice of motion no. 747*)

Senator Rennick: To move on the next day of sitting—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. (*general business notice of motion no. 748*)

Senator Hanson-Young: To move on the next day of sitting—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’. (*general business notice of motion no. 749*)

Senator O’Neill: To move on 31 August 2020—That the Corporations Amendment (Litigation Funding) Regulations 2020, made under the *Corporations Act 2001*, be disallowed [F2020L00942].

Senators Green and McAllister: To move on the next day of sitting—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. (*general business notice of motion no. 750*)

Senator Ayres: To move on 31 August 2020—That the Senate—

- (a) notes that:
 - (i) 6 and 9 August 2020 marked, respectively, the 75th anniversary of the atomic bombings of Hiroshima and Nagasaki,
 - (ii) 2020 also marks the 50th anniversary of the coming into force of the Nuclear Non-Proliferation Treaty, and
 - (iii) since 2017, 81 countries have signed and 38 have ratified the United Nations Treaty on the Prohibition of Nuclear Weapons;
- (b) notes with concern:
 - (i) recent developments that weaken the international system of weapons monitoring, and undermine agreements to prevent nuclear proliferation and testing, and
 - (ii) that a 2019 report by the United Kingdom Parliamentary Committee on International Relations warns the risk of nuclear conflict is as great as it was during the height of the Cold War; and
- (c) calls on the Australian Government to:
 - (i) express concern that the:
 - (A) multilateral framework for achieving nuclear disarmament and for minimising the risk of nuclear conflict is under threat, and
 - (B) United States may allow the Strategic Arms Reduction Treaty agreement to expire, and has abandoned the Intermediate Nuclear Forces treaty, and
 - (ii) deploy Australia's diplomatic resources to play an increased role in global efforts to build regional and international cooperation, resist further proliferation of nuclear weapons and promote their ultimate elimination.
(*general business notice of motion no. 751*)

Senators O'Neill, McCarthy, Urquhart and Bilyk: To move on the next day of sitting—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’. (*general business notice of motion no. 752*)

Senators McCarthy and Dodson: To move on 31 August 2020—That the Senate—

- (a) notes the resolution of 8 October 1992 relating to the display of the Australian Flag in the Senate chamber;
- (b) resolves that, consistent with its previous resolution, the Aboriginal Flag and the Torres Strait Islander Flag be displayed alongside the Australian Flag in the Senate chamber; and
- (c) directs that the flags be installed within three weeks after the passage of this resolution. (*general business notice of motion no. 753*)

Senators Whish-Wilson and Siewert: To move on the next day of sitting—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. (*general business notice of motion no. 754*)

The Assistant Minister for Forestry and Fisheries (Senator Duniam): To move on the next day of sitting—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.

Document: Senator Duniam tabled the following document:

Consideration of legislation—Statement of reasons for the introduction and passage of the bill in the 2020 spring sittings.

13 **Leave of absence**

Senator Urquhart, by leave, moved—That leave of absence be granted to Senator Carr for 25 August 2020, for personal reasons.

Question put and passed.

14 **Postponement**

General business notice of motion no. 739 standing in the name of Senator Bilyk for today, relating to the Coronavirus Supplement, postponed till the next day of sitting.

15 **Family Law Amendment (Risk Screening Protections) Bill 2020 Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020**

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Minister for Foreign Affairs (Senator Payne) and the Minister for Youth and Sport (Senator Colbeck) and pursuant to notices of motion not objected to as formal motions, moved government business notices of motion nos 1 and 2—That the following bills be introduced:

A Bill for an Act to amend the *Family Law Act 1975*, and for related purposes.

A Bill for an Act to amend the law relating to sport, and for related purposes.

Question put and passed.

Senator Duniam presented the bills and moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

Explanatory memoranda: Senator Duniam tabled explanatory memoranda [2] relating to the bills.

Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 6 October 2020.

On the motion of Senator Duniam the bills were listed as separate orders of the day.

16 Attendance by minister—Murray-Darling Basin

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 735—That—

- (a) the Senate notes that:
 - (i) on 16 November 2017, the Senate ordered the production of all documents relating to water purchases across the Murray Darling Basin from 1 January 2017,
 - (ii) on 12 February 2018, documents were returned redacted, including the valuations of Clyde and Kiora in Queensland (the ‘watergate’ purchases), with a claim of public interest immunity and the documents were re-tabled on 26 October 2018, with the ‘watergate’ valuations remaining redacted,
 - (iii) despite denying the Senate access to the ‘watergate’ valuations, the department has released them to a citizen under freedom of information law, and
 - (iv) ‘watergate’ purchases were effected at \$2,745 per megalitre, despite an independent valuation recommending between \$1,100 and \$2,300 per megalitre;
- (b) the Minister representing the Minister for Resources, Water and Northern Australia, attend the Senate at 12.20 pm on 31 August 2020 to explain, for no longer than 15 minutes, why an improper public interest immunity claim was advanced in relation to the ‘watergate’ valuations, and why the Commonwealth paid more than the independent valuer’s range; and
- (c) any senator may move to take note of the explanation and the debate (maximum 1.5 hours; 15 minutes per speaker) shall have precedence over all business until determined.

Question put and passed.

**17 Defence Amendment (Sovereign Naval Shipbuilding) Bill 2018—
Restoration to the *Notice Paper***

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 736—

- (1) That so much of the standing orders be suspended as would prevent this resolution having effect.
- (2) That the Defence Amendment (Sovereign Naval Shipbuilding) Bill 2018 be restored to the *Notice Paper* and consideration of the bill resume at the stage reached in the 45th Parliament.

Question put and passed.

18 **Aboriginal Flag**

Senator McCarthy, also on behalf of Senator Dodson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 737—That the Senate—

- (a) notes that:
 - (i) the Aboriginal Flag is an official flag of Australia and a symbol of strength and unity,
 - (ii) the Aboriginal Flag is the single unifying symbol of Australia's different and diverse Aboriginal Nations,
 - (iii) commercial interests are restricting the use of the flag and putting profit before pride, and
 - (iv) Aboriginal organisations have been sent cease and desist orders, simply for using the flag; and
- (b) calls on the Government to do everything in its power to free the flag, and get it back so it can be used by the whole community; at the same time as respecting Mr Harold Thomas.

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.

19 **COVID-19—Paid pandemic leave**

Senator Urquhart, at the request of Senators Sheldon, Chisholm and O'Neill and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 742—That the Senate—

- (a) recognises that Health Services Union (HSU) members in the aged care, health and disability support sectors are some of the most at-risk people during this pandemic;
- (b) acknowledges that for many workers in these sectors the choice of saying no to a shift can mean the difference between putting food on the table or going hungry;
- (c) notes that forcing sick workers to come to work due to lack of appropriate leave provisions will only inhibit efforts to contain the COVID-19 pandemic;
- (d) urges the Morrison Government to legislate and fund paid pandemic leave for health, aged care and disability support workers; and
- (e) commends the HSU for standing up for its members on this crucial issue.

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

Question put and passed.

20 **Murray-Darling Basin**

Senator Davey, also on behalf of Senator McKenzie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 741—That the Senate—

- (a) notes that over 2.6 million Australians call the Murray-Darling Basin home, with \$24 billion worth of food produced annually to feed the nation and the world;

- (b) acknowledges the significant financial and emotional hardship faced by primary producers along the Murray-Darling Basin communities, arising from outdated, fragmented, and unfair regulations around water management;
- (c) welcomes the Australian Competition and Consumer Commission (ACCC) *Interim Report into Murray-Darling Basin Water Markets*, that notes major reform is necessary to build integrity within the water market and ensure the water market operates in an open, fair and efficient way;
- (d) further notes that the ACCC is now undertaking targeted consultation on the observations in its interim report before delivering a final report in November 2020; and
- (e) calls on state governments to work with the Federal Government to explore solutions to the ACCC's interim observations, with a view to implementing key final report recommendations relating to:
 - (i) increasing water data availability and pricing transparency,
 - (ii) implementing a licence system to accredit and regulate water brokers, and
 - (iii) immediately separating the Murray-Darling Basin Authority enforcement and river management functions, in line with the Productivity Commission's 2019 review.

Statement by leave: Senator Roberts, by leave, made a statement relating to the motion.
Question put and passed.

21 Domestic violence

Senator Siewert, at the request of the Leader of the Australian Greens in the Senate (Senator Waters) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 745—That the Senate—

- (a) notes that:
 - (i) 36 women have been killed by violence in 2020, as reported by Counting Dead Women Australia from Destroy the Joint, 28 since the horrific murder of Hannah Clarke and her children six months ago,
 - (ii) there is no national government toll reporting women killed by violence in real time,
 - (iii) more than 370,000 women are subjected to violence from men each year,
 - (iv) 1 in 3 women have experienced physical violence and, on average, one woman is murdered every week by her current or former partner,
 - (v) women are nearly three times more likely than men to experience intimate partner violence and 2.5 times more likely to be hospitalised from family and domestic violence,
 - (vi) young women, women with disabilities, and First Nations women are more likely to experience violence,
 - (vii) demand for domestic and family violence services continues to increase, and
 - (viii) COVID-19 has put more women and children at risk and increased the demands on front-line domestic and family violence services; and

- (b) calls on the Government to recognise violence against women as a national security crisis and increase funding accordingly so everyone seeking safety can access appropriate services when and where they need them.

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.

22 Attendance by minister—COVID-19—Aged care

The Leader of the Opposition in the Senate (Senator Wong), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 744—That—

- (a) the Senate requires the Minister for Aged Care and Senior Australians to attend the Senate on 27 August 2020, before government business is called on, to provide an explanation, of no more than 15 minutes, of his administration of his portfolio, with particular reference to the Commonwealth's support to, and regulation of, aged care providers during the COVID-19 pandemic;
- (b) at the conclusion of the Minister's statement, or if the Minister fails to make a statement, the Leader of the Opposition in the Senate may move a motion – without notice – relating to the explanation or the conduct of the minister;
- (c) a motion moved under paragraph (b) may not be amended; and
- (d) any motion under paragraph (b) shall have precedence over all other business until determined, and if the question has not been resolved at 11.40 am the question shall then be put.

Statements by leave: Senator Wong and the Minister for Finance (Senator Cormann), by leave, made statements relating to the motion.

The question was divided at the request of Senator Wong.

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

Question—That the motion be agreed to in respect of paragraphs (b) to (d)—put.

The Senate divided—

AYES, 25

Senators—

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

NOES, 25

Senators—

Antic	Davey	McGrath	Reynolds
Birmingham	Duniam	McKenzie	Ruston
Bragg	Fawcett	McMahon	Ryan
Brockman	Henderson	Molan	Scarr
Cash	Hughes	Paterson	Smith, Dean*
Colbeck	Hume	Rennick	Van
Cormann			

* Tellers

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

23 COVID-19—Superannuation withdrawals

Senator Polley, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 725—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.

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, 22

Senators—

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

NOES, 24

Senators—

Birmingham	Cormann	McKenzie	Ruston
Bragg	Davey	McLachlan	Ryan
Brockman	Duniam	Molan	Scarr
Cash	Hughes	Paterson	Smith, Dean*
Chandler	Hume	Rennick	Stoker
Colbeck	McGrath	Reynolds	Van

* Tellers

Question negatived.

24 Consideration of legislation

Senator Hanson-Young amended general business notice of motion no. 732 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

- (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:
 - (a) the next sitting day after the Final Report has been tabled; or
 - (b) the next sitting day after the tabling of Interim National Environmental Standards that have been endorsed by the full Consultation Group being chaired by Professor Graeme Samuel.

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, 23

Senators—

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

NOES, 23

Senators—

Birmingham	Cormann	McKenzie	Scarr
Bragg	Davey	McLachlan	Seselja
Brockman	Duniam	Molan	Smith, Dean*
Cash	Hughes	Paterson	Stoker
Chandler	Hume	Rennick	Van
Colbeck	McGrath	Ryan	

* Tellers

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

25 **Offshore detention**

Senator McKim, also on behalf of Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 738—That the Senate—

(a) notes that:

- (i) 19 July 2020 was the seventh anniversary of the introduction of Australia's current policy of offshore detention,
- (ii) on 19 July 2013, then Prime Minister Kevin Rudd announced his Government had entered into a regional resettlement arrangement with Papua New Guinea, which would reintroduce offshore processing and detention for people seeking asylum who arrived by sea, and
- (iii) since this arrangement was entered into, the following 13 people who were sent to Manus Island or Nauru by Australia under its offshore detention system have died: Reza Barati (2014); Sayed Ibrahim Hussein (2014); Hamid Kehazaei (2014); Omid Masoumali (2016); Rakib Khan (2016); Kamil Hussain (2016); Faysal Ishak Ahmed (2016); Hamed Shamshiripour (2017); Rajeev Rajendran (2017); Jahingir (2017); Salim Kyawning (2018); Fariborz Karami (2018); Sayed Mirwais Rohani (2019);

(b) expresses sincere condolences to the families and friends of these men who died while subject to Australia's offshore detention policy; and

(c) at the passing of this motion rises and spends a moment in silence to reflect on the deaths that have occurred in Australia's current offshore detention system.

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, 22

Senators—

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

NOES, 25

Senators—

Birmingham
Bragg
Brockman
Cash
Chandler
Colbeck
Cormann

Davey
Duniam
Hughes
Hume
Lambie
McGrath

McKenzie
McLachlan
Molan
Paterson
Rennick
Ruston

Ryan
Scarr
Seselja
Smith, Dean*
Stoker
Van

* Tellers

Question negatived.

26 Social security payments

Senator Urquhart, at the request of Senator Marielle Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 740—That the Senate—

(a) notes that:

- (i) the Age Pension, Disability Support Pension, Carer Payment and many other social security payments will not be indexed by the Government in September,
- (ii) the last time pensions were not indexed was almost a quarter of a century ago,
- (iii) this will mean that pensions will be frozen for at least a year,
- (iv) the cost of fresh fruit and vegetables has increased by over 5% in the past six months and the out-of-pocket cost of seeing a GP has increased \$11 under this Government, and
- (v) record low interest rates are hurting pensioners with modest savings; and

(b) calls on the Government to treat pensioners fairly, by ending the Prime Minister's pension freeze.

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, 22

Senators—

Ayres
Bilyk
Carr
Chisholm
Farrell
Faruqi

Gallagher
Green
Griff
Hanson-Young
Lines
McCarthy

McKim
O'Neill
Patrick
Polley
Pratt

Sheldon
Siewert
Urquhart*
Walsh
Watt

NOES, 25

Senators—

Birmingham
Bragg
Brockman
Cash
Chandler
Colbeck
Cormann

Davey
Duniam
Hughes
Hume
Lambie
McGrath

McKenzie
McLachlan
Molan
Paterson
Rennick
Ruston

Ryan
Scarr
Seselja
Smith, Dean*
Stoker
Van

* *Tellers*

Question negatived.

27 Regional Forest Agreements—Victoria

Senator Siewert, at the request of Senator Rice and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 743—That the Senate—

(a) notes that:

- (i) the Federal Court of Australia has made formal declarations of unlawful logging by VicForests in 66 forest areas under Victoria's Regional Forest Agreement,
- (ii) the Bob Brown Foundation has launched a separate legal action, arguing that logging under the Tasmanian Regional Forest Agreement is unsustainable and illegal, and
- (iii) handing environmental approvals to the states will make the rest of our environment subject to the same systemic failure as our forests have been suffering under the Regional Forests Agreements; and

(b) calls on the Government to:

- (i) abandon the failed, flawed Regional Forest Agreements,
- (ii) immediately protect all old-growth and high conservation value forests,
- (iii) abandon attempts to rush through changes to environmental laws that make it easier for big miners and developers to damage our environment and wildlife, and
- (iv) create an independent environmental watchdog with teeth.

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

Question put.

The Senate divided—

AYES, 4

Senators—

Faruqi

Hanson-Young

McKim

Siewert*

NOES, 31

Senators—

Antic
Askew
Bilyk
Bragg
Brockman
Carr
Chandler
Chisholm

Colbeck
Davey
Duniam
Gallagher
Henderson
Hughes
Hume
Lambie

McGrath
McKenzie
McLachlan
McMahon
Molan
Paterson
Polley
Rennick

Ryan
Scarr
Seselja
Smith, Dean
Stoker
Urquhart*
Van

* Tellers

Question negatived.

28 Notice

Senator Urquhart, by leave and at the request of Senator Keneally, gave a notice of motion as follows: To move on the next day of sitting—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. (*general business notice of motion no. 755*)

29 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.

30 Discussion of matter of public importance—COVID-19—Aged care

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

The Morrison Government's failure to act in response to the Aged Care Royal Commission's interim report entitled 'Neglect' and the warnings from COVID-19 outbreaks in the northern hemisphere, at Dorothy Henderson Lodge at Newmarch House, resulting in the tragic and unnecessary deaths of 335 Australians in aged care.

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

31 Documents—Consideration

The documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

32 Committee reports and government responses—Tabling and consideration

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

Education and Employment Legislation Committee—Annual reports referred to legislation committees—Report no. 2 of 2020, dated 25 August 2020.

The Chair of the Parliamentary Joint Committee on Human Rights (Senator Henderson) tabled the following report:

Human Rights—Joint Statutory Committee—Annual report 2019, dated 26 August 2020.

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

Debate ensued.

Question put and passed.

The Chair of the Parliamentary Joint Committee on Human Rights (Senator Henderson) tabled the following report:

Human Rights—Joint Statutory Committee—Report 10 of 2020—Human rights scrutiny report, dated 26 August 2020.

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

Question put and passed.

Senator Green, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report:

Scrutiny of Bills—Standing Committee—Scrutiny digest 10 of 2020, dated 26 August 2020.

33 **COVID-19—Aged care—Order for production of documents—Document**

The Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) tabled the following document:

COVID-19—Aged care—Order of 25 August 2020 (730)—Letter to the President of the Senate from the Minister for Aged Care and Senior Australians (Senator Colbeck), dated 26 August 2020, responding to the order.

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

Question put and passed.

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

Senator McAllister, also on behalf of Senator Waters, pursuant to notice, moved business of the Senate notice of motion no. 1—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 ensued.

At 7.20 pm: Debate was interrupted while Senator Faruqi was speaking.

35 Adjournment

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

Debate ensued.

The Senate adjourned at 7.51 pm till Thursday, 27 August 2020 at 9.30 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