



46th Parliament

Senate Journals

No. 68: Wednesday, 7 October 2020

1	Meeting of Senate.....	2371
2	Documents	2371
3	Committees—Leave to meet during sittings	2371
4	Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020	2371
5	Senators' statements	2372
6	Questions.....	2372
7	Motions to take note of answers	2372
8	Notices.....	2372
9	Death of former member the Honourable John Joseph Fahey AC	2377
10	Petition	2378
11	Postponements.....	2378
12	Leave of absence.....	2378
13	Legislation committees—References	2379
14	Public Works—Joint Statutory Committee—Reference of work	2379
15	Merchant Navy Day.....	2379
16	Rotary Australia	2380
17	Myanmar	2380
18	e-cigarettes	2381
19	Koala protection.....	2382
20	International Pregnancy and Infant Loss Remembrance Day	2382
21	Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020—Proposed disallowance	2383
22	Personal income tax cuts.....	2383
23	Energy—Gas-led recovery	2384
24	Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020—Proposed disallowance	2385
25	Legal and Constitutional Affairs Legislation Committee—Proposed extension of time to report	2386
26	Comprehensive review of the legal framework governing the national intelligence community—Order for production of documents.....	2387
27	Environmental and cultural heritage protection	2387
28	Discussion of matter of public importance—2020-21 Budget.....	2388

29	Notice	2388
30	Documents—Consideration	2389
31	Committee reports and government responses—Tabling and consideration	2389
32	Committee membership.....	2390
33	Biosecurity Amendment (Traveller Declarations and Other Measures) Bill 2020.....	2390
34	Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 8) 2020—Proposed disallowance.....	2391
35	Notice	2391
36	Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020	2391
37	Adjournment	2392
38	Attendance	2392
39	Documents	2392

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**

Documents were tabled (*see entry no. 39*).

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

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

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

National Capital and External Territories—Joint Standing Committee—public meeting on Thursday, 8 October 2020, from 10.45 am.

4 **Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume)—That this bill be now read a second time—*and on the amendment moved by Senator Faruqi*:

Omit all words after “That”, insert “, the bill be withdrawn and the Senate:

- (a) condemns the Morrison Government and Minister Tehan for attempting to ram legislation through the Parliament which would irreversibly damage Australia’s higher education system and harm and disadvantage students, university staff and communities; and
- (b) condemns the bill which will:
 - (i) hike fees, pushing students into decades of debt as they face rising unemployment and hurting women and First Nations students the most,
 - (ii) slash billions in funding from teaching, including from science, technology, engineering and mathematics (STEM) subjects, which will mean bigger classes, fewer teachers and a worse education, particularly in regional areas,
 - (iii) force universities to do more with less,
 - (iv) fail to create anywhere near enough new places to educate school leavers and people who want to study during the recession,
 - (v) shift the overall costs of university education away from the Commonwealth and onto students,
 - (vi) fail to encourage students to do STEM courses,
 - (vii) punish struggling students by unfairly and unnecessarily forcing them out of Commonwealth Supported Places instead of helping them, and
 - (viii) fail to save a single university worker’s job and worsen the research funding crisis; and

- (c) calls on the Government to:
 - (i) fully fund university education and research, and provide ongoing funding certainty into the future,
 - (ii) ensure job security and good conditions for all university staff, and
 - (iii) make university and TAFE fee-free for all”.

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Whish-Wilson was speaking.

5 **Senators’ statements**

Senators made statements.

At 2 pm—

6 **Questions**

Questions without notice were answered.

The Minister for Families and Social Services (Senator Ruston) provided additional information relating to a question without notice asked by Senator Watt on 6 October 2020 the Emergency Response Fund.

Senator Watt, by leave, moved—That the Senate take note of the additional answer.

Question put and passed.

7 **Motions to take note of answers**

Senator Brown moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for Families and Social Services (Senator Ruston) to questions without notice asked by Opposition senators today relating to the 2020-21 Budget.

Debate ensued.

Question put and passed.

The Leader of the Australian Greens in the Senate (Senator Waters) 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 Waters today relating to the 2020-21 Budget.

Question put and passed.

8 **Notices**

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

- (1) That a select committee, to be known as the Select Committee on Corruption in Queensland Local Government, be established to inquire into the misuse of Commonwealth disaster recovery funding and other corruption in Queensland local government, with particular reference to:
 - (a) the misuse of Commonwealth and state disaster recovery funds;
 - (b) the role of the Local Government Association of Queensland in enabling corruption and misuse of Commonwealth grant monies;

- (c) the stripping of reportedly 40-60% out of Natural Disaster Relief and Recovery Arrangements project funding as private profits;
 - (d) the criminal behaviour of council members and those associated with them; and
 - (e) any other related matter.
- (2) That the committee present its final report on or before 31 March 2021.
 - (3) That the committee consist of six senators, three nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, and one to be nominated by the Leader of Pauline Hanson's One Nation.
 - (4) That:
 - (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minor party or independent senator;
 - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
 - (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee.
 - (5) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
 - (6) That the committee elect as chair one of the members nominated by the Leader of the Government in the Senate and as deputy chair a member nominated by the Leader of the Opposition in the Senate.
 - (7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
 - (8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.
 - (9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.
 - (10) That the committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.
 - (11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
 - (12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 820*)

Senator Waters: To move on the next day of sitting—That Part 3 of Schedule 1 of the Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 8) 2020, made under the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020*, be disallowed [F2020L01165].

Senator Patrick: To move on the next day of sitting—That the government business order of the day relating to the Treasury Laws Amendment (Research and Development Tax Incentive) Bill 2019 be discharged from the *Notice Paper*. (*general business notice of motion no. 821*)

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

- (a) notes that the 2020 Budget contains \$28.3 million over three years from 2020-21 to establish five strategic basin plans to accelerate gas development in priority geological basins; and
- (b) opposes the use of these public funds to expand the gas industry. (*general business notice of motion no. 822*)

Senators Polley and McAllister: To move on the next day of sitting—That the Senate—

- (a) notes:
 - (i) every week a woman dies as a result of domestic violence; according to the Counting Dead Women Project 37 women have died this year – further, one in four women have experienced abuse at the hands of a current or former partner,
 - (ii) one of the biggest safeguards for women against domestic violence is employment and economic independence – too often women cannot leave a relationship or are forced to return because of economic insecurity and the fear of homelessness,
 - (iii) job losses and the withdrawal of JobSeeker and JobKeeper payments will only exacerbate this social problem which is why it is essential that these payments not be withdrawn prematurely,
 - (iv) the Government must invest more in family violence services, and social housing and reduce insecure work to address this issue,
 - (v) the Government's abject failure to respond to the recommendations of the Australian Law Reform Commission report on family law and countless other inquiries, and
 - (vi) the proposal to abolish the Family Court by merging it with the Federal Circuit Court will only increase the risk of harm to children and victims of domestic violence; and
- (b) urges the Government to recognise the gendered impact the pandemic is having on our communities. (*general business notice of motion no. 823*)

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

- (a) notes that:
 - (i) 441 First Nations people have died in custody since the Royal Commission into Aboriginal Deaths in Custody handed down its 339 recommendations almost 30 years ago,
 - (ii) approximately a First Nations person has died in custody every 3 weeks since the Royal Commission's recommendations were handed down,

- (iii) the recommendations from the Royal Commission have still not been fully implemented, and
- (iv) despite making up approximately 3% of the adult population, First Nations people make up approximately 28% of imprisoned people in Australia; and
- (b) calls on the Government to:
 - (i) recognise that First Nations deaths in custody is an ongoing national tragedy,
 - (ii) work in true partnership with the families of those affected by First Nations deaths in custody and fully implement all of the Royal Commission's recommendations,
 - (iii) report to the Parliament every quarter on the status of the implementation of the Royal Commission's recommendations,
 - (iv) maintain and publish an official real-time national toll of First Nations deaths in custody,
 - (v) adequately fund Aboriginal community controlled health, education, social support, and legal assistance services to support and divert First Nations people out of the criminal legal system, and
 - (vi) adequately fund independent legal representation at coronial inquests for the families left behind after a death in custody. (*general business notice of motion no. 824*)

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

- (a) notes that the Government has failed to provide certainty and clarity to millions of Australians who are unemployed and underemployed about the future rate of JobSeeker Payment and Youth Allowance; and
- (b) calls on the Government to reinstate the Coronavirus Supplement at \$550 a fortnight at least until the end of March 2021 to ensure Australians on income support payments have financial certainty and security over the Christmas period and into the new year. (*general business notice of motion no. 825*)

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) 37 women have been killed by violence since the start of 2020, as reported by Counting Dead Women Australia from Destroy the Joint,
 - (ii) according to the Australian Institute of Criminology, 1 in 10 women in a relationship has experienced intimate partner violence during the pandemic, many for the first time or with increased severity,
 - (iii) Women's Legal Services are currently unable to assist up to 50% of people seeking their help due to lack of resources, and have called for a further \$25 million per year,
 - (iv) the women's safety sector expects demand for crisis housing, counselling, safety and support services and prevention programs to increase and has called for an investment of \$12 billion over 12 years to keep women and children safe, and

- (v) the 2020-21 Budget does not include any additional funding for front-line domestic and family violence services; and
- (b) calls on the Government to:
 - (i) recognise violence against women as a national security crisis, and
 - (ii) adequately fund frontline domestic, family and sexual violence and crisis housing services to ensure that all women seeking safety can access these services when and where they need them. (*general business notice of motion no. 826*)

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) the epidemic of domestic and family violence has worsened during COVID-19, meaning already-stretched frontline services are unable to meet demand,
 - (ii) the COVID-19 crisis has had a disproportionate impact on women given that:
 - (A) more women than men lost jobs or had their hours reduced in the June quarter,
 - (B) women are over-represented in hardest hit industries,
 - (C) more women than men are ineligible to receive JobKeeper, and
 - (D) women have undertaken the majority of unpaid care work throughout the pandemic, and
 - (iii) the 2020-21 Budget:
 - (A) does not include any additional funding for front-line domestic and family violence services,
 - (B) does not include any additional funding support for early childhood education and childcare, and
 - (C) allocates less than 0.04% of overall spending to the Women's Economic Security Statement; and
- (b) calls on the Government to:
 - (i) adequately fund frontline domestic, family and sexual violence and crisis housing services to ensure that all women and children can access services when and where they need them,
 - (ii) deliver an affordable, accessible childcare scheme, and
 - (iii) properly fund measures to address the gender pay gap, value the care economy, and support women's workforce participation. (*general business notice of motion no. 827*)

Senators Lambie and Patrick: To move on 11 November 2020—That the Senate—

- (a) notes:
 - (i) that the International Olympic Committee's 2017 adoption of human rights principles in its Host City Contracts does not apply to its agreements with China for the 2022 Winter Games in Beijing,

- (ii) the persecution of pro-democracy campaigners in Hong Kong, and China's imprisonment of political hostages including Australian citizens detained on trumped up national security charges,
 - (iii) that the Chinese Government has forced a massive number of Uyghurs into internment camps, subjecting them to forms of political indoctrination and pressuring them to relinquish their language, culture and religion,
 - (iv) that researchers at the Australian Strategic Policy Institute have meticulously documented evidence of the Chinese authorities subjecting Uyghurs to forced labour, including selling that labour to companies across China,
 - (v) that the Department of Foreign Affairs and Trade's travel advice warns that Australians in China are at risk of arbitrary detention under that country's harsh national security laws, and
 - (vi) that the Inter-Parliamentary Alliance on China called on the International Olympic Committee to reconsider staging the 2022 Games in Beijing; and
- (b) calls on the Australian Government to work with the Australian Olympic Committee to ensure that Australia boycotts the 2022 Winter Olympics games in Beijing. (*general business notice of motion no. 828*)

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 for nine sitting days after today as follows:

No. 1 for the disallowance of the ASIC Corporations (Foreign Financial Services Providers—Funds Management Financial Services) Instrument 2020/199 [F2020L00238].

No. 2 for the disallowance of the ASIC Corporations (Foreign Financial Services Providers—Foreign AFS Licensees) Instrument 2020/198 [F2020L00237].

9 **Death of former member the Honourable John Joseph Fahey AC**

The President informed the Senate of the death, on 12 September 2020, of John Joseph Fahey AC, a former minister and member of the House of Representatives for the division of Macarthur from 1996 to 2001.

The Minister for Finance (Senator Cormann), by leave, moved—That the Senate records its deep sorrow at the death, on 12 September 2020, of the Honourable John Joseph Fahey AC, former Minister for Finance and Administration and former Member for Macarthur, places on record its gratitude for his service to the Parliament and the nation, and tenders its profound sympathy to his family in their bereavement.

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

Question passed.

10 **Petition**

The following petition, lodged with the Clerk by Senator McCarthy, was received:

From 3,759 petitioners, requesting that the Senate recognise the importance of strong remote representation in the Australian Parliament and supports legislation that guarantees the Northern Territory's two seats.

11 **Postponements**

Business was postponed as follows:

Business of the Senate notice of motion no. 4 standing in the name of Senator Dodson for today, proposing the disallowance of Part 1 of Schedule 2 of the Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020, postponed till 9 November 2020.

General business notice of motion no. 817 standing in the name of Senator Pratt for today, relating to JobSeeker payments, postponed till 8 October 2020.

General business notice of motion no. 818 standing in the name of Senator Farrell for today, relating to consideration of the Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020, postponed till 9 November 2020.

General business notice of motion no. 819 standing in the name of Senator Dodson for today, relating to Paid Parental Leave and Dad and Partner Pay, postponed till 8 October 2020.

Business of the Senate notice of motion no. 1 standing in the name of Senator O'Neill for 8 October 2020, proposing the disallowance of the Corporations Amendment (Litigation Funding) Regulations 2020, postponed till 10 November 2020.

Business of the Senate notice of motion no. 2 standing in the name of the Chair of the Standing Committee for the Scrutiny of Delegated Legislation (Senator Fierravanti-Wells) for 8 October 2020, proposing the disallowance of the Coronavirus Economic Response Package (Deferral of Sunsetting—Income Management and Cashless Welfare Arrangements) Determination 2020, postponed till 12 November 2020.

12 **Leave of absence**

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

Question put and passed.

13 **Legislation committees—References**

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—

- (1) To ensure appropriate consideration of time critical bills by Senate committees, the provisions of all bills introduced into the House of Representatives after 8 October 2020 and up to and including 29 October 2020 that contain substantive provisions commencing on or before 1 January 2021 (together with the provisions of any related bill) are referred to committees for inquiry and report by 26 November 2020.
- (2) The committee to which each bill is referred shall be determined in accordance with the order of 13 February 2020, as amended, allocating departments and agencies to standing committees.
- (3) A committee to which a bill has been referred may determine, by unanimous decision, that there are no substantive matters that require examination and report that fact to the Senate.
- (4) This order does not apply in relation to bills which contain:
 - (a) no provisions other than provisions appropriating revenue or moneys (appropriation bills); and
 - (b) commencement clauses providing only for the legislation to commence on Royal Assent.

Question put and passed.

14 **Public Works—Joint Statutory Committee—Reference of work**

The Assistant Minister for Forestry and Fisheries (Senator Duniam), at the request of the Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report as expeditiously as is practicable:

Services Australia—Proposed fit-out of new leased premises at 52-62 King William Street, Adelaide.

Document: Senator Duniam tabled a statement relating to the proposed work.

Question put and passed.

15 **Merchant Navy Day**

Senator Urquhart, at the request of Senators Brown and O'Neill and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 785—That the Senate—

- (a) notes that:
 - (i) 3 September is Merchant Navy Day, and

- (ii) the Merchant Navy was comprised of mostly civilian crews and was responsible for ensuring that valuable cargo reached the personnel who needed it most; the merchant navy ships and their crew – merchant mariners – often served in very challenging and dangerous circumstances – many did so without defences as they were often unarmed, and merchant vessels were attacked in distant waters and within sight of the Australian coastline, while crossing common trade routes;
- (b) acknowledges the invaluable role the Merchant Navy has played in the more than 100 years since it first served our nation, especially in both world wars; and
- (c) pays tribute to the bravery and sacrifices of our merchant mariners, who have served our nation with distinction.

Question put and passed.

16 Rotary Australia

Senator Dean Smith, also on behalf of Senators Duniam, Abetz, Askew, Hughes, O'Neill, McLachlan and Urquhart, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 803—That the Senate—

- (a) acknowledges that Rotary Australia will celebrate its centenary anniversary and first 100 years of service in 2021; and
- (b) notes that:
 - (i) the first Australian Rotary Clubs were founded in Melbourne and Sydney back in 1921,
 - (ii) there are approximately 30,000 members who belong to one of the 1,100 charter Rotary Clubs established throughout Australia, and
 - (iii) Australian Rotary Clubs are part of a larger international network of business, professional and community leaders who seek to make the world a better place through practical efforts at the local level.

Question put and passed.

17 Myanmar

Senator Askew, also on behalf of Senator Keneally, amended general business notice of motion no. 805 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate notes that:

- (a) 25 August 2020 marked three years since over 700,000 Rohingya, including more than 400,000 children, fled from targeted violence in Myanmar's Rakhine State, to Bangladesh;
- (b) the camps in Bangladesh now host over 850,000 refugees in crowded conditions; which is also impacting the lives of over 400,000 local Bangladeshis;
- (c) an estimated 600,000 Rohingya remain in Rakhine State;

- (d) since 2017, the Australian Government has provided over \$260 million in lifesaving humanitarian assistance for displaced and conflict-affected communities in Bangladesh and Myanmar, working through UN agencies; international and national NGOs such as BRAC, Save the Children, CARE, World Vision, Plan and Oxfam and their local partners to deliver food, shelter; water and sanitation, health and education services; and targeted support for women and girls to help combat risks including gender-based violence and trafficking;
- (e) annual monsoons and cyclones have brought additional risks and the COVID-19 virus has now arrived with 270 confirmed cases to date in the Cox's Bazar camps and over 1,800 active cases in Rakhine; and
- (f) Australia remains committed to supporting Myanmar to create conditions on the ground conducive to voluntary, safe, dignified and sustainable returns for all displaced people.

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

Question put and passed.

18 **e-cigarettes**

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 808—That the Senate—

- (a) notes:
 - (i) recent research by the Australian National University which confirms that non-smokers who vape are three times more likely, on average, to take up tobacco smoking, and
 - (ii) that researchers observed that, for people trying to quit tobacco smoking, e-cigarettes tend to result in prolonged use of nicotine, rather than cessation;
- (b) further notes that:
 - (i) the Therapeutic Goods Administration has not approved e-cigarettes as smoking cessation aids,
 - (ii) nicotine e-liquid is not commercially available within Australia and is meant to be imported with a prescription for personal use, though there is currently little stopping people buying these liquids online and importing them without prescription, and
 - (iii) the Government is consulting on proposed new rules that will, from next year, close this loophole by making a prescription a legal requirement for personal purchase of nicotine e-liquid, through domestic pharmacies or online sellers;
- (c) acknowledges the concern of the Royal Australian College of Physicians that the proposed Senate select committee inquiry on 'tobacco harm reduction' is unnecessary, and that the safest option for the community is to not use tobacco or e-cigarettes; and
- (d) calls on the Government to resist any attempts to weaken the laws surrounding vaping and nicotine e-liquids.

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 Koala protection

Senator Ayres, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 810—That the Senate—

- (a) notes that:
 - (i) prior to 2012, the koala was not protected under Commonwealth law,
 - (ii) on 22 September 2011, the Senate Environment and Communications References Committee tabled the report of its inquiry into the status, health and sustainability of Australia's koala population which, among other things, unanimously recommended that the Minister for the Environment consider listing the koala as a vulnerable species under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act),
 - (iii) on 2 May 2012 the Minister for the Environment listed koala populations in New South Wales, Queensland and the Australian Capital Territory as a vulnerable species under the EPBC Act, and
 - (iv) one-third of New South Wales' koala population is estimated to have been killed in the 2019-20 bushfires; and
- (b) welcomes and supports the New South Wales Government's State Environmental Planning Policy (Koala Habitat Protection) 2019 instrument as being consistent with the koala's status under the EPBC Act and as a significant measure aimed at further protection of vulnerable and threatened New South Wales koala populations.

Statements by leave: Senators Davey and Hanson-Young, by leave, made statements relating to the motion.

Question put and passed.

20 International Pregnancy and Infant Loss Remembrance Day

Senator Urquhart, at the request of Senators Keneally, Bilyk, McCarthy, Polley, Hughes, Rice, Molan, Waters, Lambie and Askew and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 815—That the Senate—

- (a) notes that:
 - (i) 15 October 2020 marks International Pregnancy and Infant Loss Remembrance Day,
 - (ii) on 15 October 2020, parents, families and friends will memorialise babies lost through miscarriage, stillbirth and infant death, and
 - (iii) this day is an opportunity to officially acknowledge the loss experienced by parents and families across Australia;
- (b) acknowledges that in Australia:
 - (i) approximately one in four pregnancies result in miscarriage – 103,000 every year,

- (ii) in 2018, 2,419 lives were lost due to stillbirth or newborn death,
- (iii) despite medical advancements, stillbirth rates have not changed in two decades,
- (iv) the rate of stillbirth and newborn death is higher in Aboriginal and Torres Strait Islander peoples, and
- (v) the bipartisan Senate Select Committee on Stillbirth Research and Education tabled its report with 16 recommendations on 4 December 2018;
- (c) extends condolences and sympathies to the families who have suffered a miscarriage, a stillbirth or infant death;
- (d) acknowledges that social distancing restrictions – necessary during COVID-19 – have compounded the grief and sorrow for families mourning their stillborn babies; and
- (e) commends every person who has supported parents and families through their journey from the loss of a baby.

Question put and passed.

21 **Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020—Proposed disallowance**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That items 1 to 3 of Schedule 1 and item 4 of Schedule 2 of the Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020, made under the *Coronavirus Economic Response Package Omnibus Act 2020* and the *Social Security Act 1991*, be disallowed [F2020L01093].

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

Question put and negatived.

22 **Personal income tax cuts**

Senator McKim, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 800—That the Senate opposes bringing forward the start date of the already legislated personal income tax cuts.

Question put.

The Senate divided—

AYES, 6

Senators—

Faruqi
Hanson-Young

McKim
Siewert*

Thorpe

Waters

NOES, 26

Senators—

Askew
Ayres
Birmingham
Bragg
Canavan
Carr
Chandler

Davey
Duniam
Fierravanti-Wells
Griff
Hughes
Hume
Lambie

McAllister
McKenzie
McLachlan
Rennick
Roberts
Ruston

Ryan
Scarr
Seselja
Smith, Dean
Stoker
Urquhart*

* Tellers

Question negatived.

23 Energy—Gas-led recovery

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 806—That the Senate—

(a) notes that:

- (i) the Government's climate-wrecking 'gas-led recovery' plan includes coal seam gas drilling in Narrabri and a gas-fired power plant in the Hunter region of New South Wales (NSW),
- (ii) on 30 September 2020, the NSW planning commission approved the Santos Narrabri coal seam gas project despite more than 20,000 submissions opposing it,
- (iii) greenhouse gas emissions from the Narrabri gas project are estimated to be 128 million tonnes over the life of the project,
- (iv) the gas industry creates just 0.3 jobs for every million dollars spent, and
- (v) coal seam gas drilling in Narrabri will increase carbon emissions, worsen the climate crisis, endanger farmers' livelihoods and jeopardise precious natural habitats, Aboriginal heritage sites, farmland and food and water security; and

(b) calls on the Federal Government to abandon their so-called 'gas-led recovery' plan, and commit to phasing out coal and gas and making Australia a 100% renewable energy superpower by 2030.

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

Question put.

The Senate divided—

AYES, 6

Senators—

Faruqi
Hanson-Young

McKim
Siewert*

Thorpe

Waters

NOES, 33

Senators—

Abetz	Chandler	Lambie	Roberts
Antic	Davey	McAllister	Ruston
Askew	Duniam	McKenzie	Ryan
Ayres	Fierravanti-Wells	McLachlan	Scarr
Birmingham	Griff	McMahon	Seselja
Bragg	Henderson	Molan	Smith, Dean
Brown	Hughes	O'Sullivan	Stoker
Canavan	Hume	Rennick	Urquhart*
Carr			

* Tellers

Question negated.

24 Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020—Proposed disallowance

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That Part 1 of Schedule 2 of the Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020, made under the *Coronavirus Economic Response Package Omnibus Act 2020* and the *Social Security Act 1991*, be disallowed [F2020L01093].

Statement by leave: The Minister for Families and Social Services (Senator Ruston), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 24

Senators—

Ayres	Faruqi	McCarthy	Smith, Marielle
Brown	Green	McKim	Sterle
Carr	Griff	O'Neill	Thorpe
Chisholm	Hanson-Young	Patrick	Urquhart*
Dodson	Lines	Sheldon	Waters
Farrell	McAllister	Siewert	Watt

NOES, 26

Senators—

Askew	Duniam	McKenzie	Ruston
Birmingham	Fawcett	McLachlan	Ryan
Bragg	Hanson	McMahon	Scarr
Canavan	Henderson	Molan	Seselja
Chandler	Hughes	Rennick	Smith, Dean*
Colbeck	Hume	Roberts	Stoker
Davey	Lambie		

* Tellers

Question negated.

25 Legal and Constitutional Affairs Legislation Committee—Proposed extension of time to report

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 809—That—

- (a) the Senate notes that:
- (i) when the Federal Circuit and Family Court of Australia Bill 2019 and a related bill were referred to the Legal and Constitutional Affairs Legislation Committee in December 2019, it was done so on the basis that the Legislation Committee would report after the Joint Select Committee on Australia's Family Law System had reported on 7 October 2020,
 - (ii) on 31 August 2020 both Houses of Parliament agreed to extend the reporting date for the Joint Select Committee to the last sitting day in February 2021 due to COVID-19, and
 - (iii) a new date of 31 March 2021 for the Legislation Committee to report would allow the committee one month to consider the final report of the Joint Select Committee and finalise its own report; and
- (b) the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Federal Circuit and Family Court of Australia Bill 2019 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 be extended to 31 March 2021.

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	Smith, Marielle
Brown	Griff	McKim	Sterle
Carr	Hanson-Young	O'Neill	Thorpe
Chisholm	Lambie	Patrick	Urquhart*
Dodson	Lines	Sheldon	Waters
Farrell	McAllister	Siewert	Watt
Faruqi			

NOES, 25

Senators—

Antic	Davey	Hughes	Ruston
Askew	Duniam	Hume	Ryan
Birmingham	Fawcett	McKenzie	Scarr
Bragg	Fierravanti-Wells	McLachlan	Seselja
Canavan	Hanson	Rennick	Smith, Dean*
Chandler	Henderson	Roberts	Stoker
Colbeck			

* Tellers

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

26 **Comprehensive review of the legal framework governing the national intelligence community—Order for production of documents**

Senator Urquhart, at the request of Senator Watt and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 811—That there be laid on the table by the Minister representing the Attorney-General, by no later than 3.30 pm on 8 October 2020, the unclassified version of the report by Dennis Richardson AC titled *Comprehensive review of the legal framework governing the national intelligence community*.

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

Question put and passed.

27 **Environmental and cultural heritage protection**

Senator Hanson-Young amended general business notice of motion no. 816 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) mining giant Rio Tinto has been lobbying the Morrison Government to transfer environmental approval powers to the Western Australian Government since at least August 2019, freedom of information documents reveal,
- (ii) Rio Tinto is responsible for the devastating destruction of 46,000-year-old sacred site Juukan Gorge.
- (iii) the Government has proposed amendments to Australia's environment laws before the completion of a 10-year review into the Environment Protection and Biodiversity (EPBC) Act, that will devolve environmental approval powers to the states as Rio Tinto has urged, and
- (iv) the Government's EPBC amendment bill will make it easier for Rio Tinto to blow up cultural heritage sites and for mining companies to get approval for projects that damage the environment under weaker state laws; and

(b) calls on the Government to:

- (i) stop doing the bidding of companies like Rio Tinto; and
- (ii) put environmental and cultural heritage protection ahead of corporate profits of mining companies.

Question put.

The Senate divided—

AYES, 24

Senators—

Ayres	Faruqi	McCarthy	Smith, Marielle
Brown	Green	McKim	Sterle
Carr	Griff	O'Neill	Thorpe
Chisholm	Hanson-Young	Patrick	Urquhart*
Dodson	Lines	Sheldon	Waters
Farrell	McAllister	Siewert	Watt

NOES, 26

Senators—

Abetz	Davey	McKenzie	Ruston
Askew	Duniam	McLachlan	Ryan
Birmingham	Hanson	McMahon	Scarr
Bragg	Henderson	O'Sullivan	Seselja
Canavan	Hughes	Rennick	Smith, Dean*
Chandler	Hume	Roberts	Stoker
Colbeck	Lambie		

* Tellers

Question negatived.

28 Discussion of matter of public importance—2020-21 Budget

The President informed the Senate that the following matter of public importance submitted by Senator Thorpe under standing order 75 had been selected for discussion today:

The Morrison Government's Budget for millionaires is a disaster for our climate and for economic equality, driving the expansion of dirty gas and giving billions in corporate handouts.

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

29 Notice

Senators Sterle and Sheldon gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 31 March 2021:

The future of Australia's aviation sector, in the context of COVID-19 and conditions post-pandemic, having particular regard to:

- (a) the importance of Australia's aviation sector in supporting the economic and social wellbeing of all Australians;
- (b) the immediate and long-term impacts of the COVID-19 pandemic response on all aspects of the Australian aviation sector;
- (c) the immediate and long-term impacts of the COVID-19 pandemic response on all sectors that rely on aviation (e.g. tourism);
- (d) the adequacy of government industry support and procurement and programs for the social and economic well-being of workers for all sections of the aviation industry to survive the downturn caused by the pandemic;
- (e) the immediate and long-term employment landscape within Australia's aviation sector;
- (f) what policy and practical measures would be required to assist the industry to recover in the medium term; and
- (g) any related matters.

30 Documents—Consideration

A document tabled earlier today (*see entry no. 39*) was considered as follows:

Motion to take note of document no. 2 moved by Senator McKim. Consideration to resume on Thursday.

31 Committee reports and government responses—Tabling and consideration

Senator Urquhart, 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 13 of 2020, dated 7 October 2020.

Senator Davey, at the request of 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 11 of 2020, dated 7 October 2020.

Pursuant to order, Senator Davey, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 2 of 2020, dated October 2020—

Community Affairs Legislation Committee.

Finance and Public Administration Legislation Committee.

Foreign Affairs, Defence and Trade Legislation Committee.

Legal and Constitutional Affairs Legislation Committee.

Rural and Regional Affairs and Transport Legislation Committee.

Senator Urquhart, at the request of the Chair of the Finance and Public Administration References Committee (Senator Ayres), tabled the following report and documents:

Finance and Public Administration References Committee—Lessons to be learned in relation to the Australian bushfire season 2019-20—Interim report, dated October 2020, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Debate ensued.

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

The Minister for Aged Care and Senior Australians (Senator Colbeck) tabled the following document:

Environment and Communications References Committee—Report—Australia's faunal extinction crisis—Government response, dated October 2020—Updated.

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

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

32 **Committee membership**

The Acting Deputy President (Senator Sterle) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Acting Deputy President indicated that there were two nominations for one position on the Select Committee on Tobacco Harm Reduction allocated to a minority group or independent senators and that a ballot would be held on Thursday, 8 October 2020 at a time to be determined.

The Minister for Aged Care and Senior Australians (Senator Colbeck), by leave, moved—That senators be discharged from and appointed to committees as follows:

Rural and Regional Affairs and Transport References Committee—

Appointed—

Substitute member: Senator Waters to replace Senator Whish-Wilson for the committee's inquiry into water quality outcomes in the Great Barrier Reef

Participating member: Senator Whish-Wilson

Tobacco Harm Reduction—Select Committee—

Appointed—

Senators Canavan, Henderson and Hughes

Participating members: Senators Abetz, Antic, Askew, Bragg, Brockman, Chandler, Davey, Fawcett, Fierravanti-Wells, Hanson, McDonald, McGrath, McKenzie, McLachlan, McMahon, Molan, O'Sullivan, Paterson, Rennick, Scarr, Siewert, Dean Smith, Stoker and Van.

Question put and passed.

33 **Biosecurity Amendment (Traveller Declarations and Other Measures) Bill 2020**

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

Message no. 252, dated 7 October 2020—A Bill for an Act to amend the *Biosecurity Act 2015*, and for related purposes.

The Minister for Aged Care and Senior Australians (Senator Colbeck) 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 Colbeck moved—That this bill be now read a second time.

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

34 **Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 8) 2020—Proposed disallowance**

Senator Faruqi, pursuant to notice, moved business of the Senate notice of motion no. 1—That Part 3 of Schedule 1 of the Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 8) 2020, made under the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020*, be disallowed [F2020L01165].

Debate ensued.

Question put.

The Senate divided—

AYES, 22

Senators—

Ayres	Faruqi	O'Neill	Sterle
Brown	Green	Polley	Thorpe
Carr	Hanson-Young	Sheldon	Urquhart
Chisholm	Lines	Siewert	Waters
Dodson	McCarthy*	Smith, Marielle	Watt
Farrell	McKim		

NOES, 27

Senators—

Abetz	Duniam	McKenzie	Ruston
Antic	Fawcett	McLachlan	Ryan
Askew	Hanson	McMahon	Scarr
Bragg	Henderson	Molan	Seselja
Chandler	Hughes	Patrick	Smith, Dean
Colbeck	Hume	Rennick	Stoker
Davey*	Lambie	Roberts	

* Tellers

Question negatived.

35 **Notice**

Senator Patrick, by leave, changed the day for moving general business notice of motion no. 828, lodged earlier today (*see entry no. 8*) to 8 October 2020.

36 **Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume)—That this bill be now read a second time—and on the amendment moved by Senator Faruqi (*see entry no. 4*).

Debate resumed.

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

37 **Adjournment**

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

Debate ensued.

The Senate adjourned at 7.56 pm till Thursday, 8 October 2020 at 9.30 am.

38 **Attendance**

Present, all senators except Senators Bilyk*, Brockman*, Ciccone*, Gallacher*, Kitching*, McDonald*, McGrath*, Paterson*, Payne*, Pratt*, Rice*, Steele-John*, Van*, Walsh* and Whish-Wilson* (*on leave).

39 **Documents**

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

Document presented by the President

- 1 Department of Parliamentary Services—Report for 2019-20.

Response to Senate resolutions

- 2 Forestry industry—Resolution of 1 September 2020—Letter to the President of the Senate from the Chief Executive Officer, Bob Brown Foundation (Mr Chaffer), dated 23 September 2020.

The Clerk tabled the following documents pursuant to statute:

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

Competition and Consumer Act 2010—Competition and Consumer (Industry Codes—Food and Grocery) Amendment Regulations 2020 [F2020L01281].

Financial Framework (Supplementary Powers) Act 1997—Financial Framework (Supplementary Powers) Amendment (Education, Skills and Employment Measures No. 5) Regulations 2020 [F2020L01280].

Seat of Government (Administration) Act 1910—National Land (Road Transport) Ordinance 2014—Australian Capital Territory National Land (Road Transport) (Electronic Payment Method) Rules 2020 [F2020L01279].

The Clerk tabled the following documents pursuant to order:

Departmental and agency appointments and vacancies—Budget estimates 2020-21—
Letters of advice pursuant to the order of the Senate of 24 June 2008—

Agriculture, Water and the Environment portfolio.

Education, Skills and Employment portfolio.

Departmental and agency grants—Budget estimates 2020-21—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Agriculture, Water and the Environment portfolio.

Education, Skills and Employment portfolio—Small and Family Business.

Health portfolio—Organ and Tissue Authority.

Estimates hearings—Unanswered questions on notice—Additional estimates 2019-20—Statements pursuant to the order of the Senate of 25 June 2014—

Education, Skills and Employment portfolio.

Industry, Science, Energy and Resources portfolio.

Prime Minister and Cabinet portfolio—Office of the Official Secretary to the Governor-General.

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—

Industry, Science, Energy and Resources portfolio [2].

Prime Minister and Cabinet portfolio—National Drought and North Queensland Flood Response and Recovery Agency.

Social Services portfolio.

RICHARD PYE
Clerk of the Senate