



Senate Journals

No. 39: Monday, 10 February 2020

1	Meeting of Senate.....	1269
2	Documents	1269
3	Committees—Leave to meet during sittings	1270
4	Marine Safety (Domestic Commercial Vessel) National Law Amendment (Improving Safety) Bill 2019.....	1270
5	Vacancy in the representation of South Australia—Choice of Andrew Lockhart McLachlan.....	1271
6	Ministry and ministerial arrangements—Document	1271
7	Shadow ministry—Document	1271
8	Questions.....	1272
9	Routine of business—Variation—Statement by President.....	1272
10	Motion to take note of answer	1272
11	Marine Safety (Domestic Commercial Vessel) National Law Amendment (Improving Safety) Bill 2019.....	1272
12	Telecommunications Amendment (Repairing Assistance and Access) Bill 2019	1273
13	Report on ministerial standards and sports grants—Order for production of documents—Explanation by minister	1273
14	Notices.....	1274
15	Postponements.....	1282
16	Committee—Extensions of time to report	1282
17	Leave of absence.....	1282
18	Rate of Newstart.....	1283
19	Foreign Affairs Defence and Trade—Joint Standing Committee— PFAS contamination—Government response	1283
20	Wildlife impacted by bushfires	1284
21	Violence against women.....	1284
22	Australia Day Awards—City of Wanneroo	1286
23	Land management by First Nations peoples	1286
24	Discussion of matter of public importance—Climate change and bushfires	1287
25	Carmichael coal mine.....	1287
26	Impacts of petroleum exploration.....	1288
27	Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020	1289
28	CapTel service	1289

29	Commonwealth Integrity Commission	1291
30	Visit by the President of the Republic of Indonesia.....	1292
31	Ministerial standards	1292
32	Documents—Consideration	1293
33	Unanswered questions on notice—Order for production of documents— Document.....	1294
34	Ministerial standards—Answer to question—Document.....	1294
35	Australian Business Growth Fund Bill 2019	1294
36	Trade Support Loans Amendment (Improving Administration) Bill 2019.....	1294
37	Treasury Laws Amendment (Research and Development Tax Incentive) Bill 2019	1295
38	Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Bill 2019.....	1295
39	Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019	1295
40	Committee membership.....	1295
41	Treasury Laws Amendment (2018 Measures No. 2) Bill 2019	1295
42	Adjournment.....	1298
43	Attendance	1298

1 Meeting of Senate

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

2 Documents

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

Documents presented by the President

- 1 38th Commonwealth Parliamentary Association Conference and Pacific Regional Conference, South Australia—Report of the Australian parliamentary delegation, 18 to 21 November 2019, dated February 2020.
- 2 Donations—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 6 February 2020, providing information concerning a question without notice asked by Senator Waters on 6 February 2020.
- 3 Temporary Chair of Committees—Warrant, dated 10 February 2020, nominating Senator Marielle Smith as an additional temporary chair of committees.

Government documents

- 4 Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2018-19.
- 5 High Court of Australia—Report for 2018-19.
- 6 Mid-year economic and fiscal outlook 2019-20—Statement by the Treasurer (Mr Frydenberg) and the Minister for Finance (Senator Cormann).
- 7 *Migration Act 1958*—Section 486O—Assessment of detention arrangements—Commonwealth Ombudsman's reports—Reports 1 to 3 of 2020.
Government responses to Ombudsman's reports 1 to 3, dated 5 February 2020.
- 8 National Children's Commissioner—Children's rights—Report for 2019.
- 9 Wreck Bay Aboriginal Community Council—Report for 2018-19.

Committee reports presented out of sitting

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

References initiated by the Selection of Bills Committee

- 10 Economics Legislation Committee—Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Bill 2019 [Provisions] and Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Measures) Bill 2019 [Provisions]—Report, dated February 2020, and submissions. [*Received 7 February 2020*]
- 11 Rural and Regional Affairs and Transport Legislation Committee—Export Control Bill 2019 [Provisions] and related bills—Report, dated February 2020, and submissions. [*Received 7 February 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.]

Australian Citizenship Act 2007—Exercise of Ministerial Discretion under subsection 22A(1A)—12 November 2019.

Aviation Transport Security Act 2004, Crimes Act 1914, Crimes Legislation Amendment (Serious and Organised Crime) Act 2010 and Maritime Transport and Offshore Facilities Security Act 2003—Crimes Legislation Amendment (2019 Measures No. 1) Regulations 2019 [F2019L01004]—Replacement explanatory statement.

Competition and Consumer Act 2010—Competition and Consumer (Consumer Data Right) Rules 2020 [F2020L00094].

National Redress Scheme for Institutional Child Sexual Abuse Act 2018—National Redress Scheme for Institutional Child Sexual Abuse Amendment (2020 Measures No. 1) Rules 2020 [F2020L00096].

Social Security Act 1991—Social Security (Australian Government disaster recovery payment—New South Wales bushfires) Determination 2020 (No. 12) [F2020L00095].

3 Committees—Leave to meet during sittings

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

Administration of Sports Grants—Select Committee—today, from 4 pm.

Finance and Public Administration References Committee—today, from 10.30 am.

Foreign Affairs, Defence and Trade—Joint Standing Committee—

today, from 4 pm, followed by a public meeting

Tuesday, 11 February 2020, from 4.30 pm, followed by a private briefing

Wednesday, 12 February 2020, from 12.30 pm, followed by private briefings

Thursday, 13 February 2020, from 9.45 am, followed by a public meeting and private briefings.

Migration—Joint Standing Committee—

Wednesday, 12, 26 February and 25 March 2020, from 10 am, followed by public meetings

Thursday, 13 February 2020, from 1 pm.

Treaties—Joint Standing Committee—Monday, 24 February and 23 March 2020, from 10 am.

4 Marine Safety (Domestic Commercial Vessel) National Law Amendment (Improving Safety) Bill 2019

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

Debate resumed.

At 11 am: Debate was interrupted while Senator Dean Smith was speaking.

Suspension of sitting: Pursuant to order (*see entry no. 14, 6 February 2020*) the sitting of the Senate was suspended till 2.30 pm to enable senators to attend a meeting of the House of Representatives for an address by the President of the Republic of Indonesia.

At 2.30 pm—

5 **Vacancy in the representation of South Australia—Choice of Andrew Lockhart McLachlan**

The President informed the Senate that he had received, through the Governor-General, from the Governor of South Australia, a copy of the certificate of the choice by the Parliament of South Australia of Andrew Lockhart McLachlan to fill the vacancy caused by the resignation of Senator Bernardi.

The President tabled the copy of the certificate as follows:

Government House
Adelaide

Thursday, 6 February 2020

Your Excellency

I have the honour to inform Your Excellency that the President of the Legislative Council in this State has advised that, in accordance with Section 15 of the Constitution of the Commonwealth of Australia, a Joint Sitting of the Houses of Parliament was held on Thursday 6 February 2020, and Mr Andrew Lockhart McLachlan CSC was duly chosen to be a Senator to fill the vacancy in the representation of South Australia in the Senate of the Commonwealth caused by the resignation of Senator Cory Bernardi.

Warmest Regards

The Honourable Hieu Van Le AC
Governor of South Australia

His Excellency General the Honourable David Hurley AC DSC (Retd)
Governor-General of the Commonwealth of Australia
Government House
Canberra ACT 2600

Senator sworn: Senator McLachlan, pursuant to the Constitution of the Commonwealth of Australia, made and subscribed the oath of allegiance at the table.

6 **Ministry and ministerial arrangements—Document**

The Minister for Finance (Senator Cormann) tabled a document showing all members of the Morrison Ministry and ministerial representation, dated 6 February 2020.

7 **Shadow ministry—Document**

The Leader of the Opposition in the Senate (Senator Wong), by leave, made a statement relating to changes to shadow ministerial arrangements and tabled a document showing the Opposition shadow ministry, dated 10 February 2020.

8 Questions

Questions without notice were answered.

9 Routine of business—Variation—Statement by President

The President reminded senators that a temporary order agreed to in 2019 provided that no divisions can take place between 6.30 pm and 7.30 pm on Monday.

With the concurrence of the Senate, it was agreed that the discussion on the matter of public importance proposed by Senator Siewert today would occur from 6.30 pm.

10 Motion to take note of answer

Senator Farrell moved—That the Senate take note of the answer given by the Minister for Youth and Sport (Senator Colbeck) to a question without notice asked by Senator Farrell today relating to the Community Sport Infrastructure Grant Program.

Debate ensued.

Question put and passed.

At 4 pm: Pursuant to order (*see entry no. 14, 6 February 2020*) consideration of private senators' bills resumed.

11 Marine Safety (Domestic Commercial Vessel) National Law Amendment (Improving Safety) Bill 2019

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

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

Question—That the question be now put—put.

The Senate divided—

AYES, 33

Senators—

Ayres	Green	McCarthy	Sheldon
Brown	Griff	McKim	Siewert
Carr	Hanson	O'Neill	Smith, Marielle
Chisholm	Hanson-Young	Patrick	Steele-John
Ciccone	Keneally	Polley	Sterle
Di Natale	Kitching	Pratt	Urquhart*
Dodson	Lambie	Rice	Waters
Faruqi	McAllister	Roberts	Whish-Wilson
Gallagher			

NOES, 30

Senators—

Abetz	Colbeck	McGrath	Rennick
Antic	Davey	McKenzie	Ryan
Askew	Duniam	McLachlan	Scarr
Birmingham	Fierravanti-Wells	McMahon	Seselja
Bragg	Henderson	Molan	Smith, Dean*
Brockman	Hughes	Paterson	Stoker
Canavan	Hume	Payne	Van
Chandler	McDonald		

* Tellers

Question agreed to.

Main question put.

The Senate divided—

AYES, 33

Senators—

Ayres	Green	McCarthy	Sheldon
Brown	Griff	McKim	Siewert
Carr	Hanson	O'Neill	Smith, Marielle
Chisholm	Hanson-Young	Patrick	Steele-John
Ciccone	Keneally	Polley	Sterle
Di Natale	Kitching	Pratt	Urquhart*
Dodson	Lambie	Rice	Waters
Faruqi	McAllister	Roberts	Whish-Wilson
Gallagher			

NOES, 30

Senators—

Abetz	Colbeck	McGrath	Rennick
Antic	Davey	McKenzie	Ryan
Askew	Duniam	McLachlan	Scarr
Birmingham	Fierravanti-Wells	McMahon	Seselja
Bragg	Henderson	Molan	Smith, Dean*
Brockman	Hughes	Paterson	Stoker
Canavan	Hume	Payne	Van
Chandler	McDonald		

* Tellers

Question agreed to.

Bill read a second time.

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

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

12 **Telecommunications Amendment (Repairing Assistance and Access) Bill 2019**

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

Debate resumed.

At 5.20 pm: Debate was interrupted while Senator Stoker was speaking.

13 **Report on ministerial standards and sports grants—Order for production of documents—Explanation by minister**

Pursuant to order (*see entry no. 33, 5 February 2020*), the Minister for Finance (Senator Cormann) provided an explanation concerning non-compliance with the requirement to table a report relating to ministerial standards and the Community Sport Infrastructure Grant Program.

Senator Lambie moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

14 Notices

Senators Dean Smith, Griff and Ciccone: To move on the next day of sitting—That the Senate—

- (a) notes that 27 January 2020 marked International Holocaust Remembrance Day, a day where we remember the atrocities committed by the Nazi regime and its collaborators, and reaffirm our promise to ‘never forget’ the 6 million Jews and 11 million others who were exterminated during the Holocaust;
- (b) acknowledges the importance of International Holocaust Remembrance Day in honouring the memory of all Holocaust victims, and the ongoing efforts of the International Holocaust Remembrance Alliance to advance and promote Holocaust education to ensure the history and stories of its victims are passed on to successive generations;
- (c) notes that Australia officially became the 33rd member of the International Holocaust Remembrance Alliance at the Mondorf-les-Bains Plenary meeting on 4 June 2019;
- (d) notes this year’s annual observance also marked the 75th anniversary of the liberation of Auschwitz, the largest and most notorious concentration camp operated by the Nazi regime, located approximately 60 kilometres west of Krakow, Poland;
- (e) further acknowledges that more than 1.1 million people were killed at the Auschwitz complex alone, including nearly 1 million Jews, and that on the day of liberation only 7,000 people were saved; and
- (f) further notes that during the 1940s, tens of thousands of European Jews emigrated to Australia, and that Australia has the largest per-capita Holocaust survivor population outside Israel. (*general business notice of motion no. 413*)

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

- (a) notes that:
 - (i) Aged Care Assessment Teams (‘ACATs’) are teams of medical professionals which run clinical and psychological checks on older Australians who have applied for home or residential aged care,
 - (ii) based in hospitals across the country, ACATs are ultimately responsible for assessing which older Australians should receive government-funded care,
 - (iii) an ACAT team usually includes a nurse, plus another healthcare worker such as a physiotherapist, occupational therapist or social worker,
 - (iv) the Morrison Government has announced that it will privatise the ACAT workforce from April 2021, when a tender will be put out for organisations to deliver this vital assessment, and
 - (v) on 14 January 2020, the chair of the Royal Commission into Aged Care Quality and Safety, the Honourable Gaetano Pagone QC, issued a statement saying that the Commission’s interim report ‘did not endorse the government’s stated position’ on privatising the ACATs;
- (b) supports the retention of ACATs as a publicly provided service; and

- (c) commends the Health Services Union and other unions for their continued advocacy on behalf of working people in healthcare across Australia, in particular in the aged care sector. (*general business notice of motion no. 414*)

Senator Kitching: To move on 12 February 2020—That the Senate—

- (a) notes that members of the Naval Shipbuilding Advisory Board are officers for the purposes of standing order 26(5); and
- (b) requires members of the Naval Shipbuilding Advisory Board, including but not limited to the Chair of the Board, to appear before the Foreign Affairs, Defence and Trade Legislation Committee when it meets to consider the 2019-20 additional estimates, at 9 am on 4 March 2020. (*general business notice of motion no. 415*)

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

- (a) notes that:
 - (i) Palliative Care Tasmania's (PCT) three-year \$1.5 million funding agreement expires on 30 June 2020, and
 - (ii) most state and territory palliative care peak bodies receive recurrent government funding;
- (b) recognises that:
 - (i) PCT provides valuable services to the palliative care sector and the broader community, including advocacy, policy advice, and community education and professional development delivered to over 4,000 Tasmanians a year,
 - (ii) these services:
 - (A) help educate Tasmanians on the importance of advance care planning, writing advance care directives and discussing future care wishes with family and close friends,
 - (B) lead to millions of dollars of savings in residential aged care and acute health care – conservatively, cost savings of \$30 million a year are made through their work in residential aged care and cost savings of \$25 million a year are made based on 10% of participants in their education programs understanding advance care planning and completing an advance care directive, and
 - (C) provide Tasmanians with life-limiting illness greater choice, control, comfort and dignity in their care, and help to ensure that thousands of Tasmanians can have a good death; and
 - (iii) should PCT not receive further funding, their services would either have to be provided directly by the Tasmanian Government at much greater cost or would be lost to the palliative care sector; and
- (c) calls on the Tasmanian and Commonwealth governments to work together to come up with a plan to fund PCT which provides PCT with adequate funding and certainty to continue its core activities beyond 30 June 2020. (*general business notice of motion no. 416*)

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

- (a) notes the address of New South Wales Minister for Energy and Environment, and Liberal, Mr Matt Kean MP on 10 December 2019 to the National Smart Energy Summit;

- (b) endorses Minister Kean's:
 - (i) acknowledgement that this summer's 'bushfires have been caused by extreme weather events, high temperatures, the worst drought in living memory – the exact type of events scientists have been warning us about for decades that would be caused by climate change',
 - (ii) observation that 'We cannot allow ideology and politics to get in the way of our clear path to secure our economic prosperity, let alone the health of our planet for generations of Australians', and
 - (iii) statement that 'taking action to reduce our emissions today is not about a cost that we are morally obliged to pay, it's about taking an economic opportunity that we would be negligent to miss';
- (c) concurs with Minister Kean that 'renewables today are the cheapest form of new generation'; and
- (d) calls on the Prime Minister (Mr Morrison) to listen to Minister Kean and experts across all fields and take strong action to address climate change. (*general business notice of motion no. 417*)

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 Morrison Government told the United Nations in Madrid that technology improvements are central to their plan to reduce Australia's emissions, and praised the work of the Australian Renewable Energy Agency (ARENA),
 - (ii) ARENA has driven the acceleration and uptake of home-grown emissions reductions technologies with \$1.4 billion funding 478 projects, leveraging \$2.83 of private investment for each dollar committed to generate a total \$5.5 billion in projects, and
 - (iii) the evidence provided by ARENA during Senate estimates hearings indicates that it expects to run out of money by the middle of this year; ARENA has 60 expressions of interest and 94 full applications still before it; and
- (b) calls on the Minister for Energy and Emissions Reduction, Mr Taylor, who has issued 32 media releases promoting the work of ARENA, to ensure that the Agency will receive more legislated funding in the 2020-21 budget and continue its important work in the fields of hydrogen, bioenergy and clean technologies that are central to our future prosperity and driving new employment in Australia's regions. (*general business notice of motion no. 418*)

The Leader of Pauline Hanson's One Nation (Senator Hanson): To move on the next day of sitting—That the Senate—

- (a) notes that building new high-efficiency low-emission coal-fired power stations will create jobs, lower power prices, increase competition and increase reliability in the energy system; and
- (b) supports projects, like the Collinsville clean coal-fired power project, which will provide stable reliable baseload power and help lower power prices. (*general business notice of motion no. 419*)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

- (a) affirms its commitment to a complete moratorium on nuclear energy, as expressed in the *Australian Radiation Protection and Nuclear Safety Act 1998* and the *Environment Protection and Biodiversity Conservation Act 1999*;
- (b) notes the devastating and lasting impacts of the nuclear disasters in Fukushima, Chernobyl and Three Mile Island; and
- (c) calls on all Ministers to commit to Australia being a nuclear-free zone. (*general business notice of motion no. 420*)

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

- (a) notes with deep concern United States President Donald Trump's so-called 'peace' proposal for Israel and Palestine, which:
 - (i) further entrenches injustice and conflict in the Middle East,
 - (ii) rewards breaches of international law like the Israeli Government's flagrant settlement building,
 - (iii) enables and encourages illegal annexation in the West Bank, and
 - (iv) forces Palestinians to live on scraps of territory without a genuine state of their own;
- (b) further notes that Palestinians were not involved in the process of developing the proposal; and
- (c) calls on the Federal Government to publicly reject this biased, unfair and dangerous proposal. (*general business notice of motion no. 421*)

Senator McAllister: To move on the next day of sitting—That the Senate endorses Senator Cormann's statement to the Senate on 10 February 2020, that climate change is human induced, and welcomes his confirmation that the Morrison Government accepts this fact. (*general business notice of motion no. 422*)

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

- (a) notes that the Government is in discussions with the big four banks, major retailers and EFTPOS around a possible national rollout of the cashless debit card (CDC);
- (b) recognises that compulsory income management disadvantages people on low incomes by limiting their ability to shop around and make savings where purchases can be made through cash;
- (c) acknowledges that rolling out compulsory income management to people on income support payments would remove the choice and control they have over the financial products and services they use;
- (d) further notes that the Australian National Audit Office found that there was no evidence that there has been a reduction in social harm following the introduction of the CDC;
- (e) urges the big four banks, EFTPOS and major retailers not to facilitate any national rollout of compulsory income management, including the CDC; and
- (f) calls on the Federal Government to be honest and transparent about its plans to rollout compulsory income management to income support recipients across Australia. (*general business notice of motion no. 423*)

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

- (a) notes:
 - (i) that the Morrison Government committed to implement a Commonwealth Integrity Commission (CIC) on 13 December 2018,
 - (ii) that it has been 424 days since that commitment and the Morrison Government has still failed to introduce legislation to establish the body, and
 - (iii) reports that the Member for Wide Bay, Mr Llew O'Brien, has called for the proposed federal anti-corruption body to be given 'more strenuous, stronger' powers;
- (b) calls on the Attorney-General, Mr Porter, to revise his proposed anti-corruption commission to give it the powers, independence and transparency it needs to effectively combat corruption in the federal sphere; and
- (c) calls on the Federal Government to introduce legislation on the CIC as a matter of priority. (*general business notice of motion no. 424*)

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

- (a) notes with deep concern:
 - (i) the ongoing lockdown in Kashmir since the revocation of Kashmir's special status by the Indian Government in August 2019,
 - (ii) the ongoing internet and communications blockade, with all communications in and out of the valley still tightly controlled and journalists being intimidated,
 - (iii) the ongoing denial of freedom of movement and freedom to protest to the people of Kashmir, who face ongoing curfews in large parts of the valley, and
 - (iv) the militarisation of Kashmir;
- (b) expresses solidarity with the many Australian Kashmiris who remain deeply concerned about their loved ones in Kashmir;
- (c) further notes that Kashmiris have an unequivocal right to self-determination, as recognised by the United Nations; and
- (d) calls on the Australian Government to urge the Indian Government to respect the human rights of the people in Kashmir and their right to self-determination, withdraw military forces, and end the mass lockdown. (*general business notice of motion no. 425*)

Senators Watt and Griff: To move on the next day of sitting—That the Senate—

- (a) notes:
 - (i) reports that, in December 2017, the National Aerial Firefighting Centre (NAFC) submitted a business case to the Government requesting a permanent increase in funding of \$11 million to its annual budget,
 - (ii) evidence from the Department of Home Affairs that, as at 6 December 2019, the Government was still considering the business case, and

- (iii) that, when asked about the business case on 4 January 2020, the Commissioner of the New South Wales Rural Fire Service, Mr Shane Fitzsimmons, said that ‘We haven’t seen a positive response to that business case’; and
- (b) recognises that, given the Government’s failure to respond to the NAFC business case for at least 2 years, more could have been done to ensure adequate aerial firefighting capability during the 2019 bushfire season. (*general business notice of motion no. 426*)

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

- (a) notes that:
 - (i) global estimates indicate that more than 600 children have died from ingesting button batteries,
 - (ii) up to 20 children each week present to emergency departments after swallowing button batteries, and
 - (iii) two and a half years after the introduction of a voluntary industry code in Australia, a high level of unsafe button battery products remain available in the Australian market, and a meaningful decrease in the rate of button battery exposures or injuries is not yet apparent; and
- (b) calls on the Federal Government to implement a mandatory code to protect children from being exposed to button batteries in Australia and to prevent the sale of dangerous products. (*general business notice of motion no. 427*)

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

- (a) notes that 11 February 2019 is Safer Internet Day, a worldwide event that raises awareness about online safety and encourages everyone to help create a better internet;
- (b) expresses concern that online dating sites provide a ‘fertile landscape’ for predators including cases where:
 - (i) paedophiles are using dating sites to find single women with children,
 - (ii) adolescent girls and boys are using dating sites and being targeted by paedophiles, and
 - (iii) women are being sexually assaulted by known sex offenders;
- (c) acknowledges that sexual assault victims and their advocates are calling for better coordination between law enforcement and tech companies to stop sexual predators repeatedly using dating sites to lure victims;
- (d) further notes that, in the United States, a congressional investigation is underway by the subcommittee on Economic and Consumer Policy of the Committee on Oversight and Reform into how the major dating site companies have allegedly allowed sex offenders to use their services; and
- (e) calls on the Federal Government to engage with online dating sites, as a matter of urgency, to develop memorandums of understanding to facilitate easier access and information sharing between law enforcement agencies and dating sites. (*general business notice of motion no. 428*)

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

- (a) notes that:
 - (i) Australia's aged care system receives over \$21 billion of taxpayer money each year,
 - (ii) despite receiving large government subsidies, there is a significant lack of transparency in aged care, and
 - (iii) aged care providers are not required to publish details on how government subsidies are spent including on food, medical products, accommodation, staffing and staff training;
- (b) recognises that the aged care sector requires robust financial transparency in order to make clear how much facilities actually spend on delivering care;
- (c) acknowledges that families relying on the aged care sector to care for loved ones deserve access to information to assist them in making informed decisions about aged care for family members; and
- (d) calls on the Federal Government to legislate for financial transparency in aged care, as a matter of urgency. (*general business notice of motion no. 429*)

Senators Waters and Rice: To move on the next day of sitting—That—

- (1) There be laid on the table by the Minister for Youth and Sport by no later than midday on Thursday, 13 February 2020:
 - (a) all communications between the Department of Health (the Department) and the Minister for Youth and Sport (the Minister) or the Minister's office in relation to the Community Sport Infrastructure – Female Facilities and Water Safety program (FFWSP);
 - (b) all communications between the Minister or the Minister's office and the Prime Minister or the office of the Prime Minister in relation to the FFWSP;
 - (c) all communications between the Minister and the Minister for Infrastructure, Transport and Regional Development in relation to the FFWSP;
 - (d) any incoming ministerial brief prepared for the Minister in relation to the FFWSP;
 - (e) any guidelines or program arrangements applying to the FFWSP;
 - (f) any advice on the content of guidelines or program arrangements, or drafts of same, prepared by the Department for the Minister in relation to the FFWSP;
 - (g) any advice prepared by or for the Department for the Minister regarding the need for guidelines for the FFWSP;
 - (h) any advice prepared for the Minister regarding eligibility for the FFWSP or the process for determining the list of organisations invited to apply for funding;
 - (i) a list of all projects invited to seek funding under the FFWSP, and any documents pertaining to the basis on which they were selected; and
 - (j) a list of all projects funded under the FFWSP.

- (2) In the event that the Minister fails to table the documents requested in paragraph (1), the Senate requires the Minister to attend the Senate at 3.30 pm on 13 February 2020 to provide an explanation, of no more than 10 minutes, of the Government's failure to table the documents requested in paragraph (1).
- (3) Any senator may move to take note of the explanation required by paragraph (2).
- (4) Any motion under paragraph (3) shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes each. (*general business notice of motion no. 430*)

Senators Waters and Rice: To move on the next day of sitting—That—

- (1) There be laid on the table by the Minister representing the Minister for Infrastructure, Transport and Regional Development by no later than midday on 13 February 2020:
 - (a) all communications between the Department of Infrastructure, Transport and Regional Development (the Department) and the Minister for Infrastructure, Transport and Regional Development (the Minister) or the Minister's office in relation to the Community Sport Infrastructure – Female Facilities and Water Safety program (FFWSP);
 - (b) all communications between the Minister or Minister's office and the Prime Minister or the office of the Prime Minister in relation to the FFWSP;
 - (c) all communications between the Minister and the incoming Minister for Youth and Sports in relation to the FFWSP following the federal election;
 - (d) any advice prepared for the Department, the Minister or the Prime Minister regarding the need for guidelines for the FFWSP;
 - (e) any advice on the content of guidelines or program arrangements, or drafts of same, prepared by the Department for the Minister or Prime Minister in relation to the FFWSP;
 - (f) any advice prepared by or for the Department for the Minister or Prime Minister regarding eligibility for the FFWSP or the process for determining the list of organisations invited to apply for funding;
 - (g) a list of all projects invited to seek funding under the FFWSP, and documents pertaining to the basis on which they were selected; and
 - (h) a list of all projects funded under the FFWS Program.
- (2) In the event that the Minister fails to table the documents requested in paragraph (1), the Senate requires the Minister representing the Minister for Infrastructure, Transport and Regional Development in the Senate to attend the Senate at 3.30 pm on 13 February 2020 to provide an explanation, of no more than 10 minutes, of the Government's failure to table the documents requested in paragraph (1).
- (3) Any senator may move to take note of the explanation required by paragraph (2).
- (4) Any motion under paragraph (3) shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes each. (*general business notice of motion no. 431*)

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—

- (1) That the Senate notes that:
 - (a) under the guidelines for the use of special purpose aircraft, the Minister for Defence is responsible for tabling the schedule of special purpose flights ‘in June (for the six months ending the previous 31 December) and December (for the six months ending the previous 30 June)’;
 - (b) regrettably, under the Abbott-Turnbull-Morrison Government, the schedule has routinely been tabled late, in one case over eight months late;
 - (c) the most recent schedule published on the Department of Defence website (<https://www.defence.gov.au/Publications/Parliament/>) is for the six months ending 30 June 2017;
 - (d) consistent with the guidelines, previous governments tabled schedules on the last sitting day of June and December each year; and
 - (e) the most recently tabled schedule for the six months ending 31 December 2018 was not tabled until 28 August 2019.
- (2) That there be laid on the table by the Minister for Defence, by no later than 9.30 am on 13 February 2020, the schedule of special purpose flights for the period 1 January to 30 June 2019. (*general business notice of motion no. 432*)

15 Postponements

Business was postponed as follows:

General business notice of motion no. 403 standing in the name of Senator Hanson-Young for today, relating to environmental flows, postponed till 11 February 2020.

General business notice of motion no. 407 standing in the name of Senator Whish-Wilson for today, relating to accurate reporting of bushfires, postponed till 26 February 2020.

16 Committee—Extensions of time to report

The following committee was granted extensions of time to report:

Legal and Constitutional Affairs Legislation Committee—

Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019—from 19 February to 17 March 2020.

Transport Security Amendment (Serious Crime) Bill 2019 [Provisions]—from 21 February to 25 March 2020.

17 Leave of absence

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

Question put and passed.

18 Rate of Newstart

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 398—That the Senate—

- (a) notes that:
 - (i) there are over 3 million people in Australia living in poverty including over 700,000 children,
 - (ii) Newstart and Youth Allowance have not had an increase in real terms for over 25 years,
 - (iii) the Government's continued failure to act has meant that those trying to survive on Newstart are falling even further behind, prompting the Australian Council of Social Service to call for an urgent \$95 increase in Newstart, and
 - (iv) the Government's position on Newstart is out of step with community expectations; and
- (b) calls on the Federal Government to make it a priority to help address poverty in Australia by immediately significantly increasing Newstart and Youth Allowance.

Question put and passed.

**19 Foreign Affairs Defence and Trade—Joint Standing Committee—
PFAS contamination—Government response**

Senator Faruqi, also on behalf of Senators McCarthy, Patrick and Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 400—That the Senate—

- (a) notes that:
 - (i) the issue of per- and poly-fluoroalkyl substances (PFAS) contamination has caused significant mental, emotional and financial stress for communities where PFAS have contaminated land and water, including the communities around the RAAF bases in Williamtown and Richmond in New South Wales, the Oakey Army Aviation Centre in Queensland, and RAAF Base Tindal at Katherine in the Northern Territory,
 - (ii) it has been more than 14 months since the Joint Standing Committee on Foreign Affairs, Defence and Trade tabled its report, *Inquiry into the management of PFAS contamination in and around Defence bases*, and the Federal Government has still not issued its response, and
 - (iii) communities are waiting anxiously on the Government's response to the key recommendations of the Committee, such as that the Federal Government appoint a Coordinator-General to coordinate the national response to the PFAS contamination issue; undertake measures to improve participation in the voluntary blood testing program for PFAS; and assist property owners and businesses in affected areas for demonstrated, quantifiable financial losses associated with PFAS contamination, including the possibility of buybacks; and

- (b) calls on the Federal Government to immediately release its response to the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade into management of PFAS contamination in and around Defence bases.

Question put and passed.

20 **Wildlife impacted by bushfires**

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 401—That the Senate—

- (a) notes that:
 - (i) unprecedented bushfires across Australia have burnt at least 10 million hectares of land, primarily in New South Wales (NSW), Victoria and South Australia,
 - (ii) an estimated 800 million animals have been killed in NSW, with national impact to more than 1 billion animals, including kangaroos, koalas, bats and reptiles, and
 - (iii) wildlife carers have been on the frontline, rescuing and caring for injured animals, often at great emotional, financial, physical and emotional cost and sacrifice; and
- (b) thanks wildlife carers for their work in saving animals during the recent horrific bushfires.

Question put and passed.

21 **Violence against women**

The Leader of the Australian Greens in the Senate (Senator Waters) amended general business notice of motion no. 402 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—The Senate—

- (a) notes:
 - (i) the overall national toll for women killed by violence since the start of 2020 already stands at 7, as reported by Counting Dead Women Australia from Destroy The Joint,
 - (ii) there is no national government reporting program to record the ongoing toll of women killed by violence in real time,
 - (iii) on average, one woman is murdered every week by her current or former partner,
 - (iv) according to the Australian Bureau of Statistics Personal Safety Survey 201:
 - (A) more than 370,000 Australian women are subjected to violence from men each year,
 - (B) 1 in 3 Australian women has experienced physical violence,
 - (C) 1 in 5 Australian women has experienced sexual violence,
 - (D) 1 in 6 Australian women has experienced physical or sexual violence by a current or former partner,
 - (E) 1 in 4 Australian women has experienced emotional abuse by a current or former partner,

- (F) Australian women are nearly three times more likely than men to experience violence from an intimate partner, and
- (G) Australian women are 2.5 times more likely to be hospitalised for assault injuries arising from family and domestic violence than men, with hospitalisation rates rising by 23% since 2014-15;
- (v) in 2017, young women aged 15-34 accounted for more than half of reported sexual assaults,
- (vi) there is growing evidence that women with disabilities are more likely to experience violence,
- (vii) Aboriginal and Torres Strait Islander women report experiencing violence at 3.1 times the rate of non-Indigenous women,
- (viii) in 2016-17, Indigenous women were 32 times as likely to be hospitalised due to family violence as non-Indigenous women,
- (ix) the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-22 states that the overall prevalence of violence against women will only start to decrease in the very long term as gender roles change, and
- (x) the Fourth Action Plan recognises that demand for domestic and family violence services has increased, and will continue to increase; and
- (b) calls on the Federal Government to:
 - (i) recognise domestic violence against women as a national security crisis,
 - (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,
 - (iii) legislate for 10 days paid domestic and family violence leave so that women don't have to choose between paying the bills and seeking safety,
 - (iv) ensure that all government funded counselling services for domestic and family violence are delivered by expert family violence service providers in accordance with the National Outcome Standards for Perpetrator Interventions,
 - (v) implement all 25 recommendations of the 2015 Senate Standing Committee on Finance and Public Administration report, Domestic Violence in Australia, tabled 20 on August 2015; and
 - (vi) maintain and publish an official real-time national toll of women killed by violence in Australia.

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 Australia Day Awards—City of Wanneroo

Senator Dean Smith, also on behalf of Senator Lines, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 406—That the Senate—

- (a) notes that:
 - (i) the 2020 City of Wanneroo Australia Day Awards were announced on 26 January 2020 at Wanneroo Showgrounds, Wanneroo, Western Australia, and
 - (ii) the City of Wanneroo Australia Day Awards has three categories, including the Charles Searson Australia Day Youth Award, which honours people under 25 who have made an significant contribution to their community; and
- (b) acknowledges:
 - (i) the winner of the 2020 Charles Searson Australia Day Youth Award, Miss Jayda Feifar of Girrawheen Senior High School, Girrawheen, Western Australia, for being a dynamic member of her school community and demonstrating effective leadership skills, and
 - (ii) the following winners of the 2020 City of Wanneroo Australia Day Awards:
 - (A) 2020 Australia Day Individual Award, Daniel McEvoy of the Achievers Club WA, Girrawheen, Western Australia, for his dedication towards supporting students of lower socio-economic backgrounds with their studies, and
 - (B) 2020 City of Wanneroo Community Award, BAPS Shri Swaminarayan Mandir, Wangara, Western Australia, for its commitment to enhancing the community by providing support through a suite of outreach programs.

Question put and passed.

23 Land management by First Nations peoples

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 410—That the Senate—

- (a) notes that 26 January 2020 was marked by added sorrow for many First Nations peoples due to the damage that has been done to country and sacred places from drought and bushfires;
- (b) recognises that First Nations peoples have a long and deep history of looking after country;
- (c) further notes that it is time to listen with respect as we learn from First Nations peoples about traditional burning practices, land management practices and regeneration of vegetation; and
- (d) calls on the Federal Government to ensure First Nations peoples have a leading role in the fire and drought recovery process.

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.

At 6.30 pm—

24 Discussion of matter of public importance—Climate change and bushfires

Pursuant to the order agreed to earlier today (*see entry no. 9*), the President informed the Senate that the following matter of public importance submitted by Senator Siewert under standing order 75 had been selected for discussion:

There is a clear link between the burning of fossil fuels and worsening bushfires, and the Government must put in place a plan to eliminate climate pollution, including a phase out of thermal coal mining.

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

At 7.30 pm—

25 Carmichael coal mine

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 409—That the Senate—

(a) notes that:

- (i) Adani Mining has received a criminal conviction in relation to giving false and misleading information to the regulator in relation to unlawful clearing activities, and
- (ii) criminal convictions are a trigger under section 145 of the *Environment Protection and Biodiversity Conservation Act 1999* for review and revocation of approvals granted under that Act; and

(b) calls on the Federal Government to revoke Adani's environmental approvals related to its Carmichael coal mine.

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

Question put.

The Senate divided—

AYES, 9

Senators—

Di Natale

McKim

Siewert*

Waters

Faruqi

Rice

Steele-John

Whish-Wilson

Hanson-Young

NOES, 48

Senators—

Abetz	Davey	McCarthy*	Ruston
Antic	Duniam	McDonald	Ryan
Askew	Fawcett	McGrath	Scarr
Ayres	Fierravanti-Wells	McKenzie	Sheldon
Bilyk	Gallagher	McLachlan	Smith, Dean
Bragg	Hanson	McMahon	Smith, Marielle
Brockman	Henderson	Molan	Sterle
Brown	Hughes	O'Sullivan	Stoker
Canavan	Hume	Paterson	Urquhart
Carr	Keneally	Pratt	Van
Chandler	Kitching	Rennick	Walsh
Colbeck	McAllister	Roberts	Watt

* Tellers

Question negatived.

26 Impacts of petroleum exploration

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 411—That the Senate—

(a) notes that:

- (i) Asset Energy has announced that it will not proceed with plans for seismic testing in the Petroleum Exploration Permit 11 zone, which was originally planned for thousands of square kilometres of ocean from Newcastle through the Central Coast to Manly in New South Wales,
- (ii) while this is welcome news for ocean life, exploration through drilling could occur soon causing irreversible damage to the marine environment, and
- (iii) there is a climate emergency and further coal, gas or oil reserves should not be developed if we have any chance of preventing more than 1.5 degrees of warming; and

(b) calls on the Federal Government to cancel Petroleum Exploration Permit 11.

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

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 49

Senators—

Abetz	Duniam	McCarthy*	Ruston
Antic	Fawcett	McDonald	Ryan
Askew	Fierravanti-Wells	McGrath	Scarr
Ayres	Gallagher	McKenzie	Sheldon
Bilyk	Hanson	McLachlan	Smith, Dean
Bragg	Henderson	McMahon	Smith, Marielle
Brockman	Hughes	Molan	Sterle
Brown	Hume	O'Sullivan	Stoker
Canavan	Keneally	Paterson	Urquhart
Carr	Kitching	Pratt	Van
Chandler	Lambie	Rennick	Walsh
Colbeck	McAllister	Roberts	Watt
Davey			

* Tellers

Question negatived.

27 Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020

The Leader of Pauline Hanson's One Nation (Senator Hanson), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 405—That the following bill be introduced:

A Bill for an Act to amend the Australian Curriculum, Assessment and Reporting Authority Act 2008 and the Australian Education Act 2013, and for related purposes.

Question put and passed.

Senator Hanson presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

Explanatory memorandum: Senator Hanson, by leave, tabled an explanatory memorandum relating to the bill.

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

28 CapTel service

Senator Urquhart, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 404—That the Senate—

- (a) notes that the Government cut the access of Australian users to CapTel through the National Relay Service (NRS) on 1 February 2020;
- (b) welcomes the actions of Ultratech, a US-based company, to establish an interim CapTel service for Australian users;

- (c) notes the statement by the Ultratech CEO, Mr Rob Engelke, on 1 February 2020: 'I have been genuinely moved by the outpouring of heartfelt messages from Australians who are clearly distressed and frightened about living without CapTel. CapTel has been available for over ten years in Australia and I believe it is not acceptable to leave CapTel users without access to family, friends, employment, emergency services and the myriad ways that all of us use the telephone. Therefore, as a temporary measure, I have instructed our American captioning centers to support existing Australian CapTel handsets so that they will continue to operate with captions while we investigate long-term options based in Australia'.
- (d) further notes that:
 - (i) cutting access to CapTel through the NRS has created distress for senior deaf and hearing impaired Australians, and a permanent loss of service would negatively affect their quality of life and sense of security and safety at home,
 - (ii) while the Government has been prepared to protect a Cabinet Minister whose administration of the \$100 million community sports grant program has been criticised by the Auditor-General, they have not been prepared to protect the dignity and wellbeing of senior deaf Australians, and
 - (iii) the Minister for Communications, Cyber Safety and the Arts has now attempted to blame the 2013 Labor Government, the public service, the previous relay provider, and recently the US technology licensee, for the Government's own decision to cut funding and services;
- (e) condemns the Government for its lack of consultation with CapTel users, or their concerned family members, before imposing a decision that would affect their welfare; and
- (f) calls on the Minister for Communications, Cyber Safety and the Arts to stop the misinformation and buck passing, and move urgently to reach an agreement to secure ongoing access to CapTel.

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

Question put.

The Senate divided—

AYES, 33

Senators—

Ayres	Gallagher	McKim	Smith, Marielle
Bilyk	Griff	O'Neill	Steele-John
Brown	Hanson	Patrick	Sterle
Carr	Hanson-Young	Pratt	Urquhart
Chisholm	Kitching	Rice	Walsh
Cicccone	Lambie	Roberts	Waters
Di Natale	McAllister	Sheldon	Watt
Dodson	McCarthy*	Siewert	Whish-Wilson
Faruqi			

NOES, 29

Senators—

Abetz	Davey	McLachlan	Reynolds
Askew	Duniam	McMahon	Ruston
Birmingham	Hughes	Molan	Ryan
Bragg	Hume	O'Sullivan	Scarr
Brockman	McDonald	Paterson	Smith, Dean*
Canavan	McGrath	Payne	Stoker
Chandler	McKenzie	Rennick	Van
Colbeck			

* Tellers

Question agreed to.

29 Commonwealth Integrity Commission

The Leader of the Australian Greens in the Senate (Senator Waters) amended general business notice of motion no. 408 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

- (1) That the Senate notes that:
 - (a) the Senate passed the Australian Greens' National Integrity Commission Bill 2018 (No. 2) on 9 September 2019 to establish a federal corruption watchdog with broad remit to investigate allegations of corruption and misconduct, and to ensure strong, independent oversight of the actions of parliamentarians; and
 - (b) public consultation on the Commonwealth Integrity Commission model proposed by the Government ended more than one year ago, but the Government has yet to introduce legislation to establish an integrity commission.
- (2) That the Senate calls on the Federal Government to bring on the Australian Greens' National Integrity Commission Bill 2018 (No. 2) in the House of Representatives for a vote in the February 2020 sittings.
- (3) That this resolution be sent to the House of Representatives for concurrence.

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

Question put.

The Senate divided—

AYES, 33

Senators—

Ayres	Gallagher	McKim	Smith, Marielle
Bilyk	Griff	O'Neill	Steele-John
Brown	Hanson	Patrick	Sterle
Carr	Hanson-Young	Pratt	Urquhart
Chisholm	Kitching	Rice	Walsh
Ciccone	Lambie	Roberts	Waters
Di Natale	McAllister	Sheldon	Watt
Dodson	McCarthy*	Siewert	Whish-Wilson
Faruqi			

NOES, 29

Senators—

Abetz	Davey	McLachlan	Reynolds
Askew	Duniam	McMahon	Ruston
Birmingham	Hughes	Molan	Ryan
Bragg	Hume	O'Sullivan	Scarr
Brockman	McDonald	Paterson	Smith, Dean*
Canavan	McGrath	Payne	Stoker
Chandler	McKenzie	Rennick	Van
Colbeck			

* Tellers

Question agreed to.

30 Visit by the President of the Republic of Indonesia

Motion determined as not formal: Senator Di Natale requested that general business notice of motion no. 412 standing in his name for today, relating to a visit by the President of the Republic of Indonesia, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

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

31 Ministerial standards

Pursuant to order (*see entry no. 35, 6 February 2020*), the question was put on the motion—That the Senate—

- (a) notes the Morrison Government's consistent failure in 2019 and 2020 to uphold its own Statement of Ministerial Standards or to be an open, transparent and accountable government in line with the expectations of the Australian community on matters, including:
 - (i) Prime Minister Morrison's failure to act for over a fortnight on the Auditor-General's scathing report into the Community Sports Infrastructure program, overseen by former Minister McKenzie,
 - (ii) Prime Minister Morrison's failure to release his former political chief of staff's advice on Minister McKenzie's breach of the Ministerial Standards,
 - (iii) the cloud hanging over former Minister Canavan following his failure to declare a potential conflict of interest in his portfolio,
 - (iv) Prime Minister Morrison's failure to explain the ongoing criminal investigation by New South Wales Police, encompassing the use of the fraudulent document by Minister Taylor, referred to the Australian Federal Police in December 2019,
 - (v) Prime Minister Morrison's inappropriate contact with the New South Wales Police Commissioner regarding a criminal investigation into a member of his Cabinet, the Minister for Energy and Emissions Reduction, Mr Taylor,
 - (vi) Prime Minister Morrison's refusal to confirm whether he invited the head of the Hillsong Church, Pastor Brian Houston, to a state dinner in Washington DC,

- (vii) Prime Minister Morrison's refusal to uphold his own ministerial standards for former Ministers Pyne and Bishop,
 - (viii) Prime Minister Morrison's refusal to require Ms Gladys Liu, MP, to make a full and frank statement to the Parliament,
 - (ix) Minister Taylor's and Minister Frydenberg's involvement in the 'grasslands' affair,
 - (x) Minister Taylor's use of falsified information in correspondence to the Lord Mayor of Sydney,
 - (xi) Minister Porter's appointments to the Administrative Appeals Tribunal,
 - (xii) Minister Hunt's awarding of MRI licences in South Australia, and
 - (xiii) Minister Dutton's awarding of the \$423 million Paladin contract; and
- (b) expresses its disappointment in the Morrison Government's ongoing disregard for its Statement of Ministerial Standards, the conventions of our parliamentary system of government, and the expectations of the Australian community for integrity and accountability in government.

The Senate divided—

AYES, 34

Senators—

Ayres	Gallagher	O'Neill	Smith, Marielle
Bilyk	Griff	Patrick	Steele-John
Brown	Hanson	Polley	Sterle
Carr	Hanson-Young	Pratt	Urquhart
Chisholm	Kitching	Rice	Walsh
Ciccone	Lambie	Roberts	Waters
Di Natale	McAllister	Sheldon	Watt
Dodson	McCarthy*	Siewert	Whish-Wilson
Faruqi	McKim		

NOES, 30

Senators—

Abetz	Davey	McLachlan	Reynolds
Askew	Duniam	McMahon	Ruston
Birmingham	Henderson	Molan	Ryan
Bragg	Hughes	O'Sullivan	Scarr
Brockman	Hume	Paterson	Smith, Dean*
Canavan	McDonald	Payne	Stoker
Chandler	McGrath	Rennick	Van
Colbeck	McKenzie		

* Tellers

Question agreed to.

32 Documents—Consideration

A document tabled earlier today (*see entry no. 2*) was considered as follows:

Motion to take note of document no. 8 moved by Senator Siewert and debated.
Consideration to resume on Thursday at general business.

33 Unanswered questions on notice—Order for production of documents—Document

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

Unanswered questions on notice—Order of 5 February 2020—Letter from the Attorney-General (Mr Porter) to the Minister for Foreign Affairs (Senator Payne), dated 5 February 2020, responding to the order.

34 Ministerial standards—Answer to question—Document

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

Ministerial standards—Answer to question—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 10 February 2020, providing information concerning a question without notice asked by Senator Kitching on 6 February 2020.

35 Australian Business Growth Fund Bill 2019

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

Message no. 151, dated 6 February 2020—A Bill for an Act about Commonwealth investment in the Australian Business Growth Fund, and for related purposes.

The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) 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 Seselja moved—That this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned till the day fixed for the Economics Legislation Committee to report on the bill, 21 February 2020.

36 Trade Support Loans Amendment (Improving Administration) Bill 2019

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

Message no. 154, dated 10 February 2020—A Bill for an Act to amend the *Trade Support Loans Act 2014*, and for related purposes.

The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) 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 Seselja moved—That this bill be now read a second time.

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

37 Treasury Laws Amendment (Research and Development Tax Incentive) Bill 2019

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

Message no. 152, dated 10 February 2020—A Bill for an Act to amend the law in relation to taxation, and for related purposes.

The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja) 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 Seselja moved—That this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned till the day fixed for the Economics Legislation Committee to report on the bill, 30 April 2020.

38 Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Bill 2019

A message from the House of Representatives was reported returning the following bill without amendment:

Message no. 150, dated 5 February 2020—Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Bill 2019.

39 Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019

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

Message no. 149, dated 5 February 2020—Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019.

40 Committee membership

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Joint Select Committee on Implementation of the National Redress Scheme, as follows:

Message no. 153, dated 10 February 2020—Dr Allen, Dr Webster, Ms Hammond and Mr Sharma.

41 Treasury Laws Amendment (2018 Measures No. 2) Bill 2019

Order of the day read for the adjourned debate on the motion of the Minister for Families and Social Services (Senator Ruston)—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, debated.

Document: Senator Lambie, by leave, tabled the following document:

Letter from the Manager of Government Relations at the Australian Securities and Investments Commission (Ms Andrews) to the Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume), dated 17 October 2019.

Senator McAllister moved the following amendments together by leave:

Schedule 1, item 2, page 4 (lines 16 to 21), omit subsection 926B(3), substitute:

FinTech sandbox exemption

- (3) A FinTech sandbox exemption may apply unconditionally or subject to specified conditions.
- (3A) A FinTech sandbox exemption does not apply in relation to a person and a financial service unless:
 - (a) the person has lodged a notification in relation to the service with ASIC that complies with subsection (3B); and
 - (b) the 30-day period starting on the day the notification was so lodged has ended without ASIC giving the provider written notice of a decision under subsection (3C) relating to the notification.
- (3B) For the purposes of paragraph (3A)(a), the person must lodge a notification with ASIC that includes the following:
 - (a) a description of each financial service (including of any related kind of financial product) for which the person is proposing to use the exemption;
 - (b) a justification of why exempting each of those financial services will result, or be likely to result, in a benefit to the public that will outweigh the detriment to the public that will result, or be likely to result, from exempting that service;
 - (c) any other information required by regulations made for the purposes of this paragraph.
- (3C) ASIC may, after considering the notification referred to in paragraph (3A)(a), decide it is not satisfied of one or more of the following:
 - (a) that the financial service:
 - (i) is new; or
 - (ii) is a new adaptation, or new improvement, of another financial service;
 - (b) that exempting the financial service will result, or be likely to result, in a benefit to the public that will outweigh the detriment to the public that will result, or be likely to result, from exempting that service;
 - (c) that any other condition prescribed by regulations made for the purposes of this paragraph is met.

Schedule 1, item 2, page 4 (line 22), omit “an exemption”, substitute “a FinTech sandbox exemption”.

Schedule 1, item 2, page 4 (line 26), omit “An exemption described in subsection (3)”, substitute “A FinTech sandbox exemption”.

Schedule 1, item 2, page 4 (after line 28), at the end of section 926B, add:

(6) In this section:

FinTech sandbox exemption means an exemption that:

- (a) is made for the for purposes of paragraph (1)(a); and
- (b) exempts a person or class of persons from subsection 911A(1) to enable testing of particular financial services.

Schedule 1, item 5, page 5 (lines 10 to 14), omit subsection 110(2), substitute:

FinTech sandbox exemption

- (2) A FinTech sandbox exemption may apply unconditionally or subject to specified conditions.
- (2A) A FinTech sandbox exemption does not apply in relation to a person and a credit activity unless:
 - (a) the person has lodged a notification in relation to the activity with ASIC that complies with subsection (2B); and
 - (b) the 30-day period starting on the day the notification was so lodged has ended without ASIC giving the provider written notice of a decision under subsection (2C) relating to the notification.
- (2B) For the purposes of paragraph (2A)(a), the person must lodge a notification with ASIC that includes the following:
 - (a) a description of each credit activity (including of any related kind of credit activity) for which the person is proposing to use the exemption;
 - (b) a justification of why exempting each of those credit activities will result, or be likely to result, in a benefit to the public that will outweigh the detriment to the public that will result, or be likely to result, from exempting that activity;
 - (c) any other information required by regulations made for the purposes of this paragraph.
- (2C) ASIC may, after considering the notification referred to in paragraph (2A)(a), decide it is not satisfied of one or more of the following:
 - (a) that the credit activity:
 - (i) is new; or
 - (ii) is a new adaptation, or new improvement, of another credit activity;
 - (b) that exempting the credit activity will result, or be likely to result, in a benefit to the public that will outweigh the detriment to the public that will result, or be likely to result, from exempting that activity;
 - (c) that any other condition prescribed by regulations made for the purposes of this paragraph is met.

Schedule 1, item 5, page 5 (line 15), omit “an exemption”, substitute “a FinTech sandbox exemption”.

Schedule 1, item 5, page 5 (line 19), omit “An exemption described in subsection (2)”, substitute “A FinTech sandbox exemption”.

Schedule 1, item 5, page 5 (after line 21), at the end of section 110, add:

(5) In this section:

FinTech sandbox exemption means an exemption that:

- (a) is made for the for purposes of paragraph (1)(a); and
- (b) exempts a person or class of persons from subsection 29(1) to enable testing of particular credit activities.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 30

Senators—

Ayres	Faruqi	O'Neill	Steele-John
Bilyk	Gallagher	Polley	Sterle
Brown	Hanson-Young	Pratt	Urquhart*
Carr	Keneally	Rice	Walsh
Chisholm	Kitching	Sheldon	Waters
Ciccone	McAllister	Siewert	Watt
Di Natale	McCarthy	Smith, Marielle	Whish-Wilson
Dodson	McKim		

NOES, 36

Senators—

Antic	Duniam	McGrath*	Reynolds
Askew	Fawcett	McKenzie	Roberts
Birmingham	Fierravanti-Wells	McLachlan	Ruston
Bragg	Griff	McMahon	Ryan
Brockman	Henderson	Molan	Scarr
Canavan	Hughes	O'Sullivan	Seselja
Chandler	Hume	Paterson	Smith, Dean
Colbeck	Lambie	Patrick	Stoker
Davey	McDonald	Payne	Van

** Tellers*

Question negatived.

Bill agreed to and reported without amendment.

On the motion of the Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume) the report from the committee was adopted and the bill was read a third time.

42 Adjournment

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

Debate ensued.

The Senate adjourned at 10.26 pm till Tuesday, 11 February 2020 at midday.

43 Attendance

Present, all senators except Senators Gallacher* and Lines* (*on leave).

RICHARD PYE
Clerk of the Senate