



Senate Journals

No. 37: Wednesday, 5 February 2020

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1 Meeting of Senate

The Senate met at 9.30 am. The President (Senator the Honourable Scott Ryan) took the chair, read prayers and made an acknowledgement of country.

2 Documents

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

Government documents

- 1 Education and Care Services Ombudsman, National Education and Care Services Freedom of Information Commissioner and National Education and Care Services Privacy Commissioner—Report for 2018-19.
- 2 *Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September 2019.

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.]

Biosecurity Act 2015—

Biosecurity (Human Health Response Zone) (North West Point Immigration Detention Centre) Determination 2020 [F2020L00087].

Biosecurity (Human Health Response Zone) (Royal Australian Air Force Base Learmonth) Determination 2020 [F2020L00086].

Migration Act 1958—Migration (LIN 20/029: Determination of International Trade Obligations Relating to Labour Market Testing) Instrument 2020 [F2020L00084].

Social Security Act 1991—Social Security (Approved Scholarship Courses) Determination 2020 [F2020L00088].

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:

Corporations and Financial Services—Joint Statutory Committee—Thursday, 6, 13 and 27 February and 26 March 2020, from 9.30 am.

Economics Legislation and References Committees—Thursday, 6, 13 and 27 February and 26 March 2020, from 3.30 pm.

Education and Employment Legislation Committee—today and Wednesday, 26 February and 25 March 2020, from 11 am.

Education and Employment References Committee—Wednesday, 26 February and 25 March 2020, from 11 am.

Effectiveness of the Australian Government's Northern Australia agenda—Select Committee—Thursday, 6 February 2020, from 10.45 am.

Electoral Matters—Joint Standing Committee—

Wednesday, 5 and 12 February 2020, from 9.40 am.

Wednesday, 26 February and 25 March 2020, from 9.40 am, followed by public meetings.

Human Rights—Joint Statutory Committee—today, from 9.30 am.

Intelligence and Security—Joint Statutory Committee—

Tuesday, 11 and 25 February and 24 March 2020, from 4 pm, followed by public meetings.

today and Wednesday, 12 and 26 February and 25 March 2020, from midday, followed by public meetings.

Thursday, 6, 13 and 25 February and 26 March 2020, from 9.30 am followed by public meetings.

Law Enforcement—Joint Statutory Committee—today, from 5 pm.

National Capital and External Territories—Joint Standing Committee—Thursday 6 and 13 February 2020, from 10 am.

National Disability Insurance Scheme—Joint Standing committee—Thursday 6 and 27 February and 26 March 2020, from 3.30 pm.

Scrutiny of Bills—Standing Committee—today, from 10 am.

Temporary Migration—Select Committee—Thursday, 6 February 2020, from 3.30 pm.

4 **Deputy Clerk of the Senate—Retirement and appointment—Statement by President**

The President made a statement relating to the retirement of Ms Maureen Weeks as Deputy Clerk of the Senate and the appointment of Ms Jackie Morris to that role.

Statements by leave: The Leader of the Government in the Senate (Senator Cormann), the Leader of the Opposition in the Senate (Senator Wong) and the Leader of the Australian Greens in the Senate (Senator Waters), by leave, made statements relating to the matter.

5 **Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

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

Clause 2, page 2 (table item 1), omit “Sections 1 to 3”, substitute “Sections 1 to 4”.

Page 2 (after line 11), after clause 3, add:

4 Review of operation of amendments

- (1) The Minister must cause an independent review to be conducted of the operation of the amendments made by Schedules 1, 3 and 4 to this Act.
- (2) The review must start as soon as practicable after the end of 5 years after this Act receives the Royal Assent.
- (3) The persons who conduct the review must give the Minister a written report of the review.
- (4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

Senator Faruqi moved the following amendments together by leave:

Clause 2, page 2 (table item 3), omit “and 4”, substitute “, 4 and 5”.

Page 40 (after line 12), at the end of the Bill, add:

Schedule 5—Other provisions relating to directors

Corporations Act 2001

1 After section 184

Insert:

184A Duties in relation to building products

- (1) A director or other officer of a corporation commits an offence if:
 - (a) the director or officer has a duty under this section; and
 - (b) the director or officer fails to comply with the duty.
- (2) A director or officer of a corporation that designs, manufactures, imports, supplies or installs external wall cladding products has a duty under this section to take all reasonable steps:
 - (a) to acquire, and keep up to date, knowledge of matters about the safe use of external wall cladding products; and
 - (b) to gain an understanding of:
 - (i) the nature of the corporation’s business activities relating to external wall cladding products; and
 - (ii) safety risks and non-compliance risks associated with external wall cladding products; and
 - (c) to ensure the corporation has, and uses, appropriate resources to remove or minimise the risks mentioned in paragraph (b)(ii); and
 - (d) to ensure the corporation has, and implements, appropriate processes:
 - (i) to remove or minimise the risks mentioned in paragraph (b)(ii); and
 - (ii) for receiving, considering, and responding in a timely way to, information about the risks mentioned in paragraph (b)(ii) and any incidents arising from the risks; and
 - (e) to verify the resources and processes mentioned in paragraphs (c) and (d) are being provided, used and implemented.

2 Section 185 (heading)

Omit “184”, substitute “184A”.

3 Section 185

Omit “184”, substitute “184A”.

4 Section 186 (heading)

Omit “184”, substitute “184A”.

5 Section 186

Omit “184”, substitute “184A”.

6 Subsection 200E(4)

Omit “or 184”, substitute “, 184 or 184A”.

7 After section 206EAB

Insert:

206EAC Court power of disqualification—involvement in certain creditor-defeating dispositions

- (1) On application by ASIC, the Court may disqualify a person from managing corporations for up to 20 years if:
 - (a) the person is a director of a company; and
 - (b) there is:
 - (i) a creditor-defeating disposition of property of the company; or
 - (ii) a disposition of property (whether before or after the commencement of this subsection) of the company that would have been a creditor-defeating disposition if the amendments made by the *Treasury Laws Amendment (Combating Illegal Phoenixing) Act 2019* had been in force at the time the disposition was made; and
 - (c) the company, at any time (whether before or after the commencement of this subsection):
 - (i) designs, imports, supplies or installs an external wall cladding product for a particular use; and
 - (ii) the external wall cladding product is a non-conforming building product for that use; and
 - (d) the Court is satisfied that the disqualification is justified.
- (2) For the purposes of subparagraph (1)(c)(ii), a building product is a ***non-conforming building product*** for a particular use if one or more of the following apply:
 - (a) the product is not safe for the use;
 - (b) the product does not comply with the National Construction Code (as in force or existing from time to time);
 - (c) the product does not perform, or is not capable of performing, for the use to the standard it is represented to perform by the company.
- (3) In determining whether the disqualification is justified, the Court may have regard to:
 - (a) the person’s conduct in relation to the management, business or property of any corporation; and
 - (b) any other matters that the Court considers appropriate.

8 Sections 230 and 260E

Omit “and 184”, substitute “, 184 and 184A”.

9 Subsections 420A(2) and 442CB(3)

Omit “or 184”, substitute “, 184 or 184A”.

10 Paragraph 579(2)(a)

Omit “or 184”, substitute “, 184 or 184A”.

11 Paragraph 1274AA(1)(a)

After “206EAB,”, insert “206EAC,”.

12 After paragraph 1274AA(2)(aba)

Insert:

(abc) every court order referred to in section 206EAC; and

13 Schedule 3 to the Act (after the table item dealing with subsection 184(3))

Insert:

Subsection 184A(1) 15 years imprisonment

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

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

NOES, 46

Senators—

Antic	Farrell	McKenzie	Scarr
Askew	Gallagher	Molan	Seselja
Ayres	Green	O'Neill	Sheldon
Bilyk	Hanson	O'Sullivan	Smith, Dean
Bragg	Henderson	Paterson	Smith, Marielle
Brockman	Hume	Payne	Sterle
Canavan	Kitching	Polley	Stoker
Chandler	Lambie	Pratt	Urquhart
Cicccone*	Lines	Rennick	Van
Davey	McAllister	Reynolds	Walsh
Dodson	McCarthy	Roberts	Watt
Duniam	McDonald		

* *Tellers*

Question negatived.

Bill agreed to and reported with amendments.

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 read a third time.

6 National Vocational Education and Training Regulator Amendment Bill 2019

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

Debate resumed.

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

7 **Senators' statements**

Senators made statements.

8 **Ministry and ministerial arrangements—Document**

The Minister for Finance (Senator Cormann) tabled a document showing all members of the Morrison Ministry and ministerial representation, updated 5 February 2020.

9 **Questions**

Questions without notice were answered.

10 **Motions to take note of answers**

Senator Farrell moved—That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Payne) to a question without notice asked by Senator Marielle Smith today relating to the Community Sport Infrastructure Program.

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 climate change.

Question put and passed.

11 **Death of former senator Tsebin Tchen**

The President informed the Senate of the death, on 25 November 2019, of Tsebin Tchen, a senator for the state of Victoria from 1999 to 2005.

The Leader of the Government in the Senate (Senator Cormann), by leave, moved—That the Senate records its deep sorrow at the death, on 25 November 2019, of Tsebin Tchen, former Senator for Victoria, places on record its gratitude for his service to the Parliament and the nation and extends its profound sympathies to his family in their bereavement.

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

Question passed.

12 **Notices**

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

(a) notes:

- (i) with deep concern, the Government's decision to privatise aged care assessments from April 2021 with a tender to be held this year, and
- (ii) the Government's decision was not made in consultation with state health ministers;

(b) recognises that there are eighty aged care assessment teams (ACAT) operating across the nation which include state-employed multi-disciplinary teams of nurses, geriatricians, physiotherapists, occupational therapists, psychologists and social workers who work at public hospitals, to expertly assess the more complex level of care required by individual elderly Australians;

- (c) further notes the recent statement by the Chair of the Royal Commission into Aged Care Quality and Safety on ACAT privatisation that:
 - (i) the Royal Commission's Interim Report did not endorse the Government's position on privatising ACAT, and
 - (ii) the Commission has not yet made a recommendation about which sector or mechanism will best achieve an integration of Regional Assessment Services and the Aged Care Assessment Teams;
- (d) acknowledges that:
 - (i) health experts argue that no private providers can offer the expertise to adequately assess the often complex needs of hundreds of thousands of elderly Australians, and
 - (ii) outsourcing assessment teams would have a serious detrimental impact on the delivery of proper care; and
- (e) calls on the Federal Government to consult with the state health ministers on the issue of ACAT privatisation, as a matter of urgency. (*general business notice of motion no. 393*)

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

- (a) notes that 6 February 2020, marks the 68th anniversary of the accession of Her Majesty Queen Elizabeth II, Queen of Australia and Head of the Commonwealth;
- (b) recognises the enduring role that Her Majesty has played as a symbol of peace and stability across the Commonwealth; and
- (c) extends to Her Majesty, its appreciation for the sense of duty and extraordinary grace in which she fulfils her duties as Queen of Australia and Head of the Commonwealth. (*general business notice of motion no. 394*)

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

- (a) notes the Australian citizenship pledge, which in part reads as follows:
'I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey'; and
- (b) calls on all schools to consider having the citizenship pledge recited by students on appropriate occasions. (*general business notice of motion no. 395*)

The Minister for Families and Social Services (Senator Ruston): To move on the next day of sitting—That on Monday, 10 February 2020:

- (a) the sitting of the Senate shall be suspended from 11 am until 2.30 pm, to enable senators to attend the address by His Excellency Mr Joko Widodo, President of the Republic of Indonesia;
- (b) the routine of business from not later than 2.30 pm shall be as follows:
 - (i) questions without notice,
 - (ii) motions to take note of answers until 4 pm, and
 - (iii) consideration of private senators bills until 5.20 pm; and
- (c) following conclusion of consideration of private senators bills, the Senate return to the routine of business.

The Assistant Minister for Finance, Charities and Electoral Matters (Senator Seselja)—To move on the next day of sitting—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 possible:

RAAF Base Tindal Redevelopment Stage 6 and the United States Force Posture Initiatives' RAAF Base Tindal Airfield Works and Associated Infrastructure

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

- (a) that Norwegian oil giant, Equinor, has received its second of four rounds of approvals from the National Offshore Petroleum Safety and Environmental Management Authority, the government regulator responsible for oversight into exploratory petroleum drilling in the Great Australian Bight;
- (b) the deep community opposition to 'big oil' drilling in one of our most pristine ocean environments and sites of natural heritage in the world; and
- (c) that tens of thousands of Australians continue to fight for the Bight, in forums both formal and informal, as communities across the country unite to reject Equinor's disastrous plan. (*general business notice of motion no. 396*)

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

- (a) notes a number of recent examples of questionable conduct by Government Ministers that may fall under the purview of an independent anti-corruption commission, if one existed federally, including:
 - (i) numerous allegations against the Minister for Energy and Emissions Reduction, Mr Taylor, including questions over the \$80 million purchase of overland flow water licences and his ties to a company accused of clearing endangered grassland, and claims of document falsification in relation to the Sydney Lord Mayor,
 - (ii) Senator McKenzie and the 'sports rorts' affair, and
 - (iii) suspected leaks of classified information from the Minister for Home Affairs, Mr Dutton's office about the costs of medically evacuating refugees, where the confidential information was reportedly de-classified at a time the Australian Federal Police was still investigating the leak; and
- (b) further notes that the Government's proposed Commonwealth Integrity Commission (CIC) would not have the ability to make public findings of corruption, and can only refer potentially criminal behaviour, and will fail to expose improper conduct of Members of Parliament and public servants; and
- (c) calls on the Federal Government to strengthen its proposed CIC and introduce a bill to create a federal anti-corruption commission that will have the power to hold public hearings and to make public findings of corruption. (*general business notice of motion no. 397*)

Senator Siewert: To move on the next day of sitting—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 raising Newstart and Youth Allowance by at least \$95 a week. (*general business notice of motion no. 398*)

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

- (a) recognises transparency and accountability in Government are the hallmarks of a strong democracy;
- (b) acknowledges trust in government has reached an all-time low compounded by recent scandals;
- (c) notes, with concern, the results of the Australian National University 2019 Australian election study, that:
 - (i) satisfaction with democracy is at its lowest level (59%) since the constitutional crisis of the 1970s,
 - (ii) trust in Government has reached its lowest level on record, with just 25% believing people in government can be trusted, and
 - (iii) 56% of Australians believe that the Government is run for 'a few big interests', while just 12% believe the Government is run for 'all the people'; and
- (d) further acknowledges that winning back people's trust is among the most urgent challenges facing political leaders;
- (e) recognises that rebuilding trust with voters involves tightening the rules around political donations;
- (f) further recognises that donations to political parties revealed in the Australian Electoral Commission disclosures published on Monday demonstrate the need for urgent political donations reform;
- (g) recognises that, ideally, the Government should ban corporate donations from vested interests that seek to influence government policy; and
- (h) calls on the Federal Government, as a minimum, to:
 - (i) lower the disclosure threshold for political donations to \$1,000; and
 - (ii) for real time disclosures of donations to political parties. (*general business notice of motion no. 399*)

Senator Faruqi: To move on the next day of sitting—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 Williamstown 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. (*general business notice of motion no. 400*)

Senator Faruqi: To move on the next day of sitting—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. (*general business notice of motion no. 401*)

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

(a) notes:

- (i) the overall national toll for women killed by violence since the start of 2020 already stands at 6, 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,
- (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 on 20 August 2015; and
- (vi) maintain and publish an official real-time national toll of women killed by violence in Australia. (*general business notice of motion no. 402*)

The Assistant Minister for Forestry and Fisheries (Senator Duniam): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Treasury Laws Amendment (2019-20 Bushfire Tax Assistance) Bill 2020, allowing it to be considered during this period of sittings.

Document: Senator Duniam tabled the following document:

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

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (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 notice of motion no. 1 standing in her name for eight sitting days after today for the disallowance of the Telecommunications (Protecting Australians from Terrorist or Violent Criminal Material) Direction (No. 1) 2019 [F2019L01159].

13 **Leave of absence**

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

- (a) Senator Brockman for 4 February 2020, for personal reasons.
- (b) Senator McMahon for today on account of parliamentary business.

Question put and passed.

Senator Urquhart, by leave, moved—That leave of absence be granted to Senator Gallacher from 4 February to 26 March 2020, for personal reasons.

Question put and passed.

14 **Postponements**

Business was postponed as follows:

Business of the Senate notice of motion no. 4 standing in the name of Senator Patrick for today, proposing the disallowance of the Aviation Transport Security Amendment (Security Controlled Airports) Regulations 2019, postponed till 12 May 2020.

General business notice of motion no. 361 standing in the name of Senator Kitching for today, proposing the introduction of the International Human Rights and Corruption (Magnitsky Sanctions) Bill 2020, postponed till 13 May 2020.

General business notice of motion no. 363 standing in the name of Senator Gallagher for today, relating to ministerial standards, postponed till 6 February 2020.

15 Committees—Extensions of time to report

The following committees were granted extensions of time to report:

Community Affairs Legislation Committee—

Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Bill 2019 [Provisions]—from 3 to 5 February 2020.

Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019 [Provisions]—from 3 to 24 February 2020.

Legal and Constitutional Affairs Legislation Committee—Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Bill 2019 [Provisions]—from 7 February to 10 March 2020.

16 Administration of Sports Grants—Select Committee—Appointment

The Leader of the Opposition in the Senate (Senator Wong), also on behalf of Senators Farrell and Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 382—

- (1) That a select committee, to be known as the Select Committee on Administration of Sports Grants, be established to inquire into and report on the administration and award of funding under the Community Sport Infrastructure Grant Program, with particular reference to:
 - (a) program design and guidelines;
 - (b) requirements placed on applicants for funding;
 - (c) management and assessment processes;
 - (d) adherence to published assessment processes and program criteria;
 - (e) the role of the offices of the Minister, the Prime Minister and Deputy Prime Minister, and any external parties, in determining which grants would be awarded and who would announce the successful grants; and
 - (f) any related programs or matters.
- (2) That the committee present its final report on or before Tuesday, 24 March 2020.
- (3) That the committee consist of 5 senators, as follows:
 - (a) 2 nominated by the Leader of the Government in the Senate;
 - (b) 2 nominated by the Leader of the Opposition in the Senate; and
 - (c) 1 nominated by the Leader of the Australian Greens in the Senate.
- (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 minority party or independent senator; and
 - (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.
 - (c) a participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

- (5) That the committee may proceed to the dispatch of business notwithstanding that not all members have 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 Opposition in the Senate and as deputy chair the member nominated by the Leader of the Australian Greens 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, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.
- (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (10) That the committee and any subcommittee 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 and 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 papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question put and passed.

17 **Foreign Affairs, Defence and Trade References Committee— Reference—Australia's relations with France**

Senator Urquhart, at the request of Senator Kitching and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 13 August 2020:

Opportunities for strengthening Australia's relations with the Republic of France, with particular reference to:

- (a) increasing bilateral trade and investment, including future growth areas for exports and imports, and opportunities in the mining industry;
- (b) enhancing political, security and defence cooperation, including through initiatives such as the Joint Statement of Enhanced Strategic Partnership between Australia and France signed in 2017, and the Strategic Partnering Agreement signed in 2018 for the Future Submarine Program;
- (c) options for enhancing strategic cooperation, including in the Indo-Pacific region and through multilateral fora;

- (d) Australian engagement with intergovernmental organisations headquartered in France including the Organisation for Economic Co-operation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- (e) opportunities to build on shared historical and cultural values and promote tourism, with specific reference to Commonwealth War Graves, cultural exchanges and people-to-people ties; and
- (f) any related matters.

Question put and passed.

18 **Commonwealth Electoral Amendment (Donation Reform and Other Measures) Bill 2020**

Senator Lambie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 306—That the following bill be introduced:

A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes.

Question put and passed.

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

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

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

19 **Notice of motion withdrawn**

Senator Davey withdrew general business notice of motion no. 354 standing in her name for today, proposing the introduction of the Water Act Amendment (Critical Drought Relief for the Southern-Connected Basin) Bill 2020.

20 **Newstart and Youth Allowance**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 366—That the Senate—

- (a) notes that Newstart is a poverty trap; and
- (b) calls on the Federal Government to mark the new decade by immediately increasing the rate of Newstart and Youth Allowance.

Question put and passed.

21 National Family Violence Prevention Legal Service Forum

Senator Urquhart, at the request of Senators McCarthy and Dodson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 367—That the Senate—

- (a) notes that:
 - (i) the National Family Violence Prevention Legal Service Forum (the Forum) was established in May 2012, and is the peak body for 14 member organisations across Australia providing services under the Family Violence Prevention Legal Services (FVPLS) Program,
 - (ii) the FVPLS members provide culturally sensitive assistance to Indigenous victim-survivors of family violence and sexual assault,
 - (iii) the Forum works with members to develop tools for capacity building, good governance, professional development, training, data collection and evaluation, and
 - (iv) the Forum provides advice and input to government and ensures a unified FVPLS response to addressing Aboriginal and Torres Strait Islander family violence; and
- (b) calls on the Federal Government to acknowledge the important work of the NFVPLS and not to cut funding to the network.

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 Tasmanian bushfires

Senator Polley, also on behalf of Senators Bilyk, Brown, McKim, Whish-Wilson, Urquhart, Colbeck, Abetz, Lambie, Askew, Duniam and Chandler, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 368—That the Senate—

- (a) notes:
 - (i) the devastating impact of the Tasmanian bushfires during the summer period,
 - (ii) the burning of land and damage to property, and the impact on the livelihoods and communities of Tasmanians and our natural environment including flora and fauna, and
 - (iii) the extraordinary character, strength and resilience of these communities and emergency service personnel in responding to fires on the East Coast, Central Highlands and Southern Tasmania;
- (b) acknowledges the immense risk taken by our heroic firefighting personnel, both paid and voluntary; and
- (c) particularly acknowledges the Tasmanian firefighting personnel from the Tasmanian Fire Service, Parks and Wildlife Service and Sustainable Timbers Tasmania; and the work undertaken by these personnel to keep Tasmanians safe at home and Australians safe in mainland states.

Question put and passed.

23 **Townsville flood anniversary**

Senator Urquhart, at the request of Senators Green, Watt, Chisholm and Waters and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 369—That the Senate notes that:

- (a) one year ago, flood waters peaked in Townsville in one of the worst natural disasters to have impacted the region;
- (b) five people lost their lives due to the flood and 3,300 homes were damaged;
- (c) more than 30,700 insurance claims have been lodged, with hundreds of people still waiting to move back into their homes;
- (d) Emergency Service personnel, Australian Defence Force personnel and volunteers worked tirelessly during the peak of the flood waters and in the rebuild efforts afterwards;
- (e) the Australian Competition and Consumer Commission's (ACCC) inquiry into northern Australian insurance found insurance premiums rose by 130% in northern Australia over the past decade, compared to just over 50% in the rest of the country;
- (f) the ACCC found that the number of homes with no building insurance in Townsville has more than doubled from 9% in 2011 to 20% in 2019;
- (g) the ACCC has made 28 recommendations aimed at making insurance in north Queensland fairer, and more transparent; and
- (h) the people of Townsville urgently need affordable and fair insurance to ensure they are protected from future weather events.

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.

24 **Unanswered questions on notice—Order for production of documents**

Senator Urquhart, at the request of Senator Carr and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 370—That there be laid on the table by the Minister representing the Attorney-General, by 10 am on 10 February 2020, all unanswered and overdue questions that were taken on notice by the Attorney-General's Department in the 2019-20 supplementary estimates round.

Question put and passed.

25 **Auschwitz liberation 75th anniversary**

Senator Griff, also on behalf of Senators Van, Wong and O'Neill, amended general business notice of motion no. 372 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) acknowledges that 27 January 2020 marked the 75th anniversary since the liberation of Auschwitz and is universally acknowledged as the International Day of Commemoration in memory of the victims of the Holocaust;

- (b) recognises Auschwitz, the largest concentration and extermination camp during World War II, was a world in which people were robbed of their human dignity;
- (c) pays its respects to the more than 1.1 million men, women and children killed at Auschwitz and the 11 million people killed during the Holocaust including 6 million people of Jewish faith;
- (d) supports Pope Francis' condemnation of a 'barbaric resurgence' of antisemitism across the globe, including Australia; and
- (e) acknowledges that what happened during the Holocaust should serve as a reminder to all Australians not to be indifferent, to practise acceptance and show compassion for others.

Question put and passed.

26 **2020 Australian of the Year awards**

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 375—That the Senate—

- (a) congratulates all finalists and recipients of the 2020 Australian of the Year awards;
- (b) further congratulates eye surgeon and blindness prevention pioneer, Dr James Muecke, AM, for being honoured as Australian of the Year for 2020;
- (c) recognises Dr Muecke's work on preventing the leading cause of blindness in adults—type 2 diabetes;
- (d) notes that:
 - (i) type 2 diabetes is a very serious and progressive condition with many serious complications including eye damage and blindness, foot problems and amputations, kidney damage and dialysis, heart attacks, heart failure and strokes,
 - (ii) there are now over 1.1 million Australians who have been diagnosed with type 2 diabetes,
 - (iii) Diabetes Australia estimates there could be another 500,000 Australians with 'silent' undiagnosed type 2 diabetes, and
 - (iv) there are about 2 million Australians with pre-diabetes and these people are at high risk of developing type 2 diabetes;
- (e) acknowledges that according to Diabetes Australia there is strong evidence that we can help to prevent type 2 diabetes in up to 60% of cases but we are not doing this in Australia;
- (f) calls on the Federal Government to develop a National Prevention Program to meet the goals of the Australian National Diabetes Strategy helping to prevent people developing type 2 diabetes that includes:
 - (i) risk assessment to identify people at high risk,
 - (ii) evidence-based lifestyle behaviour change programs for those at high risk,
 - (iii) whole of community change to promote healthy eating, increased physical activity and healthy weight,
 - (iv) public education campaigns, and

- (v) public policy initiatives including reducing marketing and promotion of unhealthy food to children, reducing sugary drink consumption, reducing added sugar, fat and salt in the food supply, and reducing the cost of healthy food options for the poor and disadvantaged.

Question put and passed.

27 **Australia Day honours—Tasmanian recipients**

Senator Polley, also on behalf of Senators Bilyk, Brown, and Urquhart, amended general business notice of motion no. 376 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate acknowledges and congratulates:

- (a) the 46 worthy Tasmanians who were recipients of the 2020 Australia Day honours on 26 January 2020 for their outstanding achievement and services to Tasmania, and Australia more broadly;
- (b) Officer of the Order of Australia (AO) recipient: Ms Gillian Margaret Groom;
- (c) Officer of the Order of Australia (AO) and the Australian Police Medal (APM) recipient: Commissioner Darren Leigh Hine;
- (d) Member of the Order of Australia (AM) and the Public Service Medal (PSM) recipient: Mr Robert Harold Annells;
- (e) Member of the Order of Australia (AM) recipients: Mr John Charles Batten, The late Mr Daniel Leo Reardon, Ms Constance Kimberly Seagram and Mr Richard Ashton Warner;
- (f) Order of Australia Medal (OAM) recipients: Mr Richard Palmer Bennett, Ms Helen Rosemary Connor-Kendray, Mrs Dallas Antoinette Cooper, Ms Susan Margaret Cure, Ms Glenise Gale, Mr Neil Laurence Hirt, Mr Colin Howlett, Mr Gregory Reginald Jackson, Dr Stephen Jeffries King, Dr Thomas William Langston, Dr Robert Lavis, Ms Sarah Jane Lloyd, Mr Peter John McDermott, Dr Jennifer Ann McMahon, Ms Janelle Mary McMillan, Mrs Janette May Miller, Mr James Ingle Nicholson, Mr Ian Mead Paterson, Mr Douglas Alan Renshaw, Dr Kim Frances Rooney, Ms Patricia Noeline Sabine, Mrs Joan Rosemary van Bibra, Mrs Jocelyn Yvonne Watson, Dr John Milton Wettenhall, Mr Paul Clifford Wilson, and Mrs Lexie Eileen Young;
- (g) Australian Police Medal (APM) recipients: Detective Senior Constable Sharee Simone Maksimovic and Commander Ian John Whish-Wilson;
- (h) Australian Fire Service Medal (AFSM) recipient: Mr Mark Henry McDermott;
- (i) Ambulance Service Medal (ASM) recipients: Mrs Lorraine Joy Gardiner and Mr Han-Wei Lee;
- (j) Emergency Services Medal (ESM) recipients: Mr William James Folder, Mr Vincent Holthouse and Mr Neil Geard Van Veldhuizen;
- (k) Australian Corrections Medal (ACM) recipient: Ms Elizabeth Moore;
- (l) Conspicuous Service Cross (CSC) recipient: Lieutenant Colonel Darryl Robert Bridgeman; and
- (m) Conspicuous Service Medal (CSM) recipient: Lieutenant Colonel John Charles Sayers.

Question put and passed.

28 Ovarian cancer

Senator Polley, also on behalf of Senators Marielle Smith and Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 377—That the Senate—

- (a) recognises that in Australia:
 - (i) ovarian cancer is the eighth most common disease, and it is the fifth highest cancer-related death in women,
 - (ii) ovarian cancer is more common in women aged 50 and over,
 - (iii) however, it is not isolated to women over 50 – ovarian cancer can also affect young women, which is why it is vitally important to raise awareness of the disease in all women and girls, and
 - (iv) around 1,600 women will be diagnosed with the disease each year, with around 1,047 women dying from the disease;
- (b) notes that:
 - (i) February is Ovarian Cancer Awareness Month, which aims to ensure the voices of women living with ovarian cancer are heard,
 - (ii) it is important that more action and awareness is given, so that all women can be educated to know the signs and symptoms of ovarian cancer,
 - (iii) in the past 30 years, other cancers have been able to achieve amazing improvements in awareness, funding and survival rates, and
 - (iv) this needs to happen for women with ovarian cancer; and
- (c) calls on the Australian Government to recognise that more resources are needed to help educate and find a cure for ovarian cancer so we can give hope to women and reduce the number of women who die from this disease.

Question put and passed.

29 Community Sport Infrastructure Grant Program—Communications and list of applications—Order for production of documents

Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 378—That there be laid on the table by the Minister for Youth and Sport, by no later than 2 pm on 13 February 2020:

- (a) all communications from the Australian Sports Commission or Sport Australia to the Prime Minister's office or the Department of the Prime Minister and Cabinet, in relation to the Community Sport Infrastructure Grant Program;
- (b) all communications from the Australian Sports Commission or Sport Australia to the former Minister for Sport or their office, regarding the role of the Prime Minister's office in relation to the Community Sport Infrastructure Grant Program; and

- (c) a comprehensive list of all applications for funding under the Community Sport Infrastructure Grant Program, including the score the applications received, which were assessed by the Australian Sports Commission or Sport Australia as having a score of 74 or above, but which did not receive funding through the program.

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

Question put and passed.

30 **Community Sport Infrastructure Grant Program—Communications and advice—Order for production of documents**

The Leader of the Australian Greens in the Senate (Senator Waters), also on behalf of Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 379—That there be laid on the table by the Minister representing the Prime Minister, by no later than 2 pm on 13 February 2020:

- (a) any communications, advice or reports from the Prime Minister's office or the Department of the Prime Minister and Cabinet to the office of the former Minister for Sport in relation to the Community Sport Infrastructure Grant Program;
- (b) the report or advice prepared by the Secretary of the Department of the Prime Minister and Cabinet in relation to the former Minister for Sport's management of the grants program (the 'Gaetjens report');
- (c) any communications, advice or reports from the Prime Minister's office or the Department of the Prime Minister and Cabinet to Sport Australia in relation to the Community Sport Infrastructure Grant Program; and
- (d) any advice received from the Australian Government Solicitor in relation to the Community Sport Infrastructure Grant Program.

Question put and passed.

31 **Anniversary of the collision of vessel Lake Illawarra**

Senator Brown, also on behalf of Senator Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 383—That the Senate—

- (a) notes:
 - (i) that 6 January 2020 was the 45th anniversary of the collision of the ANL vessel *Lake Illawarra* with the Tasman Bridge, and
 - (ii) that twelve people lost their lives that day, including seven crew members of the *Lake Illawarra* and five occupants of the four cars that plunged into the Derwent River following the collision; and
- (b) records its thanks to the crew members that lost their lives whilst at work, and sends its condolences to the families and friends of all of those who died as a result of the tragic accident 45 years ago.

Question put and passed.

32 **Civilian vessels in bushfire evacuations**

Senator Brown, also on behalf of Senator Ciccone, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 384—That the Senate—

- (a) notes:
 - (i) the vital role played by Australian coastal shipping and their crews in the provision of relief supplies and emergency evacuation from isolated communities following the bush fires – in particular the emergency assistance provided by the *Far Senator*, *Far Saracen*, Kangaroo Island ferries, Eden tugs and the MV *Sycamore*,
 - (ii) that the *Far Saracen* supply vessel, along with its Australian and New Zealand crew, was tasked by the Victorian Government to deliver relief supplies to 4,000 people stranded in Mallacoota – which it undertook 24 hours prior to the arrival of Australian Defence Force (ADF) support and personnel,
 - (iii) that part of the assistance provided by the *Far Saracen* was the supply of diesel to power generators and fuel for Country Fire Authority fire trucks,
 - (iv) the vital role played by the crew and operators of Kangaroo Island ferries in transporting relief supplies, assisting with evacuation and ferrying ADF equipment and personnel assisting with fighting the fires, and
 - (v) that Eden tugs and their crews provided emergency shelter while moored at Eden Wharf, while pilot boats provided emergency assistance and protection to other vessels throughout the night; and
- (b) records its recognition, appreciation and thanks to the crews and operators of all of the civilian vessels that were involved in the emergency relief effort.

Question put and passed.

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

Senator Lambie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 385—That—

- (1) There be laid in the table by the Minister representing the Prime Minister, by no later than 3.30 pm on 6 February 2020, the final report provided by the Secretary of the Department of the Prime Minister and Cabinet, Mr Phillip Gaetjens, to the Prime Minister in relation to the application of the Statement of Ministerial Standards to the former Minister for Sport, the Honourable Senator McKenzie's, award of funding under the Community Sport Infrastructure Program.
- (2) In the event the Minister fails to table the report, the Senate requires the Minister representing the Prime Minister to attend the Senate either immediately prior to government business being called on, or at 3.00 pm, on 10 February 2020, whichever is earlier, to provide an explanation, of no more than 10 minutes, of the Government's failure to table the report.
- (3) Any senator may move to take note of the explanation required by paragraph (2).

- (4) Any motion under paragraph (3) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and any senator may speak to the motion for not more than 10 minutes each.

Question put and passed.

34 Community Sport Infrastructure Program—Spreadsheet—Order for production of documents—Attendance by minister

Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 387—That—

- (1) There be laid on the table by the Minister for Youth and Sport, by no later than midday on Tuesday 11 February 2020, the spreadsheet colour-coding the over 2,000 grant applications under the Community Sport Infrastructure Program according to the party that held the electorate as referred to in media reports and in the Auditor-General's report no. 23 of 2019-20.
- (2) In the event that the Minister fails to table the documents requested in paragraph (1), the Senate requires the Minister for Youth and Sport attend the Senate at 9.30 am on Wednesday, 12 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 15 minutes each.

Question put and passed.

35 Community Sport Infrastructure Program—Legal authority of minister—Order for production of documents—Attendance of minister

Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 388—That—

- (1) There be laid on the table by the Minister representing the Attorney-General, by no later than midday on 11 February 2020, advice provided to the Attorney-General, including by the Australian Government Solicitor, in relation to the legal authority of the former Minister for Sport to undertake an approval role for funding decisions under the Community Sport Infrastructure Program.
- (2) In the event that the Minister fails to table the documents referred to in paragraph (1), the Senate requires the Minister representing the Attorney-General, to attend the Senate at 9.30 am on 12 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 15 minutes each.

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.

36 Community Sport Infrastructure Program—Communication between offices—Order for production of documents—Attendance by minister

Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 389—That—

- (1) There be laid on the table by the Minister for Youth and Sport, by no later than midday on 11 February 2020, all communication between the current and former offices of the Minister for Sport and both the office of the Prime Minister and the office of the Deputy Prime Minister in relation to the three grant rounds under the Community Sport Infrastructure Program.
- (2) In the event the Minister fails to table the documents requested in paragraph (1), the Senate requires the Minister for Youth and Sport to attend the Senate at 9.30 am on 12 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 15 minutes each.

Question put and passed.

37 Recreational hunting and shooting—Report—Order for production of documents

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 390—That there be laid on the table by the Minister representing the Minister for Health, by midday on 11 February 2020, any emails or any other form of written correspondence between the former Minister, Senator McKenzie, or the former Minister's office, in any of her former capacities, and the Department of Health, or any person working for the Department of Health, concerning either of the following matters surrounding the report 'Economic and social impacts of recreational hunting and shooting', released in September 2019:

- (a) the funding of the report; or
- (b) the commissioning of the report.

Question put and passed.

38 Bushfires

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 391—That the Senate—

- (a) notes that in New South Wales (NSW):
 - (i) the bushfire crisis has wrought havoc and destruction, with the Bush Fire Danger Period starting early and winter fires plaguing the state's north as early as August,

- (ii) since last winter, fires have burnt at least 5.5 million hectares,
- (iii) 25 people have lost their lives to bushfires and hundreds of homes have been reduced to ash,
- (iv) more than 800 million animals, birds and reptiles have been killed, pushing some species to the brink of extinction,
- (v) regional areas and parts of the state dependent on tourism are experiencing devastating economic impacts,
- (vi) 74% of people living in NSW have been impacted by the bushfires and smoke in some way, and
- (vii) an estimated 2.8 million adults have had smoke-related health impacts, with shops running out of breathing masks and an increase in hospital visits for smoke-related illnesses;
- (b) expresses its solidarity with the people of NSW who have been impacted by the worst of the bushfire crisis; and
- (c) thanks firefighters and emergency services for their extraordinary courage, resilience and commitment in the face of this unprecedented bushfire season.

Question put and passed.

39 **Australia Day honours—Western Australian recipients**

Senator Dean Smith, also on behalf of Senator Brockman, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 392—That the Senate—

- (a) acknowledges the following Western Australians who received Australia Day Honours on 26 January, 2020, for their exceptional service to our community:
 - (i) Officer of the Order of Australia (AO): Emeritus Professor John Bloomfield; Mr Ronald Dullard; Mr Peter Hood; Dr Geoffrey Boughton; Mr Bruce Brown; Mr Lyndon Brown; Mr Shane Colquhoun; Mrs Sara David; Dr Ian Fairnie; Mr Murray Lampard; The late Mr Eric Lumsden; Mr Graham McKenzie-Smith; Ms Patricia Murray; Dr Anthony Mylius; the Honourable Fredrick Riebeling; Mr Gary Roberts; Dr Errol Seymour; Mr Keith Slater; Emeritus Professor Vivian Sunderland; Mr Robert Torrance; and Mr Daniel Tucker,
 - (ii) Medal of the Order of Australia (OAM): Mr Glenn Baker; Mrs Jahna Cedar; Mr James Clarke; Mr Andrew Coad; Mr Lief Cocks; Mr Simon Cubitt; Mr Ivo Davies; Ms Kira Fong; Mrs Eileen Giles; Mrs Pamela Hamence; Mr David Hicks; Mrs Mary Hutton; Mrs Julie Keamy; Mrs Bronwen Keighery; Mr Gregory Keighery; Mr David Kerr; Mr Richard Kidd; Mrs Daliah Moss; Mr Glenn Muskett; Mrs Margaret Owen; Mr Maxwell Page; Ms Patricia Powell; Mrs Donna Prytulak; Mrs Marjorie Quinn; Mrs Joanna Randell; Mr Graeme Robertson; Mr Malcolm Small; Mr Arthur Stanton; Ms Christine Thompson; Mr John Thornton; The Reverend Dr Jennifer Turner; Mr Adam Voges; and Mr Michael Zekulich,
 - (iii) Public Service Medal (PSM): Ms Pauline Bagdonavicius; Mrs Noelene Jennings; and Mrs Lee Musumeci,

- (iv) Australian Police Medal (APM): Deputy Commissioner Colin Blanch; Superintendent Dario Bolzonella; Senior Constable Michelle Jesney; and Sergeant David Johnson,
- (v) Australian Fire Service Medal (AFSM): Mr Mark Bowen; Dr Neil Burrows; and Mr Richard Lawrey,
- (vi) Ambulance Service Medal (ASM): Mr Christopher Oakes; Mr David Saunders; and Mr Austin Whiteside,
- (vii) Emergency Services Medal (ESM): Mr Ronald McPherson,
- (viii) Australian Corrections Medal (ACM): Mr Samuel Dinah; Ms Cassandra Gilbert; Mr Benjamin Leadbeatter; Mr Gregory Little; and Ms Leith Thomas,
- (ix) Medal of the Order of Australia (OAM (M)): Warrant Officer Anthony O’Riley, and
- (x) Conspicuous Service Cross (CSC): Captain Daniel LeRaye; and
- (b) acknowledges that these deserving Western Australians have made a significant contribution to their communities and ultimately Australia.

Question put and passed.

40 **Death of the Right Honourable Mike Moore, former Prime Minister of New Zealand**

Senator Urquhart, at the request of the Leader of the Opposition in the Senate (Senator Wong), amended general business notice of motion no. 381 by leave and, pursuant to notice of motion not objected to as a formal motion, moved —That the Senate—

- (a) notes:
 - (i) the death on 2 February 2020 of the Right Honourable Mike Moore, the thirty-fourth Prime Minister of New Zealand, third Director-General of the World Trade Organization, and diplomat,
 - (ii) the significant contribution made by Mr Moore to domestic politics in New Zealand and to the international community,
 - (iii) that in international trade, both as a minister in New Zealand’s Fourth Labour Government and subsequently through the World Trade Organization, Mr Moore promoted the development of multilateral trade, including by:
 - (A) ensuring the majority of the world’s population came within the rules-based trading system, and
 - (B) giving particular attention to helping developing nations participate effectively in the multilateral trading system,
 - (iv) in 2011, Mr Moore was made an Honorary Officer of the Order of Australia for service to the South Australian Government by developing initiatives in economic reform and for service to the education sector, and
 - (v) that Mr Moore’s legacy of public service will continue to guide others for many years to come; and
- (b) expresses its sympathy to his widow Yvonne and all those in New Zealand and across the world who are mourning the loss of this eminent statesman.

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.

41 Australian Broadcasting Corporation—Emergency broadcasts

Senator Urquhart, at the request of Senators Kitching and Hanson-Young and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 371—That the Senate—

- (a) notes that:
 - (i) the Australian Broadcasting Corporation (ABC) has covered more than 850 emergency broadcasting events in the 2019-20 reporting period so far,
 - (ii) this represents more than double the number of emergency broadcasting events covered by the ABC for all of 2018-19, and triple the year before that,
 - (iii) in times of crisis, Australians turn to the national broadcaster for trusted news and information, and
 - (iv) the ABC is a lifeline for at-risk and impacted communities, particularly when other lines of communication are affected by extreme weather events; and
- (b) expresses its support for the work of the ABC in providing these essential services to all Australians, especially to those in regional areas;
- (c) recognises that:
 - (i) the whole of agency impact of the unprecedented bushfire season requires a significant commitment from the ABC,
 - (ii) the cost of the ABC's emergency broadcasting comes out of its funding, and
 - (iii) more frequent and intense climate events mean there will be increasing need for emergency broadcasting by the ABC;
- (d) congratulates the ABC on the vital role it plays in the daily life of Australians and in Australia's democracy; and
- (e) affirms the indispensable place of the ABC in the fabric of our nation.

Question put and passed.

Senator Griff, also on behalf of Senators Kitching and Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 373—That the Senate—

- (a) thanks the Australian Broadcasting Corporation (ABC) for its service in delivering vital emergency broadcasts and comprehensive coverage during the catastrophic fires;
- (b) acknowledges the dramatic rise in emergency broadcasts, from 256 in 2017-18, to 371 in 2018-19 and close to 900 during this financial year, which have been delivered without additional funding to cover the resources which have been poured into the emergency broadcast effort;

- (c) recognises that, since Boxing Day, as bushfires raged across Victoria (VIC), New South Wales (NSW) and South Australia, the ABC handled more than 100 emergency broadcasts in a single week, receiving widespread praise for the practical, life-saving information and the professionalism on display;
- (d) notes heavy damage sustained to the ABC's radio and TV networks during the bushfires, particularly at Bateman's Bay in NSW and East Gippsland in VIC;
- (e) commends the ABC for mobilising with the assistance of the ADF, Broadcast Australia and Commercial Broadcasters to restore local radio stations as the priority because of their critical role in providing information to communities during disasters;
- (f) acknowledges the ABC's funding is decreasing at a time when emergency broadcasting events is increasing; and
- (g) calls on the Federal Government to reverse the \$83.7 million paused indexation funding, as a matter of urgency.

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.

42 **Her Majesty Queen Elizabeth II—Environmental message**

Senator Griff, also on behalf of Senator Green, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 374—That the Senate—

- (a) acknowledges the sentiment expressed by Her Majesty Queen Elizabeth II in her Christmas message 2019, in which she praised new generations 'who have brought a sense of purpose to issues such as protecting our environment and climate';
- (b) joins with Her Majesty Queen Elizabeth II in praising the efforts of young people across the nation and the globe who are advocating for action on climate change and protecting our increasingly vulnerable environment; and
- (c) recognises that, as Australia is on the frontline of the climate crisis, we must also be a world leader in climate action.

Question put and passed.

43 **Finance and Public Administration References Committee—Reference—2019-20 bushfire season**

Senator Urquhart, at the request of Senator Watt and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by the last sitting day in 2021:

Lessons to be learned in relation to the preparation and planning for, response to and recovery efforts following the 2019-20 Australian bushfire season, with particular reference to:

- (a) advice provided to the Federal Government, prior to the bushfires, about the level of bushfire risk this fire season, how and why those risks differed from historical norms, and measures that should be taken to reduce that risk in the future;

- (b) the respective roles and responsibilities of different levels of government, and agencies within government, in relation to bushfire planning, mitigation, response, and recovery;
- (c) the Federal Government's response to recommendations from previous bushfire Royal Commissions and inquiries;
- (d) the adequacy of the Federal Government's existing measures and policies to reduce future bushfire risk, including in relation to assessing, mitigating and adapting to expected climate change impacts, land use planning and management, hazard reduction, Indigenous fire practices, support for firefighters and other disaster mitigation measures;
- (e) best practice funding models and policy measures to reduce future bushfire risk, both within Australia and internationally;
- (f) existing structures, measures and policies implemented by the Federal Government, charities and others to assist communities to recover from the 2019-20 bushfires, including the performance of the National Bushfire Recovery Agency;
- (g) the role and process of advising Government and the federal Parliament of scientific advice;
- (h) an examination of the physical and mental health impacts of bushfires on the population, and the Federal Government's response to those impacts; and
- (i) any related matters.

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, 37

Senators—

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

NOES, 33

Senators—

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

* Tellers

Question agreed to.

44 **Climate change**

The Leader of the Australian Greens in the Senate (Senator Waters) amended general business notice of motion no. 353 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

- (1) That the Senate notes—
 - (a) the Bureau of Meteorology's (the Bureau) 2019-20 severe weather outlook has indicated that 'this summer there's a higher chance of extreme heat developing across our inland with soils so dry and an outlook for clearer skies';
 - (b) the Bureau has declared that the Murray-Darling Basin is experiencing the most severe drought conditions in 120 years of records;
 - (c) at the end of the 2019 sittings, more than 2 million hectares had been burnt by bushfires in New South Wales (NSW) since 1 July, including more than 10% of the area covered by NSW's national parks and reserves;
 - (d) at the end of the 2019 sittings, more than 170,000 hectares had been lost in Queensland since the start of the bushfire season and more than 50 bushfires continued to burn across the state; and
 - (e) by the start of the 2020 sittings, the bushfire season has resulted in:
 - (i) at least 33 lives lost,
 - (ii) 18 million hectares of land burned across all States and Territories,
 - (iii) more than 3,000 homes destroyed, and
 - (iv) more than 1 billion animals killed.
- (2) That the State of the Climate 2018 report, authored by the CSIRO and Bureau of Meteorology, indicates that, as the climate crisis continues, Australia will see:
 - (a) a further increase in temperatures, with more extremely hot days and fewer extremely cool days;
 - (b) a decrease in cool-season rainfall across many regions of southern Australia, with more time spent in drought; and
 - (c) an increase in the number of high fire weather danger days and a longer fire season for southern and eastern Australia.

(3) That—

- (a) we are in a climate emergency;
- (b) the burning of coal, oil and natural gas is the major global contributor to the climate crisis; and
- (c) this summer, more Australian lives are at risk from extreme heatwaves, bushfires and drought as a result.

Statements by leave: Senators Gallagher and Roberts, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 34

Senators—

Abetz	Colbeck	McGrath	Roberts
Antic	Davey	McKenzie	Ruston
Askew	Duniam	Molan	Ryan
Birmingham	Fawcett	O'Sullivan	Scarr
Bragg	Fierravanti-Wells	Paterson	Seselja
Brockman	Hanson	Payne	Smith, Dean*
Canavan	Hughes	Rennick	Stoker
Cash	Hume	Reynolds	Van
Chandler	McDonald		

* Tellers

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

45 Early learning services

Senator Faruqi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 364—That the Senate—

(a) notes that:

- (i) the number of children using early learning services has risen over the past 10 years, from just below 35% in 2009 to nearly 45% in 2018,
- (ii) there is inequity in access to early learning services – children living in remote areas, children who live in economically disadvantaged areas, children from Indigenous backgrounds, children from non-English speaking backgrounds, and those with disability are under-represented in early learning services,

- (iii) Australia's investment in early learning is below the Organisation for Economic Co-operation and Development average, and
- (iv) the Australian Government's investment in early learning per child has declined between 2016 and 2019; and
- (b) calls on the Federal Government to:
 - (i) increase investment in early learning, and
 - (ii) work to close the access gap and ensure disadvantaged children have equal access to early learning.

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

NOES, 35

Senators—

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

* Tellers

Question negatived.

46 Notice—Intention to withdraw

Senator Brown, pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in her name for today for the disallowance of the Marine Order 47 (Offshore industry units) 2019 [F2019L01324].

47 **Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019—Consideration**

Senator Urquhart, at the request of Senator Gallagher and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 365—That further consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019 shall be made an order of the day for the first day of sitting after all of the following have occurred, and the Senate passes a resolution affirming it is satisfied no further legislation is required to meet the requirements of the following paragraphs:

- (a) a bill to establish a national integrity commission receives royal assent;
- (b) legislation implementing all of the recommendations of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry receives royal assent; and
- (c) legislation implementing all of the interim recommendations of the Royal Commission into Aged Care Quality and Safety receives royal assent.

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

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 36

Senators—

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

* Tellers

Question negatived.

48 Funding for the arts

Senator Hanson-Young, also on behalf of Senator Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 386—That the Senate—

- (a) condemns the Government's continued attack on the arts sector, which contributes \$111.7 billion to the Australian economy annually;
- (b) calls for the Federal Government to restore funding to the arts, which has been continually devalued and neglected since the Coalition Government was elected in 2013; and
- (c) acknowledges the deep and valuable contribution of the arts to the Australian spirit and sense of community, which is in desperate need of repair after this summer of devastating fires.

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, 34

Senators—

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

NOES, 34

Senators—

Abetz	Colbeck	McGrath	Roberts
Antic	Davey	McKenzie	Ruston
Askeu	Duniam	Molan	Ryan
Birmingham	Fawcett	O'Sullivan	Scarr
Bragg	Fierravanti-Wells	Paterson	Seselja
Brockman	Hanson	Payne	Smith, Dean*
Canavan	Hughes	Rennick	Stoker
Cash	Hume	Reynolds	Van
Chandler	McDonald		

* Tellers

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

49 Notice

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

- (a) notes that:
 - (i) environmental flows are critical to the health of the Murray-Darling Basin, which is home to more than 2 million people and more than 40 Aboriginal nations, and supports over 120 waterbird species and 46 native fish species,
 - (ii) the continued attack on environmental flows to the Murray-Darling Basin will threaten the overall sustainability of the river, which is needed to support people, plants and animals,
 - (iii) the river is a national asset, it does not belong to any one single State, and
 - (iv) the threats by some Basin states to pull out of the Murray-Darling Basin Plan is putting the future of the entire river system in jeopardy; and
- (b) calls on the Federal Government to confirm its commitment to protect environmental flows as required under the Murray-Darling Basin Plan. (*general business notice of motion no. 403*)

50 Discussion of matter of public importance—Leadership

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

The Prime Minister's ongoing failure to show leadership.

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

51 Documents—Consideration

Documents tabled earlier today (*see entry no. 2*) and on 4 February 2020 (*see entry no. 4, 4 February 2020*) were considered as follows:

Motion to take note of documents nos 1, 4, 7, 11, 13, 20, 23, 29, 30, 34, 39 and 41 moved by Senator Urquhart. Consideration to resume on Thursday at general business.

Motion to take note of documents nos 14 and 33 moved by Senator Rice and debated. Consideration to resume on Thursday at general business.

Motion to take note of document no. 27 moved by Senator Siewert and debated. Consideration to resume on Thursday at general business.

52 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 1 of 2020, dated 5 February 2020.

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

Human Rights—Joint Statutory Committee—Report 1 of 2020—Human rights scrutiny report, dated 5 February 2020.

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

Debate ensued.

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

Senator Brockman, 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 1 of 2020, dated 5 February 2020.

Senator Brockman, at the request of the Chair of the Community Affairs Legislation Committee (Senator Askew), tabled the following documents:

Community Affairs Legislation Committee—Report—Australian Institute of Health and Welfare Amendment (Assisted Reproductive Treatment Statistics) Bill 2019—Additional information.

Pursuant to order, Senator Brockman, at the request of the Chair of the Community Affairs Legislation Committee (Senator Askew), tabled the following report and documents:

Community Affairs Legislation Committee—Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Bill 2019 [Provisions]—Report, dated February 2020 and submissions.

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

Red Tape—Select Committee—Eighth interim report—Effect of red tape on private education—Government response, dated November 2019.

The following committee report presented out of sitting (*see entry no. 4, 4 February 2020*) was considered:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Inquiry into PFAS contamination in and around Defence bases—First report. Motion to take note of report moved by Senator Urquhart. Debate adjourned till the next day of sitting.

53 PFAS contamination—Blood and genetic testing on humans and livestock—Order for production of documents—Documents

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

PFAS contamination—Blood and genetic testing on humans and livestock—Order of 4 December 2019—Letter to the President of the Senate from the Minister for Defence (Senator Reynolds) responding to the order, and attachment.

54 Answers to questions—Documents

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

Answers to questions—Letters from the Minister for Employment, Skills, Small and Family Business (Senator Cash), dated 18 December 2019, providing information concerning questions on notice—

Asylum seekers—Question without notice asked by Senator McKim on 16 September 2019.

Australia's refugee and humanitarian program—Question without notice asked by Senator Lambie on 26 November 2019.

55 Committee membership

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

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

Administration of Sports Grants—Select Committee—

Appointed—

Senators Abetz, Canavan, Chisholm and Green

Participating members: Senators Ayres, Bilyk, Brown, Carr, Chandler, Ciccone, Dodson, Farrell, Gallacher, Gallagher, Keneally, Kitching, Lines, McAllister, McCarthy, O'Neill, O'Sullivan, Polley, Pratt, Scarr, Sheldon, Dean Smith, Marielle Smith, Sterle, Walsh, Watt and Wong.

Community Affairs References Committee—

Discharged—

Senator Ciccone

Participating member: Senator Bilyk

Appointed—

Senator Bilyk

Participating member: Senator Ciccone

Economics Legislation and References Committees—

Discharged—

Senator Gallacher

Participating member—Senator Kitching

Appointed—

Senator Kitching

Participating member—Senator Gallacher

Finance and Public Administration Legislation Committee—

Discharged—

Senator McAllister

Participating member: Senator Ayres

Appointed—

Senator Ayres

Participating member: Senator McAllister

Finance and Public Administration References Committee—

Appointed—Senator Watt

Discharged—Participating member: Senator Watt

Road Safety—Joint Select Committee—

Discharged—Senator Gallacher

Appointed—Senator Sterle.

Question put and passed.

56 Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019

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

Message no. 140, dated 5 December 2019—Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019.

**57 Higher Education Support (HELP Tuition Protection Levy) Bill 2019
VET Student Loans (VSL Tuition Protection Levy) Bill 2019**

Messages from the House of Representatives were reported indicating that the House had made the amendments requested by the Senate to the following bills:

Message no. 141, dated 5 December 2019—Higher Education Support (HELP Tuition Protection Levy) Bill 2019.

Message no. 142, dated 5 December 2019—VET Student Loans (VSL Tuition Protection Levy) Bill 2019.

On the motion of the Minister for Aged Care and Senior Australians (Senator Colbeck) the bills were read a third time.

**58 Treasury Laws Amendment (2019-20 Bushfire Tax Assistance)
Bill 2020**

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

Message no. 143, dated 5 February 2020—A Bill for an Act to amend the law relating to taxation, 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.

Question put and passed.

Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 23 March 2020.

**59 Financial Sector Reform (Hayne Royal Commission Response—
Protecting Consumers (2019 Measures)) Bill 2019
Financial Sector Reform (Hayne Royal Commission Response—
Stronger Regulators (2019 Measures)) Bill 2019
National Consumer Credit Protection Amendment (Mandatory Credit
Reporting and Other Measures) Bill 2019**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 146, dated 5 February 2020—A Bill for an Act to amend the law relating to unfair contract terms and insurance contracts, funeral expenses facilities, funeral benefits, mortgage brokers and mortgage intermediaries, and for related purposes.

Message no. 147, dated 5 February 2020—A Bill for an Act to amend the law in relation to ASIC, and financial sector regulation, and for related purposes.

Message no. 148, dated 5 February 2020—A Bill for an Act to amend the law relating to credit reporting, and for other purposes.

The Minister for Aged Care and Senior Australians (Senator Colbeck) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

On the motion of Senator Colbeck the debate was adjourned till the next day of sitting and the bills listed as separate orders of the day.

60 Address by President of the Republic of Indonesia

A message from the House of Representatives was reported informing the Senate of a resolution of that House:

Message no. 145, dated 5 February 2020, inviting senators to attend a meeting of the House for an address by His Excellency Mr Joko Widodo, President of the Republic of Indonesia.

61 Committee membership

A message from the House of Representatives was reported informing the Senate of changes in the membership of the Joint Committee of Public Accounts and Audit, as follows:

Message no. 144, dated 5 February 2020—Mr Vasta in place of Mr van Manen.

62 Governor-General's messages—Assent to laws

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

4 December 2019—Message no. 42—*Migration Amendment (Repairing Medical Transfers) Act 2019* (Act no. 110, 2019).

6 December 2019—Message no. 43—*Education Legislation Amendment (Tuition Protection and Other Measures) Act 2019* (Act no. 111, 2019).

9 December 2019—Message no. 44—

Defence Service Homes Amendment Act 2019 (Act no. 112, 2019)

National Disability Insurance Scheme Amendment (Streamlined Governance) Act 2019 (Act no. 113, 2019).

10 December 2019—Message no. 45—

Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019 (Act no. 114, 2019)

Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Act 2019 (Act no. 115, 2019).

11 December 2019—Messages nos—

46—

Aged Care Legislation Amendment (New Commissioner Functions) Act 2019 (Act no. 116, 2019)

Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Act 2019 (Act no. 119, 2019).

47—

Farm Household Support Amendment (Relief Measures) Act (No. 2) 2019
(Act no. 117, 2019)

Special Recreational Vessels Act 2019 (Act no. 118, 2019).

12 December 2019—Message no. 48—

Communications Legislation Amendment (Deregulation and Other Measures) Act 2019 (Act no. 120, 2019)

Health Legislation Amendment (Data-matching and Other Matters) Act 2019
(Act no. 121, 2019)

Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Act 2019 (Act no. 122, 2019)

Protection of the Sea (Prevention of Pollution from Ships) Amendment (Air Pollution) Act 2019 (Act no. 123, 2019)

Telecommunications (Interception and Access) Amendment (Assistance and Access Amendments Review) Act 2019 (Act no. 124, 2019)

Family Assistance Legislation Amendment (Building on the Child Care Package) Act 2019 (Act no. 125, 2019)

Foreign Acquisitions and Takeovers Fees Imposition Amendment (Near-new Dwelling Interests) Act 2019 (Act no. 126, 2019)

Interactive Gambling Amendment (National Self-exclusion Register) Act 2019
(Act no. 127, 2019)

National Self-exclusion Register (Cost Recovery Levy) Act 2019 (Act no. 128, 2019)

Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures) Act 2019 (Act no. 129, 2019).

63 Notice of motion withdrawn

The Minister for Aged Care and Senior Australians (Senator Colbeck) withdrew the government business notice of motion given earlier today proposing a reference to the Parliamentary Standing Committee on Public Works.

64 Foreign Affairs, Defence and Trade References Committee—Proposed reference

Senator Patrick, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by the final sitting day of June 2020:

- (1) That the Senate notes that, in respect to the development of Greater Sunrise oil and gas fields:
 - (a) on 6 March 2018, Australia and Timor-Leste signed a maritime boundaries treaty establishing permanent maritime boundaries in the Timor Sea, and a legal framework for developing the Greater Sunrise gas fields together and sharing in the benefits – the treaty has now been ratified by both countries and entered into force on 30 August 2019;

- (b) there are two options for processing the Greater Sunrise gas fields:
 - (i) onshore in Australia, or
 - (ii) onshore in Timor Leste, as part of the Timor-Leste Government's Tasi Mane development strategy for a corridor of petroleum infrastructure along the southwest coast of the country;
 - (c) the Australian Government stated, in response to a question asked during the estimates hearings of the Foreign Affairs, Defence and Trade Legislation Committee on 4 September 2019, that 'Australia wants Greater Sunrise to be developed in a commercially sound way that maximises the return for the parties, and therefore contributes to Timor Leste's economic development priorities. Provided these conditions are met, Australia is neutral as to whether Greater Sunrise gas is processed in Timor-Leste or Australia'; and
 - (d) the establishment of a corridor of petroleum infrastructure along the southwest coast of Timor-Leste would be a more complex and challenging endeavour than processing in existing facilities in Australia.
- (2) That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and to report by the final sitting day of June 2020, relating the Tasi Mane project:
- (a) assistance and co-operation offered, to date, by the Australian Government to the Tasi Mane project;
 - (b) possible future assistance and co-operation by the Australian Government in relation to the Tasi Mane project;
 - (c) opportunities for Australian industry to assist with the design, development and execution of the Tasi Mane project;
 - (d) opportunities for the Australian Government to assist Timor-Leste in respect of activities and projects incidental to the Tasi Mane project;
 - (e) opportunities for Australian industry in respect of activities and projects incidental to the Tasi Mane project; and
 - (f) any related matters.

Debate ensued.

Question put.

The Senate divided—

AYES, 13

Senators—

Di Natale
Faruqi
Griff
Hanson

Hanson-Young
McKim
Patrick*

Rice
Roberts
Siewert

Steele-John
Waters
Whish-Wilson

NOES, 38

Senators—

Abetz	Colbeck	McCarthy*	Ruston
Antic	Davey	McDonald	Scarr
Askew	Dodson	McKenzie	Smith, Dean
Birmingham	Duniam	Molan	Smith, Marielle
Bragg	Fawcett	O'Sullivan	Sterle
Brockman	Fierravanti-Wells	Paterson	Stoker
Canavan	Gallagher	Pratt	Van
Cash	Green	Rennick	Walsh
Chandler	Hughes	Reynolds	Watt
Ciccone	Keneally		

* *Tellers*

Question negatived.

65 **Senator McKenzie—Statement by leave**

The Leader of the Nationals in the Senate (Senator McKenzie), by leave, made a statement relating to her membership of clubs and associations.

66 **Adjournment**

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

Debate ensued.

The Senate adjourned at 8 pm till Thursday, 6 February 2020 at 9.30 am.

67 **Attendance**

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

RICHARD PYE
Clerk of the Senate