THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 77

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Adjournment

Attendance
1 MEETING OF SENATE
The Senate met at 9.30 am. The President (Senator the Honourable Stephen Parry) 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):

- 131st Inter-Parliamentary Union Assembly, Geneva, Switzerland and bilateral visit to European parliaments and institutions—Report of the Australian parliamentary delegation, 4 to 16 October 2014, dated February 2015.

- Institutional Responses to Child Sexual Abuse—Royal Commission—Reports of case studies—
  No. 4—The experiences of four survivors with the Towards Healing process, dated January 2015.
  No. 6—The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes, dated January 2015.
  No. 8—Mr John Ellis’s experience of the Towards Healing process and civil litigation, dated January 2015.


- Mid-year economic and fiscal outlook—2014-15—Statement by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann).

- Migration Act 1958—Section 486O—Assessment of detention arrangements—
  Personal identifiers 1001230, 1001290, 1001305, 1001311, 1001313, 1001316, 1001317, 1001327, 1001410, 1001440, 1001459, 1001461, 1001462, 1001476, 1001478, 1001485, 1001495, 1001504, 1001509, 1001518, 1001523, 1001524, 1001528, 1001529, 1001531, 1001532, 1001536, 1001541, 1001544, 1001548, 1001553, 1001554, 1001595, 1001602, 1001604, 1001608, 1001609, 1001610, 1001620, 1001627, 1001641, 1001642, 1001684, 1001687, 1001696, 1001699, 1001730, 1001731, 1001732, 1001752, 1001758, 1001774, 1001777, 1001779, 1001782, 1001826, 1001839, 1001841, 1001861, 1001872, 1001873, 1001881, 1001882 and 1001888—
  Commonwealth Ombudsman’s reports, dated 11 February 2015.
  Government response to Ombudsman’s reports, dated 28 January 2015.

- Northern Territory Fisheries Joint Authority—


- Regional Forest Agreement between the Commonwealth and Western Australia—
  Joint Australian and Western Australian government response to the Review of the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia for the period 1999-2009, dated November 2014.

- Vacancy in the representation of New South Wales—Letter to the President of the Senate from Senator Faulkner, dated 6 February 2015 [original].
The following documents were tabled by the Clerk pursuant to order:

- Departmental and agency appointments and vacancies—Additional estimates—Letter of advice pursuant to the order of the Senate of 24 June 2008, as amended—Employment portfolio.
- Departmental and agency grants—Additional estimates—Letters of advice pursuant to the order of the Senate of 24 June 2008—Department of Employment.
- Department of Infrastructure and Regional Development.
- Estimates hearings—Unanswered questions on notice—Budget (supplementary) estimates 2014-15—Statements pursuant to the order of the Senate of 25 June 2014—Agriculture portfolio.
- Office of National Assessments.

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

Committees were authorised to hold public meetings during the sittings of the Senate, as follows:

- Foreign Affairs, Defence and Trade—Joint Standing Committee—today, from 4.15 pm, to take evidence for the committee’s inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region.
- Law Enforcement—Joint Statutory Committee—today, from 5.30 pm, to take evidence for the committee’s inquiry into the examination of the annual report of the Australian Crime Commission.
- Wednesday, 4 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into the examination of the annual report of the Australian Federal Police.
- Treaties—Joint Standing Committee—Thursday, 12 February 2015, from 3.30 pm, to take evidence for the committee’s inquiry into the agreement between the Government of Australia and the Government of India on cooperation in the peaceful uses of nuclear energy.

4 CUSTOMS AMENDMENT BILL 2014

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash) the bill was read a third time.
5 **AMENDING ACTS 1970 TO 1979 REPEAL BILL 2014**
**STATUTE LAW REVISION BILL (NO. 2) 2014**
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of the Attorney-General (Senator Brandis) the bills were read a third time.

6 **FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT BILL 2014**
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck)—That this bill be now read a second time.
Debate resumed.
At 12.45 pm: Debate was interrupted while Senator McKenzie was speaking.

7 **SENATORS’ STATEMENTS**
Senators made statements.

At 2 pm—

8 **QUESTIONS**
Questions without notice were answered.

9 **IMMIGRATION—ASYLUM SEEKERS—NAURU PROCESSING CENTRE—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT**
The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:

Immigration—Asylum seekers—Nauru processing centre—Letter from the Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing), dated 11 February 2015, responding to the order of the Senate of 10 February 2015.

10 **MOTIONS TO TAKE NOTE OF ANSWERS**
Senator Conroy moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Conroy today relating to the manufacture of the next fleet of Australian submarines.
Debate ensued.
Question put and passed.
Senator Siewert moved—That the Senate take note of the answer given by the Assistant Minister for Health (Senator Nash) to a question without notice asked by Senator Siewert today relating to funding for services for Indigenous Australians. Question put and passed.

11 NOTICES

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

(a) recognises the Victorian dairy industry’s continued efforts to capitalise on opportunities in China; and

(b) notes that:
   (i) a total of 54 301 dairy cattle were exported from Victoria to China during the 2014 calendar year, and
   (ii) this has continued to provide a valuable alternative revenue stream for farmers in our southern states. (general business notice of motion no. 607)

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

(a) there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Thursday, 12 February 2015, copies of the following National Mental Health Commission documents in relation to its Mental Health review:
   (i) the preliminary report which was completed during February 2014,
   (ii) the interim report which was completed in June 2014, and
   (iii) the final report which was completed by the end of November 2014; and

(b) the Senate not accept a public interest immunity claim by the Minister that tabling these documents would impact the Government’s ability to properly respond to the Mental Health review because:
   (i) the production of these documents is necessary to allow people living with mental illness, their representative organisations and service providers to have an open and honest conversation about the future of the mental health system in Australia,
   (ii) the Mental Health review must be transparent for the community to have faith in the review outcomes,
   (iii) there has been significant demand from the mental health sector for the reports to be made available to allow for an informed debate in the lead-up to Government decision-making around the 2015-16 Budget, and
   (iv) the more than 1 800 organisations and individuals that made submissions to the review have the right to see these reports. (general business notice of motion no. 608)

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

(a) opposes the establishment of nuclear power plants in Australia, based on the best available expert advice;

(b) recognises that the production of uranium and its use in the nuclear fuel cycle presents unique and unprecedented hazards and risks, including:
   (i) threats to human health and the local environment in the mining and milling of uranium,
   (ii) the generation of products that are usable as the raw materials for nuclear weapons manufacture, and
(iii) the generation of highly toxic radioactive waste by-products; and
(c) rejects any efforts to move toward establishing nuclear power plants in South Australia. (general business notice of motion no. 609)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—
(a) acknowledges the efforts of the Sea Shepherd in tracking, locating and reporting to authorities the presence of illegal fishing vessels in the Southern Ocean; and
(b) calls on the Australian Government to meet its election commitment and immediately deploy a customs patrol vessel to the Southern Ocean to deter illegal fishing. (general business notice of motion no. 610)

Senator Waters: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) that the Federal Government appointed Ms Rosie Batty Australian of the Year for 2015,
   (ii) Ms Batty’s call for investment into preventing violence against women and for long-term secure funding for specialist women’s domestic violence services,
   (iii) the Inaugural Asia-Pacific conference on Gendered Violence and Violations currently taking place in Sydney,
   (iv) the Federal Government’s $43 million cuts to the legal assistance sector, including to community legal centres, legal aid, and Aboriginal and Torres Strait Islander Legal Services announced in December 2013,
   (v) the Federal Government’s $44 million cut to capital expenditure on new shelters and emergency accommodation under the National Partnership Agreement on Homelessness announced in the May Budget,
   (vi) that funding for domestic violence services under the National Partnership Agreement on Homelessness is set to expire on 1 July 2015,
   (vii) the Federal Government’s $21 million cut to housing and homelessness peak bodies announced 3 days before Christmas, in December 2014, and
   (viii) ongoing funding uncertainty for Family Violence Prevention Legal Services; and
(b) calls on the Federal Government to reverse funding cuts to domestic violence services and guarantee funding certainty. (general business notice of motion no. 611)

Senator Xenophon: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) on 10 February 2015, the Federal Court in Malaysia upheld a charge of sodomy against Malaysian Opposition Leader Mr Anwar Ibrahim,
   (ii) Mr Ibrahim has been sentenced to 5 years in jail, and in addition will be prohibited from running for public office for a further 5 years, and
   (iii) Human Rights Watch, Amnesty International, the Inter-Parliamentary Union, and the International Commission of Jurists have expressed grave concerns about the conviction and sentence, with Human Rights Watch labelling it a ‘travesty of justice’;
(b) calls on the Malaysian Government to use its powers to release Mr Ibrahim from custody immediately, and to set aside his conviction; and
(c) requests that the President of the Senate convey this motion to the Malaysian High Commissioner to Australia. (general business notice of motion no. 612)

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

(a) notes the report published by the University of Sydney on 6 February 2015 which found that private education companies had made hundreds of millions of dollars in profit as a result of public subsidies at the same time that public funding for technical and further education was being slashed; and

(b) calls on the Federal Government to immediately review the contestability funding model for vocational education and training and prioritise funding for public higher education. (general business notice of motion no. 613)

12 POSTPONEMENT

Business was postponed as follows:

General business notice of motion no. 596 standing in the name of Senator Waters for today, relating to Abbot Point in Queensland, postponed till 12 February 2015.

13 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

The Chair of the Community Affairs References Committee (Senator Siewert) amended business of the Senate notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That the following matter be referred to the Community Affairs References Committee for inquiry and report by 24 June 2015:

Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age-related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability, with particular reference to:

(a) the experiences of people directly or indirectly affected by violence, abuse and neglect perpetrated against people with disability in institutional and residential contexts;

(b) the impact of violence, abuse and neglect on people with disability, their families, advocates, support persons, current and former staff and Australian society as a whole;

(c) the incidence and prevalence of all forms of violence, abuse and neglect perpetrated against people with disability in institutional and residential settings;

(d) the responses to violence, abuse and neglect against people with disability, as well as to whistleblowers, by every organisational level of institutions and residential settings, including governance, risk management and reporting practices;

(e) the different legal, regulatory, policy, governance and data collection frameworks and practices across the Commonwealth, states and territories to address and prevent violence, abuse and neglect against people with disability;

(f) Australia’s compliance with its international obligations as they apply to the rights of people with disability;

(g) the role and challenges of formal and informal disability advocacy in preventing and responding to violence, abuse and neglect against people with disability;
(h) what should be done to eliminate barriers for responding to violence, abuse and neglect perpetrated against people with disability in institutional and residential settings, including addressing failures in, and barriers to, reporting, investigating and responding to allegations and incidents of violence and abuse;

(i) what needs to be done to protect people with disability from violence, abuse and neglect in institutional and residential settings in the future, including best practice in regards to prevention, effective reporting and responses;

(j) identifying the systemic workforce issues contributing to the violence, abuse and neglect of people with disability and how these can be addressed;

(k) the role of the Commonwealth, states and territories in preventing violence and abuse against people with disability;

(l) the challenges that arise from moving towards an individualised funding arrangement, like the National Disability Insurance Scheme, including the capacity of service providers to identify, respond to and prevent instances of violence, abuse and neglect against people with disability; and

(m) what elements are required in a national quality framework that can safeguard people with disability from violence, abuse and neglect in institutional and residential settings.

(2) That for this inquiry:

(a) ‘institutional and residential settings’ is broadly defined to include the types of institutions that people with disability often experience, including, but not restricted to: residential institutions; boarding houses; group homes; workplaces; respite care services; day centres; recreation programs; mental health facilities; hostels; supported accommodation; prisons; schools; out-of-home care; special schools; boarding schools; school buses; hospitals; juvenile justice facilities; disability services; and aged care facilities; and

(b) ‘violence, abuse and neglect’ is broadly understood to include, but is not limited to: domestic, family and interpersonal violence; physical and sexual violence and abuse; psychological or emotional harm and abuse; constraints and restrictive practices; forced treatments and interventions; humiliation and harassment; financial abuse; violations of privacy; systemic abuse; physical and emotional neglect; passive neglect; and wilful deprivation.

Question put and passed.

14 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE

Senator Whish-Wilson amended business of the Senate notice of motion no. 2 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 1 December 2015:

The future role and contribution of regional capitals to Australia, including:

(a) an assessment of current demographic trends and the changing role of regional capitals;

(b) an analysis of current funding provided to regional capitals;
(c) an analysis of the benefit of additional funding regional capitals could receive based on population, demand for services and their strategic importance for the region, state or country;
(d) investment challenges and opportunities to maintain or grow regional capitals, including infrastructure, community and human services, communications and natural resources;
(e) incentives and policy measures that would support sustainable growth in regional capitals;
(f) the impact the changing environment will have on regional capitals; and
(g) any other related matters.

Question put and passed.

15 EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE
Senator Carr, also on behalf of Senators Xenophon, Lambie, Muir and Rhiannon and the Leader of the Palmer United Party in the Senate (Senator Lazarus), 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 matters be referred to the Education and Employment References Committee for inquiry and report by 17 March 2015:
(a) the principles of the Higher Education and Research Reform Bill 2014;
(b) alternatives to deregulation in order to maintain a sustainable higher education system;
(c) the latest data and projections on student enrolments, targets, dropout rates and the Higher Education Loans Program;
(d) structural adjustment pressures, and the adequacy of proposed measures to sustain high quality delivery of higher education in Australia’s regions;
(e) the appropriateness and accuracy of government advertising in support of higher education measures, including those previously rejected by the Senate;
(f) research infrastructure; and
(g) any other related matters.

Question put and passed.

16 INDIGENOUS AUSTRALIANS—CLOSING THE GAP—MINISTERIAL STATEMENT—CONSIDERATION
The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, on Wednesday, 11 February 2015, on its presentation to the Senate, the Prime Minister’s annual report on Closing the Gap and accompanying ministerial statement be considered for not more than 2 hours.

Question put and passed.

17 CRIMINAL CODE AMENDMENT (ANIMAL PROTECTION) BILL 2015
Senator Back, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 592—That the following bill be introduced:


Question put and passed.

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

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

18 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Bushby, at the request of Senator Fawcett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 600—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) Monday, 2 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;

(b) Tuesday, 3 March 2015, from 12.45 pm, to take evidence for the committee’s inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region;

(c) Tuesday, 3 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into government support for Australian defence industry exports;

(d) Wednesday, 4 March 2015, from 11 am, to take evidence for the committee’s inquiry into government support for Australian defence industry exports;

(e) Monday, 16 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;

(f) Tuesday, 17 March 2015, from 12.45 pm, to take evidence for the committee’s inquiry into government support for Australian defence industry exports;

(g) Tuesday, 17 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into government support for Australian defence industry exports;

(h) Wednesday, 18 March 2015, from 11 am, to take evidence for the committee’s inquiry into government support for Australian defence industry exports;

(i) Monday, 23 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;

(j) Tuesday, 24 March 2015, from 12.45 pm, to take evidence for the committee’s inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region; and
(k) Wednesday, 25 March 2015, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationships with countries of the Middle East.

Question put and passed.

19 FOREIGN AFFAIRS—EGYPT—AL JAZEERA JOURNALISTS

Senator Siewert, at the request of the Leader of the Australian Greens (Senator Milne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 602—That the Senate—

(a) welcomes the Egyptian Government’s decision to unconditionally release and deport Australian journalist, Mr Peter Greste;

(b) recognises the tireless work of the Greste family, the Australian Government, the Ambassador and embassy staff in Cairo, and supporters of a free press in Australia and around the world in advocating for the release of Mr Greste; and

(c) calls on the Egyptian Government to uphold freedom of the press and ensure the just and timely release of Mr Greste’s Al Jazeera colleagues, Mr Mohamed Fahmy and Mr Baher Mohamed.

Question put and passed.

20 PRIMARY INDUSTRIES—KANGAROO MEAT AND HIDE INDUSTRY

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 603—That the Senate recognises Australia’s ability to develop and expand the kangaroo meat and hide industry, which can create jobs and build wealth for communities across rural and regional Australia.

Question put and passed.

21 HEALTH—OVARIAN CANCER AWARENESS MONTH

Senator Urquhart, also on behalf of Senators Polley, Bilyk and Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 604—That the Senate—

(a) notes:

(i) that February is Ovarian Cancer Awareness Month, which aims to raise awareness among Australian women of the symptoms of ovarian cancer,

(ii) that each year 1 400 Australian women are diagnosed with ovarian cancer, and more than 1 000 will die from the disease – that is one woman every 8 hours, and

(iii) with concern, that the prognosis for women diagnosed with ovarian cancer is generally poor due to the advanced stage of most ovarian cancers at the time of diagnosis;

(b) acknowledges that there is no screening program or detection test for ovarian cancer, and that the Pap smear will not detect the disease;

(c) recognises that:

(i) ovarian cancer is not a silent disease and that all women experience symptoms, even in the early stages of the cancer, and

(ii) the four most common symptoms are:

(A) abdominal or pelvic pain,

(B) increased abdominal size or persistent abdominal bloating,

(C) needing to urinate often or urgently, and
(D) difficulty eating or feeling full quickly;
(d) understands that every Australian woman needs to know the symptoms of ovarian cancer; and
(e) notes the need for greater focus on education and additional research funding to help Australian scientists find early detection markers and more effective treatments for this disease.

Question put and passed.

Senator Bushby, at the request of Senators Cash and Waters and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 606—That the Senate—
(a) notes that:
   (i) February 2015 marks Ovarian Cancer Awareness Month,
   (ii) Ovarian Cancer Awareness Month is run every year by Ovarian Cancer Australia and its purpose is to raise awareness of the signs and symptoms of ovarian cancer and to offer support for the women, their families and friends affected by ovarian cancer, and
   (iii) Teal Ribbon Day is commemorated on Wednesday, 25 February 2015, and is a day when all Australians are invited to wear a teal ribbon to show support for ovarian cancer awareness, support and research;
(b) recognises that:
   (i) ovarian cancer is one of the most commonly diagnosed gynaecological cancers in Australia, with more than 1 300 Australian women diagnosed with ovarian cancer each year, which equates to almost four women each day,
   (ii) ovarian cancer has a low survival rate compared to other women’s cancers, with more than two-thirds of ovarian cancers being advanced at the time of diagnosis and therefore being difficult to treat,
   (iii) there are no screening tests for ovarian cancer that provide early detection and many Australian men and women remain unaware of the symptoms of this insidious disease, and
   (iv) from 2000 to 2014, the National Health and Medical Research Council allocated over $97 million in funding for research into ovarian cancer, and over $11 million is to be allocated from 2015 to 2018; and
(c) commends Ovarian Cancer Australia for its continuing efforts to raise awareness of the signs and symptoms of ovarian cancer, and to provide support to those Australians affected by ovarian cancer.

Question put and passed.

22 TRADE—FREE TRADE AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—FAILURE TO COMPLY

Senator Urquhart, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 605—That—
(a) the Senate—
   (i) notes the Abbott Government’s failure to keep Parliament and the public informed of the nature and progress of its trade negotiations,
(ii) expresses concern that the Abbott Government’s lack of transparency diminishes industry and community engagement and undermines support for trade liberalisation,

(iii) draws to the attention of the Minister representing the Minister for Trade and Investment the order of the Senate of 11 December 2013 requiring bilateral and plurilateral trade agreements to be tabled at least 14 days before signing, and

(iv) requires the Minister representing the Minister for Trade and Investment to make a statement in the Senate on the status of negotiations on the proposed Trans-Pacific Partnership no later than 4 pm on Thursday, 12 February 2015;

(b) at the conclusion of the statement a senator may move to take note of the statement; or

(c) if no statement has been made by the Minister representing the Minister for Trade and Investment by 4 pm on Thursday, 12 February 2015, the Leader of the Opposition in the Senate (Senator Wong) may immediately move a further motion relating to the Minister’s failure to comply.

Statements by leave: The Minister for Human Services (Senator Payne) and Senator Whish-Wilson, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 35

Senators—

Bullock  Ketter  Milne  Sterle
Cameron  Lazarus  Moore  Urquhart (Teller)
Carr  Lines  Muir  Wang
Collins  Ludlam  O’Neill  Waters
Conroy  Ludwig  Peris  Whish-Wilson
Dastyari  Lundy  Rhiannon  Wong
Di Natale  Madigan  Rice  Wright
Gallacher  Marshall  Siewert  Xenophon
Hanson-Young  McLusky  Singh

NOES, 30

Senators—

Back  Fawcett  McKenzie  Ruston
Bernardi  Fierravanti-Wells  Nash  Ryan
Birmingham  Fifield  O’Sullivan  Scullion
Bushby (Teller)  Johnston  Parry  Seselja
Canavan  Leyonhjelm  Payne  Sinodinos
Cash  Macdonald  Reynolds  Smith
Colbeck  Mason  Ronaldson  Williams
Edwards  McGrath

Question agreed to.
23 **ENVIRONMENT—WESTERN AUSTRALIA—SHARK CATCH AND KILL POLICY**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 588—That the Senate—

(a) notes that:

(i) the Western Australian Government has implemented a new catch and kill policy which applies to the International Union for Conservation of Nature red-listed and federally-protected white sharks, and

(ii) the new ‘Serious Threat Guidelines’ (the guidelines) enable a shark to be caught and killed simply for being detected in a location over a number of days, without requiring other preventative actions to be implemented first, such as closing beaches, and allow the continued use of indiscriminate capture measures such as baited drum lines;

(b) condemns the guidelines of the Western Australian Government; and

(c) calls on the Minister for the Environment (Mr Hunt) not to grant any further exemptions to the Western Australian Government under section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* that would allow Western Australia to instigate the guidelines.

*Statements by leave:* The Assistant Minister for Social Services (Senator Fifield) and Senator Siewert, by leave, made statements relating to the motion.

Question put and negatived (*but see entry no. 26*).

24 **INDIGENOUS AUSTRALIANS—CLOSING THE GAP—MINISTERIAL STATEMENT—DOCUMENTS**

The Minister for Indigenous Affairs (Senator Scullion) tabled the following documents:

- Indigenous Australians—Closing the Gap—
  Ministerial statement by the Minister for Indigenous Affairs (Senator Scullion), dated 11 February 2015.
  Prime Minister’s report 2015—Closing the gap.

Senator Scullion, by leave, moved—That the speaking times relating to a motion to be moved to the documents shall be not more than 10 minutes.

Question put and passed.

Senator Scullion moved—That the Senate take note of the documents.

Debate ensued.

*Document:* Senator Siewert, by leave, tabled the following document:

Indigenous Australians—Closing the gap—Progress and priorities report 2015—Close the Gap Campaign Steering Committee.

Debate continued.

Question put and passed.
25 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—ABBOTT GOVERNMENT**

The Acting Deputy President (Senator Edwards) informed the Senate that Senator Moore had proposed that the following matter of public importance be submitted to the Senate for discussion:

> The impact of the Abbott Government’s chaos, dysfunction and division on business and consumer confidence.

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

26 **ENVIRONMENT—WESTERN AUSTRALIA—SHARK CATCH AND KILL POLICY**

The President made a statement relating to the vote earlier today on general business notice of motion no. 588 (*see entry no. 23*).

Leave was granted for the question to be put again.

**Question**—That the motion be agreed to—put and passed.

27 **LAW AND JUSTICE—AUSTRALIAN HUMAN RIGHTS COMMISSION—DOCUMENTS**

The Assistant Minister for Health (Senator Nash) tabled the following documents:

- Law and justice—Australian Human Rights Commission—
- Statement by the Attorney-General (Senator Brandis).

**Statement by leave**: Senator Hanson-Young, by leave, made a statement relating to the matter.

28 **DOCUMENTS—CONSIDERATION**

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

29 **COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)**

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

- Scrutiny of Bills—Standing Committee—
- Alert Digest No. 1 of 2015, dated 11 February 2015.

Report ordered to be printed on the motion of Senator Urquhart.

Senator Fawcett, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:


Document ordered to be printed on the motion of Senator Fawcett.
Senator Fawcett, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


Senator Fawcett moved—That the Senate take note of the report.
Question put and passed.

Senator Gallacher, at the request of the Chair of the Standing Committee of Privileges (Senator Collins) and pursuant to notice, moved general business notice of motion relating to the consideration of committee reports no. 1—That the Senate—
(a) adopt the recommendation in the 160th report of the Committee of Privileges, on the use of CCTV material in Parliament House, that no contempt be found in relation to the matter referred; and
(b) adopt the following further recommendations made by the committee:
• That the Presiding Officers instigate the development of a new Code of Practice which restores the focus on matters of security and safety, and emphasises accountability to the Presiding Officers and the Parliament, with appropriate regard for the primacy of the powers, and immunities of the Houses and their members.
• That the review process involve consultations with members and senators and other building occupants, and give consideration to the matters dealt with in this report.
• That senior officers in the Department of Parliamentary Services involved in the administration of the CCTV system and other systems managed on behalf of the Parliament undertake some structured training to acquaint themselves with the principles of privilege.
• That the attention of the Finance and Public Administration Legislation Committee be drawn to the matters set out from paragraph 2.2, under the heading Contradictory evidence, relating to the misleading evidence given at its estimates hearing on 26 May 2014.

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

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

The Minister for Human Services (Senator Payne), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation and References Committees—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

Economics Legislation and References Committees—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

Education and Employment Legislation and References Committees—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos
Environment and Communications Legislation Committee—
Appointed—
Substitute member: Senator Sinodinos to replace Senator McGrath for the
collection of the 2014-15 additional estimates from 23 to 27 February
2015
Participating members: Senators Johnston, Mason and Sinodinos
Environment and Communications References Committee—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos
Finance and Public Administration Legislation and References Committees—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos
Foreign Affairs, Defence and Trade Legislation Committee—
Appointed—
Substitute member: Senator Sinodinos to replace Senator McGrath for the
collection of the 2014-15 additional estimates from 23 to 27 February
2015
Participating members: Senators Johnston, Mason and Sinodinos
Foreign Affairs, Defence and Trade References Committee—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos
Legal and Constitutional Affairs Legislation and References Committees—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos
Rural and Regional Affairs and Transport Legislation and References Committees—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos.

Question put and passed.

31 SOCIAL ISSUES—HOMELESSNESS AND AFFORDABLE HOUSING COMMITMENTS—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT
The Minister for Human Services (Senator Payne) tabled the following document:
Social issues—Homelessness and affordable housing commitments—Letter to
the President of the Senate from the Assistant Minister for Social Services (Senator
Fifield), dated 11 February 2015, responding to the order of the Senate of
10 February 2015.

32 HEALTH—NATIONAL MENTAL HEALTH COMMISSION—MENTAL HEALTH REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The Minister for Human Services (Senator Payne) tabled the following document:
Health—National Mental Health Commission—Mental health review—Letter to
the President of the Senate from the Assistant Minister for Health (Senator

33 EDUCATION—STUDENTS WITH DISABILITY—NATIONALLY CONSISTENT COLLECTION OF DATA—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The Minister for Human Services (Senator Payne) tabled the following document:
Education—Students with disability—Nationally consistent collection of data—
Letter to the President of the Senate from the Minister for Education and Training
(Mr Pyne), dated 10 February 2015, responding to the order of the Senate of
3 December 2014 and raising a public interest immunity claim.
Pursuant to order, Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Fawcett.

Pursuant to order, Senator Fawcett, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Back), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Fawcett.

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

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

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

Debate ensued.

The Senate adjourned at 7.56 pm till Thursday, 12 February 2015 at 9.30 am.

Present, all senators except Senators Day* and McEwen* (*on leave).