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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 **DOCUMENT**  
The following document was tabled pursuant to standing order 61(1)(b):  
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2014.

3 **COMMITTEES—LEAVE TO MEET DURING Sittings**  
Committees were authorised to meet during the sittings of the Senate, as follows:  
Abbott Government’s Budget Cuts—Select Committee—public meeting on Thursday, 26 March 2015, from 10 am.  
Health—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3.30 pm.

4 **VACANCY IN THE REPRESENTATION OF THE AUSTRALIAN CAPITAL TERRITORY**  
The President announced the resignation, on 24 March 2015, of Senator Lundy and advised the Senate that, pursuant to section 44 of the Commonwealth Electoral Act 1918, he had notified the Chief Minister of the Australian Capital Territory that there was a vacancy in the representation of that territory.

   **Documents:** The President tabled the following documents:  
   Vacancy in the representation of the Australian Capital Territory—Letters from—  
   Senator Lundy to the President, dated 23 March 2015.  
   President of the Senate to the Chief Minister of the Australian Capital Territory (Mr Barr), dated 24 March 2015 [copy].

5 **MIGRATION AMENDMENT (PROTECTION AND OTHER MEASURES) BILL 2014**  
Order of the day read for the further consideration of the bill in committee of the whole.

   **In the committee**  
   Consideration resumed of the bill.  
   Question—That the bill stand as printed—divided, at the request of Senator Carr, in respect of Schedule 2.  
   Schedule 2 debated.  
   Question—That Schedule 2 stand as printed—put and negatived.  
   On the motion of Senator Carr the following amendment was agreed to:  
   Clause 2, page 2 (table items 5 to 8), omit the table items.  
   Question—That the bill, as amended, be agreed to—divided, at the request of Senator Hanson-Young, in respect of Schedule 1, item 14.  
   Schedule 1, item 14 debated.  
   Question—That Schedule 1, item 14 stand as printed—put.
The committee divided—

AYES, 44

Senators—

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NOES, 11

Senators—

| Di Natale | Ludlam | Rice | Whish-Wilson |
| Hanson-Young | Milne | Siewert (Teller) | Wright |
| Lazarus | Rhiannon | Waters | |

Item agreed to.

Senator Hanson-Young moved the following amendments together by leave:

Schedule 1, item 15, page 9 (lines 3 to 12), omit subitems (1) and (2), substitute:

(1) Section 5AAA of the Migration Act 1958 as amended by Part 1 of this Schedule applies to an application made on or after the commencement of that Part.

(2) Section 5AAA of the Migration Act 1958 as amended by Part 1 of this Schedule also applies in relation to an administrative process starting on or after the commencement of that Part.

Schedule 1, item 15, page 9 (lines 13 to 17), omit subitem (3), substitute:

(3) Sections 91W, 91WA and 91WB of the Migration Act 1958 as amended by Part 2 of this Schedule apply to an application for a protection visa made on or after the commencement of that Part.

Schedule 2, item 6, page 12 (lines 21 to 30), omit subitem (2), substitute:

(2) Subitem (1) covers an assessment made on or after the day this item commences.

Schedule 3, Part 2, page 19 (line 1) to page 20 (line 19), omit the Part, substitute:

Part 2—Application

14 Application of amendments

The amendments made by this Schedule apply in relation to a person who arrives in Australia after the day this item commences (whether or not that person had been in Australia previously).

Schedule 4, item 34, page 38 (lines 2 to 32), omit the item, substitute:

34 Application of amendments

The amendments made by this Schedule apply in relation to an application to the Migration Review Tribunal or the Refugee Review Tribunal for review of a decision if the application is made on or after the commencement of this Schedule.
Debate ensued.
Question—That the amendments be agreed to—put.
The committee divided—

**AYES, 11**

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**NOES, 34**

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Question negatived.

On the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash) the following amendments, taken together by leave, were agreed to:

Schedule 3, item 1, page 16 (lines 7 to 10), omit paragraph (b), substitute:

(b) either:

(i) is an unlawful non-citizen; or

(ii) holds a bridging visa or a temporary protection visa, or a temporary visa of a kind (however described) prescribed for the purposes of this subparagraph.

Note: Temporary protection visas are provided for by subsection 35A(3).

Schedule 3, item 6, page 17 (lines 11 to 14), omit paragraph (b), substitute:

(b) either:

(i) is an unlawful non-citizen; or

(ii) holds a bridging visa or a temporary protection visa, or a temporary visa of a kind (however described) prescribed for the purposes of this subparagraph.

Note: Temporary protection visas are provided for by subsection 35A(3).

Schedule 3, item 15, page 19 (line 23), omit “class”, substitute “kind”.

Schedule 3, item 15, page 19 (line 29), at the end of paragraph (3)(c), add “granted before 2 December 2013”.

Schedule 3, item 16, page 20 (line 13), omit “class”, substitute “kind”.

Schedule 3, item 16, page 20 (line 19), at the end of paragraph (3)(c), add “granted before 2 December 2013”.

Schedule 4, item 11, page 23 (line 30), omit “7 days”, substitute “14 days”.

Schedule 4, item 11, page 24 (lines 20 and 21), omit “7-day period”, substitute “14-day period”.
Schedule 4, item 26, page 32 (line 3), omit “7 days”, substitute “14 days”. Schedule 4, item 26, page 32 (lines 24 and 25), omit “7-day period”, substitute “14-day period”.

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

Page 38 (after line 32), at the end of the bill, add:

**Schedule 5—Technical corrections**

*Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014*

1 **Subsection 2(1) (table items 6, 7, 9, 11 and 12)**

Omit “Migration Amendment (Protection and Other Measures) Act 2014”, substitute “Migration Amendment (Protection and Other Measures) Act 2015”.

*Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014*

2 **Subsection 2(1) (table items 4A, 13 and 15)**

Omit “Migration Amendment (Protection and Other Measures) Act 2014”, substitute “Migration Amendment (Protection and Other Measures) Act 2015”.

3 **Division 2 of Part 1 of Schedule 5 (heading)**

Repeal the heading, substitute:

**Division 2—Amendments if this Act commences after the Migration Amendment (Protection and Other Measures) Act 2015**

4 **Division 1 of Part 3 of Schedule 5 (heading)**

Repeal the heading, substitute:

**Division 1—Amendments if this Act commences before the Migration Amendment (Protection and Other Measures) Act 2015**

Clause 2, page 3 (at the end of the table), add:

11. **Schedule 5** The day after this Act receives the Royal Assent.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported accordingly.

On the motion of Senator Cash the report from the committee was adopted.

Senator Cash moved—That this bill be now read a third time.

Question put.
The Senate divided—

AYES, 36

Senators—

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Bushby
Cameron
Canavan
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Cash
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Edwards
Fawcett
Gallacher
Ketter
Lambie
Leyonhjelm
Lines
Ludwig
Marshall
McEwen
McGrath
McKenzie
Moore
Muir
O’Sullivan
Peris
Reynolds
Ruston (Teller)
Ryan
Seselja
Singh
Sinodinos
Smith
Sterle
Urquhart
Williams

NOES, 12

Senators—

Di Natale
Hanson-Young
Lazarus
Ludlam
Madigan
Milne
Rhiannon
Rice
Siewert (Teller)
Waters
Whish-Wilson
Wright

Question agreed to.

Bill read a third time.

6 TELECOMMUNICATIONS LEGISLATION AMENDMENT (DEREGULATION) BILL 2014
TELECOMMUNICATIONS (INDUSTRY LEVY) AMENDMENT BILL 2014

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Education and Training (Senator Birmingham)—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 Assistant Minister for Social Services (Senator Fifield) the bills were read a third time.

7 TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT (DATA RETENTION) BILL 2015

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill.

Senator Ludlam moved the following amendments together by leave:

Schedule 1, item 1, page 3 (line 14), omit “specified in or under section 187AA”, substitute “specified in section 187AA”.
Schedule 1, item 1, page 8 (line 1) to page 9 (line 2), omit subsections 187AA(2) to (5), substitute:

(2) For the purposes of items 2, 3, 4 and 6 of the table in subsection (1), 2 or more communications that together constitute a single communications session are taken to be a single communication.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 14

Senators—

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NOES, 33

Senators—

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Question negatived.

Senator Ludlam moved the following amendments together by leave:

Schedule 1, item 1, page 4 (lines 16 and 17), omit “40 sitting days”, substitute “4 sitting days”.

Schedule 1, item 1, page 8 (lines 8 and 9), omit “40 sittings days”, substitute “4 sitting days”.

Schedule 2, item 3, page 59 (lines 11 and 12), omit “40 sitting days”, substitute “4 sitting days”.

Schedule 2, item 4, page 61 (lines 29 and 30), omit “40 sitting days”, substitute “4 sitting days”.

Debate ensued.

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

Senator Leyonhjelm moved the following amendments together by leave:

Schedule 1, item 1, page 4 (line 3), omit “1992”; or”, substitute “1992”; and”.

Schedule 1, item 1, page 4 (lines 4 and 5), omit subparagraph 187A(3)(b)(iii).

Debate ensued.

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

Bill further debated.
Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 10 (lines 16 to 34), omit subsections 187C(1) and (2), substitute:

(1) The period for which a service provider must keep, or cause to be kept, information or a document under section 187A is the period:
(a) starting when the information or document came into existence; and
(b) ending 3 months after it came into existence.

Debate ensued.

At 12.45 pm: The Acting Deputy President (Senator Seselja) resumed the chair and the Chair of Committees (Senator Marshall) reported progress.

8SENATORS’ STATEMENTS
Senators made statements.

At 2 pm—

9QUESTIONS
Questions without notice were answered.

Document: The Minister for Veterans’ Affairs (Senator Ronaldson) tabled the following document:

Education—Higher education—Savings measures announced by the previous Government to higher education grants and student support for the period 2011-12 to 2016-17.

A further question without notice was answered.

10QUESTION ON NOTICE—ANSWER AND EXPLANATION
Senator Siewert, pursuant to standing order 74, asked the Assistant Minister for Social Services (Senator Fifield) for an explanation of an answer not being provided to question on notice no. 1487 (notice given 4 December 2014) relating to the East Kimberley Youth Service Network.

Senator Fifield indicated that an explanation would be provided.

Senator Siewert moved—That the Senate take note of the minister’s failure to provide either an answer or an explanation.

Debate ensued.

Question put and passed.
11 **TRANSPORT—NEW SOUTH WALES—WESTCONNEX MOTORWAY PROJECT—
ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following documents:

Transport—New South Wales—WestConnex motorway project—Letters, dated 25 March 2015, responding to the order of the Senate of 18 March 2015 from—

Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing).

Minister for Infrastructure and Regional Development (Mr Truss) to the President of the Senate, and raising public interest immunity claims.

12 **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.

The Leader of the Australian Greens (Senator Milne) moved—That the Senate take note of the answer given by the Assistant Minister for Education and Training (Senator Birmingham) to a question without notice asked by Senator Milne today relating to protection of the swift parrot.

Question put and passed.

13 **PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Reynolds, from 1 petitioner, requesting that the Senate expunge from the record the censure of the former Minister for Defence (Senator Johnston).

Senator Rhiannon, from 760 petitioners, requesting that the Senate oppose any increase to military spending to allow funding to be used for other purposes.

14 **NOTICES**

Senator Bushby: To move on the next day of sitting—That the Joint Select Committee on Northern Australia be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Tuesday, 12 May 2015;
(b) Tuesday, 16 June 2015; and
(c) Tuesday, 23 June 2015. (*general business notice of motion no. 687*)

Senator Bushby: To move on the next day of sitting—That the Joint Select Committee on Trade and Investment Growth be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Tuesday, 12 May 2015;
(b) Tuesday, 16 June 2015; and
(c) Tuesday, 23 June 2015. (*general business notice of motion no. 688*)
The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to consolidate the Australian Government Solicitor into the Attorney-General’s Department, and for related purposes. *Judiciary Amendment Bill 2015.*

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

(a) notes that science and research are crucial to Australia’s wellbeing and economy, but that funding for science, research and innovation is currently at a 30-year low; and

(b) calls on the Government to:

(i) put funding for research and science on a secure footing, with long-term legislated funding guarantees that last longer than the yearly budget cycle or the 3-year political cycle, and

(ii) reverse the decision not to proceed with funding for the Future Fellowship program and guarantee that funding for the National Collaborative. *(general business notice of motion no. 689)*

Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the accurate labelling of the country of origin for fish, and for related purposes. *Food Standards Amendment (Fish Labelling) Bill 2015.* *(general business notice of motion no. 690)*

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

(a) notes the findings of the Australian National Audit Office (ANAO) performance audit into the administration of the $15 billion Fifth Community Pharmacy Agreement (the Agreement); and

(b) that the ANAO found:

(i) expected net savings under the Agreement are not clearly documented,

(ii) there is no straightforward means for the Parliament and other stakeholders to know the expected or actual cost of key components of the Agreement,

(iii) there were persistent shortcomings in record-keeping by the Department of Health (the department) in that:

(A) it failed to keep a record of its meetings with the Pharmacy Guild,

(B) it failed to take minutes of those meetings, and

(C) it did not prepare agreed notes of what had been discussed,

(iv) the decision by the department not to prepare an official record of discussions over a $15 billion funding agreement is not consistent with sound practice,

(v) the department reallocated funds without prior ministerial approval, including to a $5.8 million communication strategy to be delivered by the Pharmacy Guild,

(vi) the department did not secure ministerial approval before reallocating funding of $7.3 million originally approved by ministers,

(vii) that department records indicate that in its preparations for the Agreement negotiations and implementation, the department did not:

(A) develop a risk management plan,

(B) develop a probity plan or consult with a probity advisor,

(C) complete specific conflict of interest declarations for members of its negotiation team, or
(D) develop a strategic implementation plan,

(viii) it would be of benefit for the department, in consultation with the Department of Finance, to clarify the basis on which it treated the Pharmacy Guild as the sole recipient of grants of Commonwealth financial assistance intended to be distributed by the Pharmacy Guild to pharmacy owners, and that the department was unable to provide evidence that the relevant funds were authorised by ministers as grants to the Pharmacy Guild, and

(ix) that including patient co-payments in cost estimates had the effect of significantly overstating the cost to government of the Agreement by approximately $2.2 billion. (general business notice of motion no. 691)

Senators O’Sullivan and Canavan: To move on the next day of sitting—That the Senate—

(a) supports the Australian and Queensland governments’ release of the Reef 2050 Long-Term Sustainability Plan for the Great Barrier Reef, including the additional $100 million investment to protect the reef;
(b) notes that opposition to this plan is now blatantly focused on stopping coal mines 500 kilometres inland from the reef, not protecting the reef per se; and
(c) supports the Australian and Queensland governments’ investment and campaign against the ‘in danger’ listing of the reef by the United Nations Educational, Scientific and Cultural Organization given that government efforts have now addressed the key areas of concern raised by the World Heritage Committee, and that such a listing would cause great harm to tourism industries. (general business notice of motion no. 692)

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

(a) notes that:

(i) Australia, together with 155 other states, participated in the Vienna Conference on the Humanitarian Impact of Nuclear Weapons on 8 and 9 December 2014,
(ii) in a statement to the conference, Pope Francis called for nuclear weapons to be ‘banned once and for all’,
(iii) at the conclusion of the conference, Austria pledged to, inter alia, ‘identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons’, and
(iv) the host government of Austria has invited all interested states to associate themselves with this pledge by formal diplomatic means;

(b) endorses the Austrian Pledge; and

(c) calls on the Australian Government to do the same and voice its support for the start of a time-bound diplomatic process to negotiate a treaty prohibiting nuclear weapons and establishing a framework for their elimination. (general business notice of motion no. 693)

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

(a) notes the effects of Commonwealth funding uncertainty on the legal assistance sector, including the possible closure of community legal centres, staff loss, a reduction in services to clients and declining staff morale;

(b) acknowledges that, unless this uncertainty is addressed and funding restored, critical services directed at family violence, child protection, disability and mental health and services to regional, remote and Aboriginal and Torres Strait Islander communities may be irrevocably compromised;
(c) accepts the findings of the Productivity Commission’s 2014 report on access to justice, which recommended an additional $200 million in Commonwealth, state and territory funding be provided for civil legal assistance services to address urgent need; and

(d) calls on the Federal Government to immediately address the funding uncertainty and include increased funding for the legal assistance sector in the 2015-16 Federal Budget. *(general business notice of motion no. 694)*

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—

(a) notes that the Malaysian Government:

(i) is undertaking a cost-benefit analysis of the impact of the Trans-Pacific Partnership Agreement (the Agreement) to inform its cabinet and parliamentary decision making processes prior to signing any deal, and

(ii) is stating that it will not sign the Agreement unless it proves to be in Malaysia’s interest to do so; and

(b) calls on the Australian Government to:

(i) request that the Productivity Commission undertake a comprehensive socio-economic cost-benefit inquiry into the impact of the Agreement on Australia, and

(ii) postpone both signing any agreement and approval processes of the Joint Standing Committee on Treaties until this Productivity Commission inquiry report is completed and tabled in Parliament. *(general business notice of motion no. 695)*

Senator Rice: To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 11 November 2015:

The future of Australian forest management, including:

(a) an assessment of past and current management of native forests, including assessment of Regional Forest Agreements in achieving their objectives and those of the National Forest Policy Statement, and other land management mechanisms and programs;

(b) assessment of the economic, environmental and social value of native forests for regional and rural communities, including for recreation and tourism;

(c) assessment of the challenges and opportunities for protecting the environmental values of native forests, including, but not limited to, biodiversity, protections for threatened species, water and bushfires;

(d) the impacts of climate change on native forests and plantations, and the role of native forests and forest management in mitigating the effects of climate change on people and the environment;

(e) assessment of the challenges and opportunities facing the forestry industry, and assessment of actions required to support competitiveness and employment, including but not restricted to innovation and investment, research and development, and the sustainability and management of the plantation forest estate;

(f) assessment of the workforce profile of the Australian forestry and forest products industry and the impacts of forest management regimes, such as Regional Forest Agreements, on employment;

(g) assessment of the most effective mechanisms for ensuring the social, environmental, and economic values of forests are effectively protected and managed for future generations; and
any other related matter.

Senators Carr, Xenophon, Muir, Wright, Wang and Lazarus: To move on the next day of sitting—That the Senate—

(a) recalls its resolution of 13 May 2009, moved by Senator Cormann, setting out the process to be followed by public sector witnesses who believe that they have grounds for withholding information from Senate committees;

(b) concurs with the statement of Senator Cormann during debate on the motion, in which he said, ‘At the end of the day, the final decision on whether to claim a public interest ground for not disclosing information should be made by a minister, with a statement of the ground, and ultimately only the Senate itself can determine whether the claim is accepted’;

(c) acknowledges a letter tabled by Senator Cormann on 17 March 2015 in response to an order for the production of documents agreed to by the Senate on the same day, relating to the Automotive Transformation Scheme;

(d) does not recognise that the act of marking documents as ‘Protected for reasons of Cabinet confidentiality’ is an appropriate basis for making a claim of public interest immunity;

(e) does not accept Senator Cormann’s claim of public interest immunity on the grounds that to produce the documents ordered would disclose the substance of Cabinet deliberations which would give rise to harm to the public interest; and

(f) insists that Senator Cormann table the correspondence requested in the order for production of documents agreed to by the Senate on 17 March 2015 by 3.30 pm on 12 May 2015. (general business notice of motion no. 696)

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

(a) notes that former Senator John Faulkner resigned his place as a Senator for the State of New South Wales by letter to the President of the Senate on 6 February 2015;

(b) notes that the vacancy in the representation of New South Wales arising from the resignation of Senator Faulkner was notified to the Governor of New South Wales by the President of the Senate in accordance with section 21 of the Constitution on 9 February 2015;

(c) reaffirms its resolution of 3 June 1992 (reaffirmed on 7 May 1997) in which the Senate:

(i) expressed the view that casual vacancies in the Senate should be filled as expeditiously as possible, so that no state is without its full representation in the Senate for any time longer than is necessary,

(ii) recognised that under section 15 of the Constitution an appointment to a vacancy in the Senate may be delayed because the Houses of the Parliament of the relevant state are adjourned but have not been prorogued, which, on a strict construction of this section, prevents the Governor of the state making the appointment, and

(iii) recommended that all state parliaments adopt procedures for casual vacancies to be filled expeditiously within 14 days after notification of the vacancy, including by recall if necessary;

(d) notes that the New South Wales Houses were prorogued on 2 March 2015, the Legislative Council until 5 May 2015 and the Legislative Assembly until 6 March 2015 on which day it expired prior to an election to be held on 28 March 2015; and
(e) calls on the Government and the Parliament of New South Wales to take all necessary steps to ensure that the people of that state are not denied full representation in the Senate for any time longer than is strictly necessary.

General business notice of motion no. 697

Senators Gallacher and Hanson-Young: To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru, be established to inquire into and report by 15 June 2015 on the responsibilities of the Commonwealth Government in connection with the management and operation of the Regional Processing Centre in Nauru (the Centre), with particular reference to:

(a) how the Commonwealth Government is fulfilling its obligations under the Memorandum of Understanding between the Republic of Nauru and the Commonwealth of Australia relating to the transfer to and assessment of persons in Nauru, cost and related issues;

(b) the performance of the Commonwealth Government in connection with the Centre, including the conduct and behaviour of the staff employed at the Centre, to the extent that the Commonwealth Government is responsible;

(c) the Commonwealth Government’s duty of care obligations and responsibilities with respect to the Centre;

(d) the circumstances that precipitated the Moss Review, including allegations made regarding conditions and circumstances at the centre and the conduct and behaviour of staff employed by contracted service providers, the timing of the Commonwealth Government’s knowledge of the allegations, and the appropriateness of the response of the Commonwealth Government to these allegations;

(e) factors relating to the timing of the release of the Moss Review;

(f) the response of the Commonwealth Government to the recommendations of the Moss Review, including timelines for implementation; and

(g) any related matters.

(2) That the committee consist of 5 senators, 2 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, and 1 to be nominated by the Leader of the Australian Greens in the Senate.

(3) 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.

(4) That 3 members of the committee constitute a quorum of the committee.

(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 a member nominated by the Leader of the
Opposition in the Senate and as deputy chair a member nominated by the
Leader of the Australian Greens.

(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 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.

(10) 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.

(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. (general business notice of motion no. 698)

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

(a) notes the reports that the Special Broadcasting Service (SBS) may have to cut
the specialist news program on its Aboriginal and Torres Strait Islander channel
NITV;

(b) recognises the importance of Indigenous news media and the role that NITV
reports play in covering a range of breaking news stories that are in the interest
of, or from the perspective of, Aboriginal and Torres Strait Islander peoples;
and

(c) calls on the Government to work with SBS to ensure that this important service
is retained. (general business notice of motion no. 699)

Senators Leyonhjelm, Muir and McKenzie: To move on the next day of sitting—That
the Senate notes that:

(a) there has been a successful start to the Victorian duck hunting season, with
hunters demonstrating their commitment to conserving wetlands and observing
game and firearms laws;

(b) the Victorian Game Management Authority has observed increased
involvement of family groups;

(c) more than 20,000 licensed duck hunters contribute substantially to the
Victorian economy and community each year; and

(d) a study commissioned by the Victorian Department of Environment and
Primary Industries estimated that hunting by game licence holders contributed
$439 million to the Victorian economy in 2013, and had a total employment
impact of 2,382 jobs. (general business notice of motion no. 700)
15 Leave of Absence

Senator McEwen, by leave, moved—that leave of absence be granted to Senator Bilyk for 25 and 26 March 2015, for personal reasons.

Question put and passed.

16 Postponement

Business was postponed as follows:

General business notice of motion no. 674 standing in the names of Senators Rice and Wright for 26 March 2015, proposing the introduction of the Automotive Transformation Scheme Amendment (Sustainable Jobs in the Auto Component Industry) Bill 2015, postponed till 13 May 2015.

17 Committees—Extensions of Time to Report

The following committees were granted extensions of time to report:

Community Affairs References Committee—

Availability of cancer drugs in Australia, extended to 17 June 2015.

Treatment of people with disability in institutional and residential settings, extended to 16 September 2015.


Environment and Communications Legislation Committee—Australian Broadcasting Corporation Amendment (Local Content) Bill 2014, extended to 27 March 2015.

18 Rural and Regional Affairs and Transport References Committee—Reference

Senator Ruston, also on behalf of Senators Xenophon, McKenzie, Whish-Wilson, Madigan and Smith, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—that the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 11 November 2015:

(a) the extent and nature of any market failure in the Australian grape and wine industry supply chain;

(b) the extent to which federal and state legislative and regulatory regimes inhibit and support the production, processing, supply chain logistics and marketing of Australian wine;

(c) the profitability of wine grape growers, and the steps industry participants have taken to enhance profitability;

(d) the impact and application of the wine equalisation tax rebate on grape and wine industry supply chains;

(e) the extent to which grape and wine industry representation at regional, state and national level effectively represents growers and winemakers with respect to equity in the collection and distribution of levies;

(f) the work being undertaken by the Australian Grape and Wine Authority pertaining to levy collection information;

(g) the power and influence of retailers of Australian wine in domestic and export markets;
(h) the adequacy and effectiveness of market intelligence and pricing signals in assisting industry and business planning;

(i) the extent to which the Australian grape and wine industry benefits regional communities both directly and indirectly through employment, tourism and other means; and

(j) any related matters.

Question put and passed.

19 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 19 February 2016:

The mental health of Australian Defence Force (ADF) personnel who have returned from combat, peacekeeping or other deployment, with particular reference to:

(a) the extent and significance of mental ill-health and post-traumatic stress disorder (PTSD) among returned service personnel;

(b) identification and disclosure policies of the ADF in relation to mental ill-health and PTSD;

(c) recordkeeping for mental ill-health and PTSD, including hospitalisations and deaths;

(d) mental health evaluation and counselling services available to returned service personnel;

(e) the adequacy of mental health support services, including housing support services, provided by the Department of Veterans’ Affairs (DVA);

(f) the support available for partners, carers and families of returned service personnel who experience mental ill-health and PTSD;

(g) the growing number of returned service personnel experiencing homelessness due to mental ill-health, PTSD and other issues related to their service;

(h) the effectiveness of the Memorandum of Understanding between the ADF and DVA for the Cooperative Delivery of Care;

(i) the effectiveness of training and education offerings to returned service personnel upon their discharge from the ADF; and

(j) any other related matters.

Statements by leave: Senator Whish-Wilson and the Assistant Minister for Social Services (Senator Fifield), by leave, made statements relating to the motion.

Question put and passed.

20 CONSTRUCTION INDUSTRY AMENDMENT (PROTECTING WITNESSES) BILL 2015

The Minister for Employment (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the following bill be introduced:

A Bill for an Act to amend the Fair Work (Building Industry) Act 2012, and for related purposes.

Question put and passed.

Senator Abetz 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 Abetz moved—that this bill be now read a second time.

Explanatory memorandum: Senator Abetz tabled an explanatory memorandum relating to the bill.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings, 11 May 2015.

21 CONSIDERATION OF LEGISLATION—ORDER OF THE DAY DISCHARGED
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. 3—that the government business order of the day relating to the Automotive Transformation Scheme Amendment Bill 2014 be discharged from the Notice Paper.
Question put and passed.

22 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION
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. 4—that the hours of meeting for Tuesday, 12 May 2015, be from 12.30 pm to 6.30 pm and 8.30 pm to adjournment, and for Thursday, 14 May 2015 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:
   (a) the routine of business from 8.30 pm on Tuesday, 12 May 2015 shall be:
       (i) Budget statement and documents 2015-16, and
       (ii) adjournment; and
   (b) the routine of business from 8 pm on Thursday, 14 May 2015 shall be:
       (i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
       (ii) adjournment.
Question put and passed.

23 ENVIRONMENT—NEW SOUTH WALES—SHENHUA WATERMARK COAL MINE
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 681—that the Senate—
   (a) notes that:
       (i) the Minister for the Environment (Mr Hunt) has referred the Shenhua Watermark coal mine planned for the Liverpool Plains to the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) for assessment under the water trigger provisions of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act),
(ii) the Namoi catchment, that includes the Liverpool Plains, is the largest groundwater system in the Murray Darling catchment and the Shenhua project triggered the requirement to consider water impacts of the mine under the EPBC Act,

(iii) the Federal Government has passed legislation in the House of Representatives, including to hand over application of the water trigger, including approval decisions, under the EPBC Act to state and territory governments and local councils, and

(iv) as well as the proposed Shenhua Watermark project two other major mining projects are proposed for the Liverpool Plains – BHP Billiton is planning a coal mine of 500 000 000 tonnes less than 10 km from the Shenhua site, and Santos has a coal seam gas licence to explore for gas across the whole Liverpool Plains floodplain;

(b) calls on the Minister for the Environment to publicly clarify:

(i) if he is requiring that the IESC review assess the cumulative impacts of the project in association with other developments, whether past, present or reasonably foreseeable,

(ii) whether the IESC will carry out the bioregional assessment of the impact of the proposed mine on the Namoi catchment, or whether they will be simply reviewing other work rather than carrying out their own independent work, and

(iii) if the IESC will be required to engage with the Local Land Services to assess the cumulative impacts, or if a desktop assessment of the hydrogeology and geology is all that is required; and

(c) calls on the Minister for the Environment to retain the water trigger at the federal level and abandon its plans to hand it off to state and territory governments.

Question put.
The Senate proceeded to divide—
The call for the division was withdrawn by leave.
Question put and passed.

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

24 ENVIRONMENT—CLIMATE CHANGE POLICY

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 684—

That the Senate—

(a) congratulates the President of the United States of America, Barack Obama for the Executive Order requiring the reduction of greenhouse gas pollution by 40 per cent below 2008 levels in 2025 from activities directly undertaken by the Federal Government;

(b) notes that measures such as energy productivity retrofits, directly contracting renewable energy projects, lifting vehicle fuel efficiency standards and increasing ethanol use in defence vehicles not only reduces operating costs and saves taxpayers money, but it boosts domestic economic activity while driving down pollution; and
(c) urges the Federal Government to assess the potential impact that it can directly make through its own activities and procurement policies as it searches for policies that will deliver Australia’s post-2020 targets.

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

Question put and passed.

25 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—APPOINTMENT—VARIATION

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 685—That the resolution of appointment of the Select Committee on the National Broadband Network be amended, as follows:

After paragraph (d), insert:

(da) the development of a long-term, multi-partisan vision for the National Broadband Network.

Question put and passed.

26 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

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—

(1) On Wednesday, 25 March 2015:

(a) the hours of meeting shall be 9.30 am to 7 pm and 7.30 pm to 11.10 pm;

(b) the routine of business from not later than 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(2) On Thursday, 26 March 2015:

(a) the hours of meeting shall be 9.30 am to adjournment;

(b) consideration of bills under the temporary order relating to private senators’ bills shall not be proceeded with, and that government business shall have precedence over all other business for 2 hours and 20 minutes;

(c) from not later than 12.45 pm, the following orders of the day shall be considered:

(i) Public Governance and Resources Legislation Amendment Bill (No. 1) 2015, and

(ii) Parliamentary Service Amendment Bill 2014;

(d) government business shall be called on after consideration of the bills listed in paragraph (c) and considered till not later than 2 pm;

(e) consideration of the business before the Senate shall be interrupted at approximately 4 pm, but not so as to interrupt a senator speaking, to enable valedictory statements to be made relating to Senator Mason;

(f) divisions may take place after 4.30 pm;
(g) the routine of business from not later than 8 pm shall be consideration of government business only, and that the following government business orders of the day shall have precedence over all other government business:

(i) Migration Amendment (Protection and Other Measures) Bill 2014,

(ii) Telecommunications Legislation Amendment (Deregulation) Bill 2014 and the Telecommunications (Industry Levy) Amendment Bill 2014, and

(iii) Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014; and

(h) the Senate shall adjourn without debate on the motion of a minister.

Question put and passed.

27 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

Motion determined as not formal: The Assistant Minister for Social Services (Senator Fifield) requested that government business notice of motion no. 5 standing in his name for today, relating to the days and hours of meeting and routine of business, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Suspension of standing orders: Senator Fifield, at the request of the Leader of the Government in the Senate (Senator Abetz) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of a matter, namely a motion to give precedence to government business notice of motion no. 5.

Debate ensued.

Question put.

The Senate divided—

AYES, 36

Senators—

Abetz     Edwards     Mason     Ruston
Back      Fawcett     McGrath    Ryan
Bernardi  Fierravanti-Wells  McKenzie  Scullion
Birmingham Fifield     Muir       Sessela
Brandis   Johnston     Nash       Sinodinos
Bushby (Teller) Lazarus   O’Sullivan Smith
Cash      Leyonhjelm  Parry       Wang
Colbeck   Macdonald   Reynolds   Williams
Day       Madigan     Ronaldson Xenophon

NOES, 31

Senators—

Brown     Hanson-Young  McLucas    Singh
Bullock   Ketter       Milne      Sterle
Cameron   Lambie       Moore      Urquhart
Collins   Lines        O’Neill    Waters
Conroy    Ludlam       Peris      Whish-Wilson
Dastyari  Ludwig      Rhiannon  Wong
Di Natale Marshall    Rice       Weight
Gallacher McEwen (Teller) Siewert

Question agreed to.
Senator Fifield moved—That government business notice of motion no. 5 may be moved immediately and determined without amendment or debate.

Question put.

The Senate divided—

**AYES, 35**

Senators—

Abetz  Edwards  McGrath  Ryan
Back  Fawcett  McKenzie  Scullion
Bernardi  Fieravanti-Wells  Muir  Seselja
Birmingham  Fifield  Nash  Simonds
Brandis  Johnston  O’Sullivan  Smith
Bushby (Teller)  Lazarus  Parry  Wang
Cash  Leyonhjelm  Reynolds  Williams
Colbeck  Madigan  Ronaldson  Xenophon
Day  Mason  Ruston  

**NOES, 30**

Senators—

Brown  Hanson-Young  McLucas  Siewert
Bullock  Ketter  Milne  Singh
Cameron  Lambie  Moore  Sterle
Collins  Lines  O’Neill  Urquhart (Teller)
Conroy  Ludlam  Peris  Waters
Dastyari  Ludwig  Rhiannon  Whish-Wilson
Di Natale  Marshall  Rice  Wright
Gallacher  McEwen  

Question agreed to.

Senator Fifield moved—That the Senate meet on Monday, 11 May 2015, and that:

(a) the hours of meeting shall be 10 am to 6.30 pm and 7.30 pm to adjournment;
(b) the routine of business shall be:
   (i) government business,
   (ii) at 2 pm, questions, and
   (iii) from 3 pm, government business only;
(c) the following government business orders of the day shall have precedence over all other government business:
   (i) Construction Industry Amendment (Protecting Witnesses) Bill 2015,
   (ii) Limitation of Liability for Maritime Claims Amendment Bill 2015, and
   (iii) Tribunals Amalgamation Bill 2014; and
(d) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister.

Senator Xenophon, by leave, moved the following amendment:

Omit subparagraph (b)(iii), substitute:
   (iii) motions to take note of answers, and
   (iv) subsequently, government business only;

**Statements by leave:** Senators Moore and Abetz and the Leader of the Opposition in the Senate (Senator Wong), by leave, made statements relating to the amendment.

Question—That the amendment be agreed to—put.
The Senate divided—

**AYES, 37**

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**NOES, 31**

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Question agreed to.

Senator Moore, by leave, moved the following amendment:

Omit all words after “Monday, 11 May 2015”, substitute “, and that:

(a) the hours of meeting shall be 10 am to 6.30 pm and 7.30 pm to 10.30 pm; and

(b) the routine of business shall be:

(i) documents,
(ii) Clerk’s documents,
(iii) committees – authorisation to meet,
(iv) government business only,
(v) at 2 pm, questions,
(vi) motions to take note of answers,
(vii) petitions,
(viii) postponement and rearrangement of business,
(ix) formal motions – discovery of formal business,
(x) any proposal to debate a matter of public importance or urgency,
(xi) consideration of documents under standing order 61 for up to 30 minutes, and
(xii) government business; and

(c) the question for the adjournment of the Senate shall be proposed at 9.50 pm”.

*Statement by leave:* Senator Moore, by leave, made a statement relating to the amendment.

Question—That the amendment be agreed to—put.
The Senate divided—

AYES, 31

Senators—

Bullock
Cameron
Collins
Conroy
Dastyari
Di Natale
Gallacher
Hanson-Young
Ketter
Lambie
Lines
Ludlam
Ludwig
Lambie
Moore
Milne
O’Neill
Peris
Polley
Rhiannon
McEwen
McLucus
Sterle
Urquhart (Teller)
Waters
Whish-Wilson
Wong
Wright

NOES, 36

Senators—

Abetz
Back
Bernardi
Birmingham
Brandis
Bushby (Teller)
Cash
Colbeck
Day
Edwards
Fawcett
Fierravanti-Wells
Fifield
Johnston
Lazarus
Leyonhjelm
Macdonald
Madigan
Mason
McGrath
McKenzie
Muir
Nash
O’Sullivan
Parry
Reynolds
Ronaldson
Ruston
Ryan
Scullion
Seselja
Sinodinos
Smith
Wang
Williams
Xenophon

Question negatived.
Main question, as amended, put and passed.

28 PRIMARY INDUSTRIES—SUGAR INDUSTRY

Senator Bushby, at the request of Senator O’Sullivan and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 677—That the Senate notes:

(a) the importance of the sugar industry in Australia;
(b) the unique marketing challenges that face this industry; and
(c) the importance of the current marketing arrangements within the industry that have contributed to the stable and equitable status of this industry for over 100 years.

Statements by leave: Senators Moore and Siewert, by leave, made statements relating to the motion.

Senator O’Sullivan, by leave, withdrew the motion.

29 MINING—QUEENSLAND—URANIUM MINING PROJECTS

Senator Bushby, at the request of Senator Canavan and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 678—That the Senate—

(a) recognises that the uranium mining industry has the potential to generate significant economic growth, jobs and income in regional Queensland; and
(b) notes:

(i) its disagreement with the Queensland Labor Government’s decision to renege on the policy of allowing developers to submit applications for the development of new uranium mining projects in Queensland, and
(ii) that this decision will have significant adverse effects on regional areas due to:

(A) the potential loss of construction and operational jobs, investment and income associated with new projects, and

(B) the potential loss of public income generated through taxes and mining royalties that could be put back into supporting infrastructure, health services and education in the surrounding communities.

Statements by leave: Senators Moore and Ludlam, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 30

Senators—

Back Edwards McGrath Ruston
Bernardi Fawcett McKenzie Ryan
Birmingham Fieravanti-Wells Nash Scullion
Brandis Johnston O’Sullivan Seselja
Bushby (Teller) Leyonhjelm Parry Smith
Cash Macdonald Reynolds Wang
Colbeck Madigan Ronaldson Williams
Day Mason

NOES, 30

Senators—

Bullock Lambie Milne Siewert
Collins Lazarus Moore Singh
Conroy Lines O’Neill Sterle
Dastyari Ludlam Peris Urquhart
Di Natale Ludwig Polley Waters
Gallacher Marshall Rhiannon Whish-Wilson
Hanson-Young McEwen (Teller) Rice Wright
Ketter McLucas

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

30 INDUSTRIAL RELATIONS—CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

Senator Seselja, also on behalf of the Minister Assisting the Prime Minister for Women (Senator Cash) and Senator McKenzie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 680—

That the Senate—

(a) notes recent reports and evidence of aggression and abuse towards women by Construction, Forestry, Mining and Energy Union (CFMEU) officials, including that:

(i) CFMEU organiser, Mr Luke Collier, abused a female Fair Work Building and Construction (FWBC) inspector using expletive and misogynist swear words,

(ii) CFMEU Assistant Secretary, Mr Shaun Reardon, made threatening late-night phone calls to a female staff member of the building industry watchdog,
(iii) a CFMEU official spat at a female FWBC inspector when she was called out to a worksite to inspect a union blockade;
(iv) a CFMEU official made a late-night phone call to a female staff member of the building industry watchdog, threatening her with gang rape, and
(v) on multiple occasions female FWBC officers have had to be moved off inspection duties because of the threats and aggression expressed towards them;

(b) condemns such behaviour directed at female FWBC inspectors;
(c) condemns CFMEU Secretary, Mr Dave Noonan, for attempting to defend Mr Collier’s verbal intimidation of a female FWBC inspector and similar cases of intimidation, by saying that swearing on building sites is nothing new; and
(d) expresses its gratitude to FWBC inspectors, including the 31 female FWBC inspectors, who work to maintain the rule of law on Australia’s building and construction sites.

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

Document: Senator Cash tabled the following document:

Industrial relations—Construction, Forestry, Mining and Energy Union—Copy of photograph of members of the Australian Greens taking White Ribbon Day pledge.

Statements by leave: Senators Moore and Rice, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 27

Back
Bernardi
Birmingham
Bushby (Teller)
Cash
Colbeck
Day

Edwards
Fawcett
Fierravanti-Wells
Johnston
Leyonhjelm
Macdonald

McGrath
McKenzie
Nash
O’Sullivan
Parry
Reynolds

Ruston
Ryan
Scullion
Seselja
Smith
Williams

NOES, 30

Bullock
Collins
Conroy
Dastyari
Di Natale
Gallacher
Hanson-Young
Ketter

Lambie
Lazarus
Lines
Ludlam
Ludwig
Marshall
McEwen
McLucas

Milne
Moore
O’Neill
Peris
Rhiannon
Rice
Siewert

Singh
Sterle
Urquhart (Teller)
Wang
Waters
Whish-Wilson
Wright

Question negatived.
31. **Administration—Whistleblower Protection for Private Sector Employees**

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 679—That the Senate—

(a) notes:

(i) the importance of comprehensive whistle-blower protection legislation at all levels of government and across both the public and private sectors, and

(ii) the recent announcement by the New South Wales Labor Party that it will extend state whistle-blower protection laws to the private sector to encourage disclosure of corporate corruption and illegal activity; and

(b) calls on the Federal Parliament to pledge support, and move to implement, the extension of federal whistle-blower protection legislation to private sector employees.

*Statement by leave:* Senator Moore, by leave, made a statement relating to the motion. Question put and negatived.

32. **Environment—Queensland—Galilee Basin**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 683—That the Senate—

(a) notes:

(i) the recent report of the Australian Coral Reef Society which stated that policies for a safe climate are inconsistent with the opening of new fossil fuel industries like the mega coal mines of the Galilee Basin, and

(ii) the comments of Professor Terry Hughes on ABC Radio that it is an impossible task to open up the mega coal mines of the Galilee Basin while sustaining the Great Barrier Reef for future generations; and

(b) agrees that Galilee Basin coal must stay in the ground in order to protect the Great Barrier Reef.

*Statement by leave:* The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion. Question put.

The Senate divided—

AYES, 11

Senators—

Di Natale    Ludlam    Rice    Whish-Wilson
Hanson-Young Milne    Siewert (Teller) Wright
Lazarus      Rhiannon  Waters
NOES, 38

Senators—

Back Fawcett McGrath Reynolds
Bullock Gallacher McKenzie Ruston
Bushby (Teller) Ketter McLucas Scullion
Cash Leyonhjelm Moore Seselja
Colbeck Lines Nash Singh
Collins Ludwig O’Neill Smith
Conroy Macdonald O’Sullivan Sterle
Dastyari Marshall Parry Urquhart
Day Mason Peris Wang
Edwards McEwen

Question negatived.

33 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—ABBOTT GOVERNMENT—FUNDING CUTS

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

The Abbott Government’s failure to rule out further cuts to health and education.

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

34 DOCUMENTS—CONSIDERATION

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

35 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLED AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

The Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley) tabled the following reports and document:

Scrutiny of Bills—Standing Committee—
Alert Digest No. 4 of 2015, dated 25 March 2015.

Reports ordered to be printed on the motion of Senator Polley.

Senator Polley moved—That the Senate take note of the report for 2014 on the work of the committee.

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

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

Regulations and Ordinances—Standing Committee—Delegated legislation monitor no. 4 of 2015, dated 25 March 2015.

Document ordered to be printed on the motion of Senator Fawcett.
Senator Fawcett, on behalf of the Joint Standing Committee on Migration, tabled the following report:
Senator Fawcett moved—that the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Fawcett in continuation.

Senator Fawcett, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:
Report ordered to be printed on the motion of Senator Fawcett.
Senator Fawcett moved—that the Senate take note of the report.
Question put and passed.

Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following document:
Economics Legislation Committee—Annual reports referred to legislation committees—Report no. 1 of 2015—Corrigendum.
Document ordered to be printed on the motion of Senator Fawcett.

Pursuant to order, Senator McEwen, at the request of the Chair of the Environment and Communications References Committee (Senator Urquhart), tabled the following report and documents:
Environment and Communications References Committee—National Landcare Program—Report, dated March 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.
Report ordered to be printed on the motion of Senator McEwen.
Senator McEwen moved—that the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

36 Procedure—Standing Committee—First Report of 2015—Consideration
Order of the day read for the consideration of the Procedure Committee’s first report of 2015.
The Chair of the Procedure Committee (Senator Marshall) moved—that the Senate adopt the recommendation of the first report of 2015 of the Procedure Committee.
Question put and passed.
Accordingly, standing order 19 was amended as follows:
Name of committee
(1) Omit “Appropriations and Staffing” (wherever occurring), substitute “Appropriations, Staffing and Security”.

Functions of the committee
(2) Omit paragraph (3)(d), substitute:
(d) consider the administration, operation and funding of security measures affecting the Senate and advise the President and the Senate as appropriate; and

Composition of the committee
(3) Paragraph (4), after “President”, insert “, the Deputy President”.

37 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—ABORIGINAL AND TORRES STRAIT ISLANDER AMENDMENT (A STRONGER LAND ACCOUNT) BILL 2014
Pursuant to order, Senator Fawcett, at the request of the Chair of the Community Affairs Legislation Committee (Senator Seselja), tabled the following report and documents:

Community Affairs Legislation Committee—Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014—Report, dated March 2015, Hansard record of proceedings, additional information and submissions.

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

38 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Smith) informed the Senate that the President had received a letter nominating a senator to be a member of committees.

The Assistant Minister for Health (Senator Nash), by leave, moved—That Senator Xenophon be appointed a participating member of the Select Committee into the Abbott Government’s Budget Cuts and the Select Committee on Wind Turbines.

Question put and passed.

39 PUBLIC GOVERNANCE AND RESOURCES LEGISLATION AMENDMENT BILL (NO. 1) 2015
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 331, dated 24 March 2015—A Bill for an Act to amend the law relating to the governance, performance and accountability of, and the use and management of resources by, the Commonwealth, Commonwealth entities and Commonwealth companies, and to deal with consequential and transitional matters in connection with the Public Governance, Performance and Accountability Act 2013, and for other purposes.

The Assistant Minister for Health (Senator Nash) 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 Nash moved—That this bill be now read a second time.
Explanatory memorandum: Senator Nash tabled a revised explanatory memorandum relating to the bill.

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

40 Seafarers Rehabilitation and Compensation and Other Legislation Amendment Bill 2015
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:


The Assistant Minister for Health (Senator Nash) 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 Nash moved—That this bill be now read a second time.

Explanatory memorandum: Senator Nash tabled a revised explanatory memorandum relating to the bill.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings, 11 May 2015.

41 Australian Border Force Bill 2015
Customs and Other Legislation Amendment (Australian Border Force) Bill 2015
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 332, dated 25 March 2015—A Bill for an Act relating to the Australian Border Force, the Australian Border Force Commissioner and persons performing work for the Department, and for related purposes.


The Assistant Minister for Health (Senator Nash) 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 Nash moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings, 11 May 2015.
At 7.30 pm—

42 TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT (DATA RETENTION) BILL 2015

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill—and of the amendment moved by Senator Ludlam (see entry no. 7).

Debate resumed.

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

Senator Leyonhjelm moved the following amendment:

Schedule 1, item 1, page 11 (after line 5), after section 187C, insert:

187CA Information or documents must be kept in Australia

A service provider must take all reasonable steps to ensure that information or a document that the provider must keep under section 187A is:

(a) kept in Australia; and

(b) kept by a body incorporated, owned and operated in Australia.

Debate ensued.

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

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 11 (before line 6), at the end of Division 1, after proposed section 187CA, add:

187CB Destruction of records

If:

(a) information, or a document, is kept, or caused to be kept, by a service provider in accordance with section 187A; and

(b) the period for which the service provider must keep, or cause to be kept, the information or document has ended; and

(c) the information or document is no longer required in relation to billing by the service provider;

the service provider must cause the information or document, including any copies of the information or document, to be destroyed as soon as practicable.

Note: If a preservation notice is in force under Part 3-1A this section does not apply to require the destruction of any information or documents that are the subject of the preservation notice.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.
Senator Ludlam moved the following amendments together by leave:

Schedule 1, item 1, page 13 (after line 19), after subsection 187G(1), insert:

_copy of any comments must be given to service provider_

(1A) If the Communications Access Co-ordinator receives a comment from an enforcement agency or security authority on a data retention implementation plan, the Co-ordinator must give the service provider a copy of the comment as soon as practicable.

Schedule 1, item 1, page 13 (lines 20 to 31), omit subsection 187G(2), substitute:

_request for amendment of original plan_

(2) If:
   (a) the Communications Access Co-ordinator receives a comment from an enforcement agency or security authority requesting an amendment of the original plan; and
   (b) the Co-ordinator considers the request to be a reasonable one;
the Co-ordinator must request that the service provider make the amendment within 30 days (the response period) after receiving the comment or summary.

Note: The Communications Access Co-ordinator must give the service provider a copy of the comment as soon as practicable, see subsection (1).

Debate ensued.

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

Senator Ludlam moved the following amendments together by leave:

Schedule 1, item 1, page 16 (lines 18 and 19), omit “a specified service provider from the obligations imposed on the service provider”, substitute “a specified class of service provider from the obligations imposed on the class of service provider”.

Schedule 1, item 1, page 16 (line 22), omit “a specified service provider”, substitute “a specified class of service provider”.

Schedule 1, item 1, page 16 (line 25), omit “a specified service provider”, substitute “a specified class of service provider”.

Schedule 1, item 1, page 17 (line 8), omit “relating to the service provider”, substitute “relating to the class of service provider of which the service provider is a member”.

Schedule 1, item 1, page 17 (lines 23 to 27), omit subsection 187K(6), substitute:

(6) A decision that is taken under paragraph (5)(b) to have been made in relation to a class of service of providers has effect only until the Communications Access Co-ordinator makes, and communicates to the service provider that made the application, a decision on the application.

Schedule 1, item 1, page 17 (after line 27), after subsection 187K(6), insert:

_decision to be published_

(6A) If a decision is made under subsection (1), or taken to have been made under subsection (5)(b), as soon as practicable:
   (a) the decision must be published on the Department’s website; and
(b) the Communications Access Co-ordinator must take all reasonable steps to notify service providers in the relevant class of service providers.

Schedule 1, item 1, page 17 (lines 29 and 30), omit “a service provider”, substitute “a class of service providers”.

Schedule 1, item 1, page 18 (line 1), omit “the service provider’s”, substitute “the class of service providers’”.

Schedule 1, item 1, page 18 (line 3), omit “the service provider’s”, substitute “the class of service providers’”.

Schedule 1, item 1, page 18 (line 6), omit “the service provider has identified”, substitute “have been identified by service providers in the relevant class”.

Debate ensued.

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

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 19 (lines 11 to 20), omit section 187KB, substitute:

187KB Commonwealth must make a grant of financial assistance to service providers

(1) The Commonwealth must make a grant of financial assistance to a service provider for the purpose of assisting the service provider to comply with the additional costs that service providers incur in complying with the service provider’s obligations under this Part.

(2) The terms and conditions on which that financial assistance is granted are to be set out in a written agreement between the Commonwealth and the service provider.

(3) An agreement under subsection (2) may be entered into on behalf of the Commonwealth by the Minister.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

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Question negatived.
Senator Leyonhjelm moved the following amendment:

Schedule 1, item 1, page 21 (after line 31), after section 187N, insert:

187NA Sunset provision

This Part (other than section 187N) ceases to be in force at the end of the third anniversary of the implementation phase for this Part.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 15

Senators—
Di Natale            Ludlam             Rice            Whish-Wilson
Hanson-Young         Milne              Siewert (Teller) Wright
Leyonhjelm           Rhiannon          Waters

NOES, 32

Senators—
Back                Collins            Macdonald          O’Sullivan
Bernardi            Edwards            Mason             Ruston
Birmingham          Fawcett            McEwen (Teller)     Seselja
Brandis             Fierravanti-Wells  McGrath           Singh
Brown               Fifield            McKenzie           Sinodinos
Bullock             Johnston           McLucas           Smith
Bushby              Ketter             Moore             Urquhart
Cameron             Lines              O’Neill           Williams

Question negatived.

Senator Leyonhjelm moved the following amendment:

Schedule 1, page 22 (after line 15), after Part 1, insert:

Part 1A—Amendments relating to authorisations

Telecommunications (Interception and Access) Act 1979

1AA Section 178 (heading)
Repeal the heading, substitute:

178 Authorisations for access to existing information or documents

1AB Subsection 178(3)
Repeal the subsection, substitute:

(3) The authorised officer must not make the authorisation unless he or she is satisfied that the disclosure is reasonably necessary for the enforcement of a serious contravention.

1AC Section 179
Repeal the section.

1AD Paragraph 186(1)(b)
Repeal the paragraph.

Debate ensued.

Question—That the amendment be agreed to—put.
The committee divided—

AYES, 16

Senators—

Di Natale
Hanson-Young
Lazarus
Leyonhjelm
Ludlam
Madigan
Milne
Muir
Rhiannon
Rice
Siewert (Teller)
Wang
Waters
Whish-Wilson
Young
Madigan
Rice
Wang
Xenophon

NOES, 33

Senators—

Back
Brandis
Brown
Bullock
Bushby
Cameron
Cash
Dastyari
Edwards
Fawcett
Fifield
Gallacher
Ketter
Lanes
Ludwig
Macdonald
McEwen
McGrath
McKenzie
McLucas
Moore
Nash
O’Neill
O’Sullivan
Polley
Ruston
Seselja
Singh
Sinodinos
Smith
Sterle
Urquhart (Teller)
Williams

Question negatived.

Senator Leyonhjelm moved the following amendments together by leave:

Schedule 1, item 1C, page 23 (line 26), omit “journalist information warrants”, substitute “protected class warrants”.

Schedule 1, item 1C, page 23 (line 28), omit “journalist information warrants”, substitute “protected class warrants”.

Schedule 1, item 5, page 29 (lines 9 and 10), omit the definition of journalist information warrant.

Schedule 1, item 5, page 29 (after line 12), after the definition of Part 4-1 issuing authority, insert:

protected class: each of the following is a protected class of persons:
(a) Australian legal practitioners (within the meaning of the Evidence Act 1995);
(b) journalists (within the meaning of section 126G of the Evidence Act 1995);
(c) health practitioners (within the meaning of the Health Practitioner Regulation National Law);
(d) any other class of professional determined by the Minister under subsection (7).

protected class warrant means a warrant issued under Division 4C of Part 4-1.

Schedule 1, item 5A, page 30 (after line 2), after item 5, insert:

5A At the end of section 5

Add:

(7) The Minister may, by legislative instrument, determine a class of professional for the purposes of paragraph (d) of the definition of protected class.

Schedule 1, item 6E, page 31 (lines 27 and 28), omit “journalist information warrant”, substitute “protected class warrant”.

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Schedule 1, item 6F, page 32 (lines 7 and 8), omit “journalist information warrant”, substitute “protected class warrant”.
Schedule 1, item 6G, page 32 (lines 21 and 22), omit “journalist information warrant”, substitute “protected class warrant”.
Schedule 1, item 6H, page 33 (lines 1 and 2), omit “journalist information warrant”, substitute “protected class warrant”.
Schedule 1, item 6L, page 33 (line 23) to page 43 (line 28), omit the item, substitute:

6L After Division 4B of Part 4-1

Insert:

Division 4C—Protected class warrants

Subdivision A—The requirement for protected class warrant

180G The Organisation

(1) An eligible person (within the meaning of subsection 175(2) or 176(2), as the case requires) must not make an authorisation under Division 3 that would authorise the disclosure of information or documents relating to a particular person if the eligible person knows or reasonably believes that particular person to be:
   (a) a member of a protected class; or
   (b) an employer of such a person;
   unless a protected class warrant is in force in relation to that particular person.

(2) Nothing in this section affects by implication the kind of person in relation to whom a warrant (other than a protected class warrant) may be issued under this Act.

180H Enforcement agencies

(1) An authorised officer of an enforcement agency must not make an authorisation under section 178, 178A or 180 that would authorise the disclosure of information or documents relating to a particular person if the authorised officer knows or reasonably believes that particular person to be:
   (a) a member of a protected class; or
   (b) an employer of such a person;
   unless a protected class warrant is in force, in relation to that particular person, under which authorised officers of the agency may make authorisations under that section.

(2) An authorised officer of the Australian Federal Police must not make an authorisation under Division 4A that would authorise the disclosure of information or documents relating to a particular person if the authorised officer knows or reasonably believes that particular person to be:
   (a) a member of a protected class; or
   (b) an employer of such a person.

(3) Nothing in this section affects by implication the kind of person in relation to whom a warrant (other than a protected class warrant) may be issued under this Act.
Subdivision B—Issuing protected class warrants to the Organisation

180J Requesting a protected class warrant

(1) The Director-General of Security may request the Minister to issue a protected class warrant in relation to a particular person.

(2) The request must specify the facts and other grounds on which the Director-General considers it necessary that the warrant be issued.

180K Further information

(1) The Minister may require the Director-General of Security to give to the Minister, within the period specified in the requirement, further information in connection with a request under this Subdivision.

(2) If the Director-General breaches the requirement, the Minister may:

(a) refuse to consider the request; or

(b) refuse to take any action, or any further action, in relation to the request.

180L Issuing a protected class warrant

(1) After considering a request under section 180J, the Minister must:

(a) issue a protected class warrant that authorises the making of authorisations under Division 3 in relation to the particular person to which the request relates; or

(b) refuse to issue a protected class warrant.

(2) The Minister must not issue a protected class warrant unless the Minister is satisfied that:

(a) the Organisation’s functions would extend to the making of authorisations under Division 3 in relation to the particular person; and

(b) the public interest in issuing the warrant outweighs the public interest in protecting the confidentiality that relates to the protected class of which the person is a member, having regard to:

(i) the extent to which the privacy of any person or persons, or any duties of confidentiality, would be likely to be interfered with by the disclosure of information or documents under authorisations that are likely to be made under the authority of the warrant; and

(ii) the gravity of the matter in relation to which the warrant is sought; and

(iii) the extent to which that information or those documents would be likely to assist in the performance of the Organisation’s functions; and

(iv) whether reasonable attempts have been made to obtain the information or documents by other means; and

(v) any submissions made by a Public Interest Advocate under section 180X; and

(vi) any other matters the Minister considers relevant.

(3) A protected class warrant issued under this section may specify conditions or restrictions relating to making authorisations under the authority of the warrant.
180N  Duration of a protected class warrant

A protected class warrant issued under section 180L must specify the period (not exceeding 6 months) for which it is to remain in force. The Minister may revoke the warrant at any time before the end of the specified period.

180P  Discontinuance of authorisations before expiry of a protected class warrant

If, before a protected class warrant issued under this Subdivision ceases to be in force, the Director-General of Security is satisfied that the grounds on which the warrant was issued have ceased to exist, he or she must:

(a) forthwith inform the Minister accordingly; and
(b) take such steps as are necessary to ensure that the making of authorisations under the authority of the warrant is discontinued.

Subdivision C—Issuing protected class warrants to enforcement agencies

180Q  Enforcement agency may apply for a protected class warrant

(1) An enforcement agency may apply to a Part 4-1 issuing authority for a protected class warrant in relation to a particular person.

(2) The application must be made on the agency’s behalf by:

(a) if the agency is referred to in subsection 39(2)—a person referred to in that subsection in relation to that agency; or
(b) otherwise:

(i) the chief officer of the agency; or
(ii) an officer of the agency (by whatever name called) who holds, or is acting in, an office or position in the agency nominated under subsection (3).

(3) The chief officer of the agency may, in writing, nominate for the purposes of subparagraph (2)(b)(ii) an office or position in the agency that is involved in the management of the agency.

(4) A nomination under subsection (3) is not a legislative instrument.

(5) The application may be made in writing or in any other form.

Note: The Electronic Transactions Act 1999 deals with giving information in writing by means of an electronic communication.

180R  Further information

(1) The Part 4-1 issuing authority may require:

(a) in any case—the chief officer of the agency; or
(b) if the application is made, on the agency’s behalf, by a person other than the chief officer—that other person;

to give to the Part 4-1 issuing authority, within the period and in the form specified in the requirement, further information in connection with the application.

(2) If the chief officer or other person breaches the requirement, the Part 4-1 issuing authority may:

(a) refuse to consider the application; or
(b) refuse to take any action, or any further action, in relation to the application.
180S Oaths and affirmations

(1) Information given to the Part 4-1 issuing authority in connection with the application must be verified on oath or affirmation.

(2) For the purposes of this section, the Part 4-1 issuing authority may:
   (a) administer an oath or affirmation; or
   (b) authorise another person to administer an oath or affirmation.

The oath or affirmation may be administered in person, or by telephone, video call, video link or audio link.

180T Issuing a protected class warrant

(1) After considering an application under section 180Q, the Part 4-1 issuing authority must:
   (a) issue a protected class warrant that authorises the making of authorisations under one or more of sections 178, 178A and 180 in relation to the particular person to which the application relates; or
   (b) refuse to issue a protected class warrant.

(2) The Part 4-1 issuing authority must not issue a protected class warrant unless the Part 4-1 issuing authority is satisfied that:
   (a) the warrant is reasonably necessary for whichever of the following purposes are applicable:
      (i) if the warrant would authorise the making of authorisations under section 178—for the enforcement of a serious contravention;
      (ii) if the warrant would authorise the making of authorisations under section 178A—finding a person who the Australian Federal Police, or a Police Force of a State, has been notified is missing;
      (iii) if the warrant would authorise the making of authorisations under section 180—the investigation of an offence of a kind referred to in subsection 180(4); and
   (b) the public interest in issuing the warrant outweighs the public interest in protecting the confidentiality that relates to the protected class of which the person is a member, having regard to:
      (i) the extent to which the privacy of any person or persons, or any duties of confidentiality, would be likely to be interfered with by the disclosure of information or documents under authorisations that are likely to be made under the authority of the warrant; and
      (ii) the gravity of the matter in relation to which the warrant is sought; and
      (iii) the extent to which that information or those documents would be likely to assist in relation to that matter; and
      (iv) whether reasonable attempts have been made to obtain the information or documents by other means; and
      (v) any submissions made by a Public Interest Advocate under section 180X; and
      (vi) any other matters the Part 4-1 issuing authority considers relevant.
180U Form and content of a protected class warrant

(1) A protected class warrant issued under this Subdivision must be in accordance with the prescribed form and must be signed by the Part 4-1 issuing authority who issues it.

(2) A protected class warrant issued under this Subdivision may specify conditions or restrictions relating to making authorisations under the authority of the warrant.

(3) A protected class warrant issued under this Subdivision must specify, as the period for which it is to be in force, a period of up to 90 days.

(4) A Part 4-1 issuing authority must not vary a protected class warrant issued under this Subdivision by extending the period for which it is to be in force.

(5) Neither of subsections (3) and (4) prevents the issue of a further warrant under this Act in relation to a person, in relation to which a warrant under this Act has, or warrants under this Act have, previously been issued.

180V Entry into force of a protected class warrant

A protected class warrant issued under this Subdivision comes into force when it is issued.

180W Revocation of a protected class warrant by chief officer

(1) The chief officer of an enforcement agency:
   (a) may, at any time, by signed writing, revoke a protected class warrant issued under this Subdivision to the agency; and
   (b) must do so, if he or she is satisfied that the grounds on which the warrant was issued to the agency have ceased to exist.

(2) The chief officer of an enforcement agency may delegate his or her power under paragraph (1)(a) to a certifying officer of the agency.

Subdivision D—Miscellaneous

180X Public Interest Advocates

(1) The Prime Minister shall declare, in writing, one or more persons to be Public Interest Advocates.

(2) A Public Interest Advocate may make submissions:
   (a) to the Minister about matters relevant to:
      (i) a decision to issue, or refuse to issue, a protected class warrant under section 180L; or
      (ii) a decision about the conditions or restrictions (if any) that are to be specified in such a warrant; or
   (b) to a Part 4-1 issuing authority about matters relevant to:
      (i) a decision to issue, or refuse to issue, the warrant under section 180T; or
      (ii) a decision about the conditions or restrictions (if any) that are to be specified in such a warrant; or

(3) The regulations may prescribe matters relating to the performance of the role of a Public Interest Advocate.

(4) A declaration under subsection (1) is not a legislative instrument.
Schedule 1, item 6V, page 46 (line 11) to page 47 (line 29), omit the item, substitute:

6V At the end of Division 6 of Part 4-1

Add:

182A Disclosure/use offences: protected class warrants

(1) A person commits an offence if:
   (a) the person discloses or uses information; and
   (b) the information is about any of the following:
       (i) whether a protected class warrant (other than such a warrant that relates only to section 178A) has been, or is being, requested or applied for;
       (ii) the making of such a warrant;
       (iii) the existence or non-existence of such a warrant;
       (iv) the revocation of such a warrant.

Penalty: 15 penalty units.

(2) A person commits an offence if:
   (a) the person discloses or uses a document; and
   (b) the document consists (wholly or partly) of any of the following:
       (i) a protected class warrant (other than such a warrant that relates only to section 178A);
       (ii) the revocation of such a warrant.

Penalty: 15 penalty units.

182B Permitted disclosure or use: protected class warrants

Paragraphs 182A(1)(a) and (2)(a) do not apply to a disclosure or use of information or a document if:
   (a) the disclosure or use is for the purposes of the warrant, revocation or notification concerned; or
   (b) the disclosure or use is reasonably necessary:
       (i) to enable the making of submissions under section 180X; or
       (ii) to enable a person to comply with his or her obligations under section 185D or 185E; or
       (iii) to enable the Organisation to perform its functions; or
       (iv) to enforce the criminal law; or
       (v) to enforce a law imposing a pecuniary penalty; or
       (vi) to protect the public revenue; or
   (c) in the case of a disclosure—the disclosure is:
       (i) to an IGIS official for the purpose of the Inspector-General of Intelligence and Security exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986; or
       (ii) by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under that Act; or
(d) in the case of a use—the use is by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986; or
(e) the disclosure or use is with the consent of the person to whom the warrant relates; or
(f) the disclosure or use is in the public interest.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the Criminal Code).

Schedule 1, item 6X, page 48 (line 1) to page 49 (line 36), omit section 185D, substitute:

185D Notification etc. of authorisations

The Organisation

(1) If a protected class warrant is issued under Subdivision B of Division 4C of Part 4-1:
   (a) the Director-General of Security must, as soon as practicable, give a copy of the warrant to the Inspector-General of Intelligence and Security; and
   (b) the Minister must, as soon as practicable, cause the Parliamentary Joint Committee on Intelligence and Security to be notified of the issuing of the warrant.

(2) If an authorisation under Division 3 of Part 4-1 is made under the authority of the warrant, the Director-General of Security must, as soon as practicable after the expiry of the warrant, give a copy of the authorisation to the Inspector-General of Intelligence and Security.

(3) If:
   (a) the Inspector-General gives to the Minister a report under section 22 or 25A of the Inspector-General of Intelligence and Security Act 1986; and
   (b) the report relates (wholly or partly) to one or both of the following:
      (i) a protected class warrant issued to the Organisation;
      (ii) one or more authorisations referred to in subsection (2) of this section;
   the Minister must, as soon as practicable, cause a copy of the report to be given to the Parliamentary Joint Committee on Intelligence and Security.

(4) The Parliamentary Joint Committee on Intelligence and Security may request a briefing from the Inspector-General on:
   (a) a protected class warrant; or
   (b) an authorisation or authorisations;
   to which a report referred to in paragraph (3)(b) of this section relates.
Enforcement agencies

(5) If a protected class warrant is issued to an enforcement agency:
   (a) if the agency was the Australian Federal Police:
      (i) the Commissioner of Police must, as soon as practicable, give copies of the warrant to the Minister and the Ombudsman; and
      (ii) the Minister must, as soon as practicable after receiving a copy, cause the Parliamentary Joint Committee on Intelligence and Security to be notified of the issuing of the warrant; and
   (b) otherwise—the chief officer of the agency must, as soon as practicable, give a copy of the warrant to the Ombudsman.

(6) If an authorisation under Division 4 of Part 4-1 is made under the authority of the warrant, the chief officer of the agency must, as soon as practicable after the expiry of the warrant, give a copy of the authorisation to the Ombudsman.

(7) If:
   (a) the Ombudsman gives to the Minister a report under section 186J of this Act; and
   (b) the report relates (wholly or partly) to one or both of the following:
      (i) a protected class warrant issued to the Australian Federal Police;
      (ii) one or more authorisations, referred to in subsection (6) of this section, that were made by one or more authorised officers of the Australian Federal Police;
   the Minister must, as soon as practicable, cause a copy of the report to be given to the Parliamentary Joint Committee on Intelligence and Security.

(8) The Parliamentary Joint Committee on Intelligence and Security may request a briefing from the Ombudsman on:
   (a) a protected class warrant; or
   (b) an authorisation or authorisations;
   to which a report referred to in paragraph (7)(b) of this section relates.

Schedule 1, item 6Y, page 51 (lines 16 to 21), omit paragraphs 186(1)(i) and (j), substitute:
   (i) the number of authorisations, referred to in paragraph (e) of this subsection, that were made under protected class warrants issued to the agency under Subdivision C of Division 4C of Part 4-1; and
   (j) the number of protected class warrants issued to the agency under that Subdivision during the period; and

Debate ensued.

At 10.30 pm: The President resumed the chair and the Chair of Committees (Senator Marshall) reported progress.
43 NOTICE

Senators Ludwig and Xenophon gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Finance and Public Administration Legislation Committee for inquiry and report by 13 May 2015:

The proposed Parliament House security upgrade works, including perimeter fencing, internal infrastructure changes and CCTV cameras, with particular reference to:

(a) security and safety considerations;
(b) project management;
(c) value for money;
(d) design integrity;
(e) heritage impact;
(f) moral rights;
(g) impacts on building occupants and visitors; and
(h) any related matters.

44 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 11 pm till Thursday, 26 March 2015 at 9.30 am.

45 ATTENDANCE

Present, all senators except Senator Bilyk (on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate