THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 137

THURSDAY, 6 DECEMBER 2018

Contents

1 Meeting of Senate ................................................................. 4467
2 Documents.................................................................................. 4467
3 Committees—Leave to meet during sitting.................................... 4467
4 Financial sector entities—Tax information—Order for production of
   documents—Report from Economics Legislation Committee ........ 4467
5 Treasury Laws Amendment (Enhancing Whistleblower Protections)
   Bill 2017 .................................................................................. 4467
6 Consideration of legislation.......................................................... 4477
7 Order of business—Rearrangement................................................. 4478
8 Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018 .. 4478
9 Social Services Legislation Amendment (Drug Testing Trial) Bill 2018 .... 4478
10 Notices....................................................................................... 4478
11 Selection of Bills—Standing Committee—Report no. 15 of 2018 ........ 4480
12 Leave of absence......................................................................... 4485
13 Postponement ............................................................................. 4485
14 Parliamentary privilege—Seizure of material by executive agencies ...... 4485
15 Indigenous Governance Awards .................................................. 4486
16 Women surfers .......................................................................... 4486
17 Order of business—Rearrangement................................................. 4487
18 Electoral Matters—Joint Standing Committee—Reference .............. 4487
19 Australian Marriage Law Postal Survey—First anniversary of result .... 4488
20 Universal Declaration of Human Rights ........................................ 4488
21 Tasmania—Luxury camp on Hall Island ........................................ 4489
22 Drug and alcohol treatment services—Funding—Mount Gambier—Order
   for production of documents....................................................... 4491
23 China......................................................................................... 4492
24 Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 4492
25 Hours of meeting and routine of business—Variation..................... 4537
26 Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 4538
27 Telecommunications and Other Legislation Amendment (Assistance and
   Access) Bill 2018 ...................................................................... 4544
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Committee membership</td>
</tr>
<tr>
<td>29</td>
<td>Next meeting of Senate</td>
</tr>
<tr>
<td>30</td>
<td>Leave of absence</td>
</tr>
<tr>
<td>31</td>
<td>Adjournment</td>
</tr>
<tr>
<td>32</td>
<td>Attendance</td>
</tr>
</tbody>
</table>
Meeting of Senate
The Senate met at 9.30 am. The President (Senator the Honourable Scott Ryan) took the chair, read prayers and made an acknowledgement of country.

Documents
The Clerk tabled the following documents pursuant to statute:

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


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

- Education and Employment Legislation Committee—from 3 pm.
- Environment and Communications References Committee—from 1.05 pm.
- Fair Dinkum Power—Select Committee—from 3 pm.
- National Broadband Network—Joint Standing Committee—from 10 am.

Financial sector entities—Tax information—Order for production of documents—Report from Economics Legislation Committee
Pursuant to order (see entry no. 47, 5 December 2018), the Chair of the Economics Legislation Committee (Senator Hume) reported to the Senate that the Commissioner of Taxation had indicated that the documents sought by the order would be provided to the committee on a confidential basis.

Statement by leave: Senator Patrick, by leave, made a statement relating to the matter.

Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017
Order of the day read for the adjourned debate on the motion of the Minister for Finance and the Public Service (Senator Cormann)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.
Explanatory memorandum: The Assistant Minister for Treasury and Finance (Senator Seselja) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1, Parts 1, 2 and 3
   The first 1 January, 1 April, 1 July or 1 October to occur after the end of the period of 3 months beginning on the day this Act receives the Royal Assent.

3. Schedule 1, Part 4
   The later of:
   (a) immediately after the commencement of the provisions covered by table item 2; and
   (b) immediately after the commencement of Schedule 1 to the Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Act 2018.

   However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.

Schedule 1, item 2, page 4 (line 1), before “emergency disclosure”, insert “public interest disclosure and”.

Schedule 1, item 2, page 7 (line 9), after “an officer”, insert “or senior manager”.

Schedule 1, item 2, page 7 (lines 14 to 17), omit all the words from and including “Part;” to the end of subsection 1317AAC(1), substitute “Part.”.

Schedule 1, item 2, page 8 (line 5) to page 9 (line 3), omit section 1317AAD, substitute:

1317AAD Public interest disclosure and emergency disclosure

(1) A disclosure of information (the public interest disclosure) by an individual (the discloser) qualifies for protection under this Part if:
   (a) the discloser has previously made a disclosure of that information (the previous disclosure) that qualifies for protection under this Part under subsection 1317AA(1); and
   (b) at least 90 days have passed since the previous disclosure was made; and
   (c) the discloser does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the previous disclosure related; and
   (d) the discloser has reasonable grounds to believe that making a further disclosure of the information in accordance with this subsection would be in the public interest; and
   (e) after the end of the period referred to in paragraph (b), the discloser gave the body to which the previous disclosure was made a written notification that:
      (i) includes sufficient information to identify the previous disclosure; and
(ii) states that the discloser intends to make a public interest disclosure; and

(f) the public interest disclosure is made to:
   (i) a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
   (ii) a journalist; and

(g) the extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient referred to in paragraph (f) of the misconduct or the improper state of affairs or circumstances referred to in subsection 1317AA(4) or the conduct referred to in subsection 1317AA(5), as the case may be.

(2) A disclosure of information (the emergency disclosure) by an individual (the discloser) qualifies for protection under this Part if:
   (a) the discloser has previously made a disclosure of that information (the previous disclosure) that qualifies for protection under this Part under subsection 1317AA(1); and
   (b) the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and
   (c) the discloser gives the body to which the previous disclosure was made a written notification that:
      (i) includes sufficient information to identify the previous disclosure; and
      (ii) states that the discloser intends to make an emergency disclosure; and
   (d) the emergency disclosure is made to:
      (i) a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
      (ii) a journalist; and
   (e) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient referred to in paragraph (d) of the substantial and imminent danger.

(3) In this section:

journalist means a person who is working in a professional capacity as a journalist for any of the following:
   (a) a newspaper or magazine;
   (b) a radio or television broadcasting service;
   (c) an electronic service (including a service provided through the internet) that:
      (i) is operated on a commercial basis, or operated by a body that provides a national broadcasting service (within the meaning of the Broadcasting Services Act 1992); and
      (ii) is similar to a newspaper, magazine or radio or television broadcast.
Schedule 1, item 2, page 9 (after line 3), after section 1317AAD, insert:

**1317AADA Personal work-related grievances**

(1) Subsections 1317AA(1) and (2) do not apply to a disclosure of information by an individual (the *discloser*) to the extent that the information disclosed:

(a) concerns a personal work-related grievance of the discloser; and

(b) does not concern a contravention, or an alleged contravention, of section 1317AC that involves detriment caused to the discloser or a threat made to the discloser.

Note: A disclosure concerning a personal work-related grievance that is made to a legal practitioner may qualify for protection under this Part under subsection 1317AA(3).

(2) For the purposes of subsection (1), the information disclosed concerns a *personal work-related grievance* of the discloser if:

(a) the information concerns a grievance about any matter in relation to the discloser’s employment, or former employment, having (or tending to have) implications for the discloser personally; and

(b) the information:

(i) does not have significant implications for the regulated entity to which it relates, or another regulated entity, that do not relate to the discloser; and

(ii) does not concern conduct, or alleged conduct, referred to in paragraph 1317AA(5)(c), (d), (e) or (f).

Examples of grievances that may be personal work-related grievances under paragraph (a) (but subject to paragraph (b)) are as follows:

(a) an interpersonal conflict between the discloser and another employee;

(b) a decision relating to the engagement, transfer or promotion of the discloser;

(c) a decision relating to the terms and conditions of engagement of the discloser;

(d) a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Schedule 1, item 9, page 12 (line 17), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 9, page 12 (lines 19 and 20), omit “(within the meaning of section 1317AC)”.

Schedule 1, item 9, page 12 (line 24), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 9, page 12 (line 30), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 9, page 13 (line 2), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 9, page 13 (lines 5 and 6), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 9, page 13 (line 8), omit “victimising conduct”, substitute “detrimental conduct”.
Schedule 1, item 9, page 13 (line 11), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 9, page 13 (line 12), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 9, page 13 (after line 12), after subsection 1317AD(2), insert:

(2A) A court may make an order under section 1317AE in relation to a person (the first person) that is a body corporate if:

(a) another person (the third person) engages in conduct (detrimental conduct) that:

(i) causes any detriment to a person (the second person) other than the first person or the third person; or

(ii) constitutes the making of a threat to cause any such detriment to a person (the second person) other than the first person or the third person; and

(b) when the third person engages in the detrimental conduct, the third person believes or suspects that the second person or any other person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part; and

(c) the belief or suspicion referred to in paragraph (b) is the reason, or part of the reason, for the detrimental conduct; and

(d) the first person is under a duty to prevent the third person engaging in the detrimental conduct, or a duty to take reasonable steps to ensure that the third person does not engage in the detrimental conduct; and

(e) the first person fails in part or whole to fulfil that duty.

Burden of proof

(2B) In proceedings where a person seeks an order under section 1317AE in relation to another person:

(a) the person seeking the order bears the onus of adducing or pointing to evidence that suggests a reasonable possibility of the matters in:

(i) if subsection (1) of this section applies—paragraph (1)(a); or

(ii) if subsection (2) of this section applies—paragraph (1)(a), as mentioned in paragraph (2)(b); or

(iii) if subsection (2A) of this section applies—paragraphs (2A)(a) and (d); and

(b) if that onus is discharged—the other person bears the onus of proving that the claim is not made out.

Schedule 1, item 9, page 13 (after line 19), after section 1317AD, insert:

1317ADA Detriment

In sections 1317AC and 1317AD, detriment includes (without limitation) any of the following:

(a) dismissal of an employee;

(b) injury of an employee in his or her employment;

(c) alteration of an employee’s position or duties to his or her disadvantage;
(d) discrimination between an employee and other employees of the same employer;
(e) harassment or intimidation of a person;
(f) harm or injury to a person, including psychological harm;
(g) damage to a person’s property;
(h) damage to a person’s reputation;
(i) damage to a person’s business or financial position;
(j) any other damage to a person.

Schedule 1, item 9, page 13 (line 22), omit “subsections 1317AD(1) and (2)”, substitute “subsections 1317AD(1), (2) and (2A)”. Schedule 1, item 9, page 13 (line 26), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 13 (line 28), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 13 (line 32), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 14 (line 2), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 14 (line 6), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 14 (lines 9 and 10), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 14 (line 13), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 14 (lines 15 and 16), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 14 (line 18), omit “victimising conduct”, substitute “detrimental conduct”. Schedule 1, item 9, page 14 (lines 27 to 37), omit subsection 1317AE(2), substitute:

(2) If the detrimental conduct wholly or partly consists, or consisted, of terminating or purporting to terminate a person’s employment (including detrimental conduct that forces or forced the person to resign), the court must, in making an order mentioned in paragraph (1)(a) or (b), consider the period, if any, the person is likely to be without employment as a result of the detrimental conduct. This subsection does not limit any other matter the court may consider.

Schedule 1, item 9, page 15 (lines 1 to 4), omit subsection 1317AE(3), substitute:

(3) In deciding whether to make an order under paragraph (1)(b) in relation to the first person’s employer, the court may have regard to the following:
(a) whether the employer took reasonable precautions, and exercised due diligence, to avoid the detrimental conduct;
(b) if the employer has a policy dealing with any or all of the matters referred to in subsection 1317AI(5) (whether or not section 1317AI requires the employer to have such a policy)— the extent to which the employer gave effect to that policy;
(c) any duty that the employer was under to prevent the detrimental conduct, or to take reasonable steps to ensure that the detrimental conduct was not engaged in.

Schedule 1, item 9, page 17 (lines 22 and 23), omit “(within the meaning of section 1317AC)”.  

Schedule 1, item 9, page 18 (after line 7), after section 1317AJ, insert:

**1317AK Review of operation of whistleblower protections**

(1) The Minister must cause a review to be undertaken of the operation of:

(a) this Part; and

(b) Part IVD of the *Taxation Administration Act 1953*.

Note: Part IVD of the *Taxation Administration Act 1953* provides for protections for whistleblowers in relation to tax.

(2) The review must be conducted as soon as practicable after the end of 5 years after this section commences.

(3) The Minister must cause a written report about the review to be prepared.

(4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

Schedule 1, item 12, page 19 (lines 27 to 29), omit subsection 1644(3), substitute:

(3) Subsections 1317AI(1) to (4), as inserted by item 9 of Schedule 1 to the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2018*, apply on and after the day 6 months after the day that item commences.

Schedule 1, item 15, page 27 (lines 6 to 20), omit subsection 14ZZY(5).

Schedule 1, item 15, page 27 (line 25), omit “*victimising conduct*”, substitute “*detrimental conduct*”.

Schedule 1, item 15, page 27 (line 27), omit “(within the meaning of section 14ZZY)”.

Schedule 1, item 15, page 27 (line 32), omit “*victimising conduct*”, substitute “*detrimental conduct*”.

Schedule 1, item 15, page 28 (line 4), omit “*victimising conduct*”, substitute “*detrimental conduct*”.

Schedule 1, item 15, page 28 (line 11), omit “*victimising conduct*”, substitute “*detrimental conduct*”.

Schedule 1, item 15, page 28 (lines 14 and 15), omit “*victimising conduct*”, substitute “*detrimental conduct*”.

Schedule 1, item 15, page 28 (line 17), omit “*victimising conduct*”, substitute “*detrimental conduct*”.

Schedule 1, item 15, page 28 (line 20), omit “*victimising conduct*”, substitute “*detrimental conduct*”.

Schedule 1, item 15, page 28 (line 21), omit “*victimising conduct*”, substitute “*detrimental conduct*”.
Schedule 1, item 15, page 28 (after line 21), after subsection 14ZZZ(2), insert:

(2A) A court may make an order under section 14ZZZA in relation to a person (the first person) that is a body corporate if:

(a) another person (the third person) engages in conduct (detrimental conduct) that:

(i) causes any detriment to a person (the second person) other than the first person or the third person; or

(ii) constitutes the making of a threat to cause any such detriment to a person (the second person) other than the first person or the third person; and

(b) when the third person engages in the detrimental conduct, the third person believes or suspects that the second person or any other person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part; and

(c) the belief or suspicion referred to in paragraph (b) is the reason, or part of the reason, for the detrimental conduct; and

(d) the first person is under a duty to prevent the third person engaging in the detrimental conduct, or a duty to take reasonable steps to ensure that the third person does not engage in the detrimental conduct; and

(e) the first person fails in part or whole to fulfil that duty.

**Burden of proof**

(2B) In proceedings where a person seeks an order under section 14ZZZA in relation to another person:

(a) the person seeking the order bears the onus of adducing or pointing to evidence that suggests a reasonable possibility of the matters in:

(i) if subsection (1) of this section applies—paragraph (1)(a); or

(ii) if subsection (2) of this section applies—paragraph (1)(a), as mentioned in paragraph (2)(b); or

(iii) if subsection (2A) of this section applies—paragraphs (2A)(a) and (d); and

(b) if that onus is discharged—the other person bears the onus of proving that the claim is not made out.

Schedule 1, item 15, page 28 (after line 28), after section 14ZZZ, insert:

**14ZZZAA Detriment**

In sections 14ZZY and 14ZZZ, detriment includes (without limitation) any of the following:

(a) dismissal of an employee;

(b) injury of an employee in his or her employment;

(c) alteration of an employee’s position or duties to his or her disadvantage;

(d) discrimination between an employee and other employees of the same employer;

(e) harassment or intimidation of a person;

(f) harm or injury to a person, including psychological harm;
(g) damage to a person’s property;
(h) damage to a person’s reputation;
(i) damage to a person’s business or financial position;
(j) any other damage to a person.

Schedule 1, item 15, page 28 (line 31), omit “subsections 14ZZZ(1) and (2)”, substitute “subsections 14ZZZ(1), (2) and (2A)”.

Schedule 1, item 15, page 29 (line 3), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (line 5), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (line 9), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (line 13), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (line 17), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (lines 20 and 21), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (line 24), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (lines 26 and 27), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 29 (line 29), omit “victimising conduct”, substitute “detrimental conduct”.

Schedule 1, item 15, page 30 (lines 1 to 11), omit subsection 14ZZZA(2), substitute:

(2) If the detrimental conduct wholly or partly consists, or consisted, of terminating or purporting to terminate a person’s employment (including detrimental conduct that forces or forced the person to resign), the court must, in making an order mentioned in paragraph (1)(a) or (b), consider the period, if any, the person is likely to be without employment as a result of the detrimental conduct. This subsection does not limit any other matter the court may consider.

Schedule 1, item 15, page 30 (lines 12 to 15), omit subsection 14ZZZA(3), substitute:

(3) In deciding whether to make an order under paragraph (1)(b) in relation to the first person’s employer, the court may have regard to the following:
(a) whether the employer took reasonable precautions, and exercised due diligence, to avoid the detrimental conduct;
(b) if the employer has a policy dealing with any or all of the matters referred to in subsection 1317Al(5) of the Corporations Act 2001 (whether or not section 1317Al of that Act requires the employer to have such a policy)—the extent to which the employer gave effect to that policy;
(c) any duty that the employer was under to prevent the detrimental conduct, or to take reasonable steps to ensure that the detrimental conduct was not engaged in.

Schedule 1, page 35 (after line 28), at the end of the Schedule, add:

**Part 4—Contingent amendments**

*Corporations Act 2001*

33 In the appropriate position in subsection 1317E(3)

Insert:

<table>
<thead>
<tr>
<th>Subsection 1317AAE(1)</th>
<th>breach of confidentiality of identity of whistleblower</th>
</tr>
</thead>
</table>

| Subsections 1317AC(1), (2) and (3) | victimisation or threatened victimisation of whistleblower |

34 At the end of Part 10.32

Add:

1644A Application of amendments relating to penalties

The amendments made by Part 4 of Schedule 1 to the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2018* apply in relation to the commission of an offence if the conduct constituting the commission of the offence occurs wholly on or after the commencement of that Part.

35 Schedule 3 (table items dealing with subsections 1317AC(1), (2) and (3) and subsection 1317AE(1))

Repeal the items, substitute:

<table>
<thead>
<tr>
<th>Subsection 1317AAE(1)</th>
<th>6 months imprisonment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsections 1317AC(1), (2) and (3)</td>
<td>2 years imprisonment</td>
</tr>
<tr>
<td>Subsections 1317AI(1), (2) and (3)</td>
<td>60 penalty units</td>
</tr>
</tbody>
</table>

*Taxation Administration Act 1953*

36 Subsection 14ZZW(1) (penalty)

Omit “30 penalty units”, substitute “60 penalty units”.

37 Subsections 14ZZY(1) and (2) (penalties)

Omit “120 penalty units”, substitute “240 penalty units”.

38 Application of amendments

The amendments of the *Taxation Administration Act 1953* made by this Part apply in relation to the commission of an offence if the conduct constituting the commission of the offence occurs wholly on or after the commencement of this Part.

Question—That the bill, as amended, be agreed to—divided at the request of Senator Seselja in respect of item 8 of Schedule 1.
Item debated.
Question—That item 8 of Schedule 1 stand as printed—put and negatived.
Senator Whish-Wilson moved the following amendment:
Page 2 (after line 11), after clause 3, insert:

4 Review of operation of amendments

(1) Within 2 years after the commencement of this section, the Minister must cause to be conducted an independent review of the operation of the amendments made by this Act.

(2) The review must:
(a) specifically examine the effectiveness of whistleblower protections amended or introduced by this Act;
(b) consider how the introduction of a rewards system for whistleblowers may increase reporting of corruption, fraud, tax evasion or avoidance, and misconduct within the corporate sector; and
(c) consider and examine an appropriate rewards or bounties system for whistleblowers who provide information that leads to successful enforcement action.

(3) The Minister must cause to be prepared a written report of the review within 12 months of the review commencing.

(4) The Minister must cause copies of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.

Debate ensued.
Question—That the amendment be agreed to—put and negatived.
Bill, as amended, agreed to and reported with amendments.

On the motion of Senator Seselja the report from the committee was adopted and the bill read a third time.

6 Consideration of legislation
The Assistant Minister for Treasury and Finance (Senator Seselja), by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018, allowing it to be considered during this period of sittings.

Document: Senator Seselja tabled the following document:
Consideration of legislation—Statement of reasons for introduction and passage of the bill in the 2018 spring sittings.

Question put and passed.
7 **Order of business—Rearrangement**

The Assistant Minister for Treasury and Finance (Senator Seselja) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018.

Question put and passed.

8 **Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

9 **Social Services Legislation Amendment (Drug Testing Trial) Bill 2018**

Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.

Debate resumed.

*At 11.45 am: Debate was interrupted while Senator Cameron was speaking.*

10 **Notices**

Senator Faruqi: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 27 June 2019:

The feasibility of a National Horse Traceability Register for all horses, with particular reference to:

(a) the existence and adequacy of state or industry-based registers;

(b) the benefits of a national register, including for animal welfare, biosecurity safety (including for the prevention and management of Emergency Animal Diseases, such as equine influenza and African Horse Sickness), backyard breeding and the integrity of trade in horses;

(c) overseas models of national tracking systems for horses; and

(d) any related matters.

Senator Hanson-Young: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Competition and Consumer Act 2010* to prevent unfair practices in the supply of goods that exhibit Indigenous cultural expressions, and for related purposes. *Competition and Consumer Amendment (Prevention of Exploitation of Indigenous Cultural Expressions) Bill 2019.* (general business notice of motion no. 1353)
Senator McGrath: To move on the next day of sitting—That the Senate—

(a) recognises that Queensland Agricultural Training Colleges provide vital skills to graduates, and contribute to the viability of the Queensland agricultural sector as a whole, which employs over 57,000 people in the agriculture, forestry and fishing industries and was worth over $19 billion to the state’s economy in 2017-18;

(b) notes that the flagship Longreach and Emerald Training Colleges are being shut down after operating for more than 50 years, have helped thousands of graduates to achieve rewarding careers over this time, and that, between the two colleges, they employ over 100 staff;

(c) further notes that the Queensland Labor Government is responsible for the decision to close training colleges;

(d) calls on the Queensland Labor Government to reconsider its decision to close the Longreach and Emerald Queensland Agricultural Training Colleges; and

(e) condemns the Queensland Labor Government for turning its back on $245 million in Federal funding from the Skilling Australians Fund, which would have created 50,000 new apprenticeships in Queensland over the next four years. (general business notice of motion no. 1354)

Senator McGrath: To move on 14 February 2019—That the following bill be introduced: A Bill for an Act to prevent higher education providers charging a mandatory student services and amenities fee, and for related purposes. Higher Education Legislation Amendment (Voluntary Student Services and Amenities Fee) Bill 2019. (general business notice of motion no. 1355)

Senator Carr: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Industry, Science and Technology, by no later than 3.30 pm on 13 February 2019: any correspondence between the Prime Minister and the Minister for Industry, Science and Technology regarding the Australian complementary medicine industry. (general business notice of motion no. 1356)

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

(a) notes:

(i) the revelations last year of dual citizenship and holding office for profit under the Crown that led to some of those sitting in the Senate being found to have been ineligible to have been elected,

(ii) that, in a number of cases, those concerned knew or might reasonably have been expected to know that they were not entitled to claim to be a senator but still continued to sit in the Senate,

(iii) that under the circumstances in which an individual knew that they were not entitled to sit in the Senate but continued to collect a salary and allowances as though they were a senator, they have defrauded the Australian people,

(iv) that in all cases, such faux senators collected remuneration to which they were not entitled but which rightly belonged to the next eligible candidate for election on the ticket of their party, and

(v) that despite being removed from sitting in the Senate by order of the High Court sitting as the Court of Disputed Returns, some of these individuals have had the audacity to try to again seek election to the Senate; and
(b) calls on the Federal Government:

(i) in circumstances in which such previously disqualified individuals succeed in returning to the Senate, to impose a garnishee on any remuneration that they would receive as senators in order to recover all salary and allowances previously paid to them for which they had no entitlement, and

(ii) to pay such funds recovered to the individuals next on their party tickets who were entitled to be elected when they were disqualified. (general business notice of motion no. 1357)

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

(a) notes:

(i) the Australian Electoral Commission published figures about political donations received in the 2017-18 financial year on 1 February 2019,

(ii) that voters have the right to know which bodies are donating how much to which political party in the lead up to an election, and

(iii) that transparency in relation to electoral donations is critical to the healthy functioning of democracy; and

(b) calls on the Federal Government to:

(i) ban corporate donations from vested interests that seek to influence government policy,

(ii) cap all other donations to political parties to $1000 per year, and

(iii) implement real-time disclosure of donations to political parties. (general business notice of motion no. 1358)

Notices of motion withdrawn: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to notice of intention given on 5 December 2018, withdrew business of the Senate notices of motion standing in his name, as follows:

Business of the Senate notice of motion no. 1 for 4 sitting days after today for the disallowance of the Financial Framework (Supplementary Powers) Amendment (Defence Measures No. 1) Regulations 2018 [F2018L01128].

Business of the Senate notice of motion no. 3 for 7 sitting days after today for the disallowance of the Banking (prudential standard) determination No. 4 of 2018 – Prudential Standard APS 221 Large Exposures [F2018L01190].

11 Selection of Bills—Standing Committee—Report no. 15 of 2018

Senator Williams, at the request of the Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 15 OF 2018

1. The committee met in private session on Wednesday, 5 December 2018 at 7.28 pm.

2. The committee recommends that—

(a) the Corporations (Aboriginal and Torres Strait Islander) Amendment (Strengthening Governance and Transparency) Bill 2018 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 11 February 2019;
(b) contingent upon introduction in the House of Representatives, the provisions of the Export Finance and Insurance Corporation Amendment (Support for Infrastructure Financing) Bill 2018 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 6 February 2019;

(c) the provisions of the Future Drought Fund Bill 2018 and the Future Drought Fund (Consequential Amendments) Bill 2018 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 8 February 2019;

(d) the Galilee Basin (Coal Prohibition) Bill 2018 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 13 February 2019;

(e) the Lower Tax Bill 2018 be referred immediately to the Economics Legislation Committee for inquiry and report by 2 April 2019;

(f) the provisions of the Migration Amendment (Streamlining Visa Processing) Bill 2018 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 February 2019;

(g) contingent upon introduction in the House of Representatives, the provisions of the National Disability Insurance Scheme Amendment (Worker Screening Database) Bill 2018 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 8 February 2019;

(h) the Parliamentary Joint Committee on the Australia Fund Bill 2018 be referred immediately to the Economics Legislation Committee for inquiry and report by 3 April 2019;

(i) the provisions of the Social Services and Other Legislation Amendment (Supporting Retirement Incomes) Bill 2018 be referred immediately to the Economics Legislation Committee for inquiry and report by 11 February 2019; and

(j) contingent upon introduction in the House of Representatives, the provisions of the Treasury Laws Amendment (Consumer Data Right) Bill 2018 be referred immediately to the Economics Legislation Committee for inquiry but was unable to reach agreement on a reporting date.

3. The committee recommends that the following bills not be referred to committees:
   Aboriginal Land Rights (Northern Territory) Amendment (Land Scheduling) Bill 2018
   Australian Research Council Amendment (Ensuring Research Independence) Bill 2018
   Environment Protection and Biodiversity Conservation Amendment (Great Australian Bight) Bill 2018
   Halal Certification Transitional Authority Bill 2018
   Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018
   Social Security Commission Bill 2018 [No. 2]
   Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Bill 2018.
4. The committee deferred consideration of the following bills to its next meeting:
   - Australian Cannabis Agency Bill 2018
   - Business Names Registration (Fees) Amendment (Registries Modernisation) Bill 2018
   - CommonwealthRegisters Bill 2018
   - Corporations (Fees) Amendment (Registries Modernisation) Bill 2018
   - Customs Amendment (Peru-Australia Free Trade Agreement Implementation) Bill 2018
   - Customs Tariff Amendment (Craft Beer) Bill 2018
   - Customs Tariff Amendment (Peru-Australia Free Trade Agreement Implementation) Bill 2018
   - Defence Legislation Amendment Bill 2018
   - Excise Tariff Amendment (Supporting Craft Brewers) Bill 2018
   - Major Sporting Events (Indicia and Images) Protection Amendment Bill 2018
   - National Consumer Credit Protection (Fees) Amendment (Registries Modernisation) Bill 2018
   - National Integrity Commission Bill 2018 (No. 2)
   - Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulations References) Bill 2018
   - Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Regulations References) Bill 2018
   - Parliamentary Service Amendment (Post-election Report) Bill 2018
   - Sex Discrimination and Marriage Legislation Amendment (Protecting Supporters of Traditional Marriage) Bill 2018
   - Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018
   - Tertiary Education Quality and Standards Agency Amendment Bill 2018
   - Treasury Laws Amendment (2018 Measures No. 6) Bill 2018
   - Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2018
   - Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2018
   - Treasury Laws Amendment (Tax Integrity and Other Measures No. 3) Bill 2018.

5. The committee considered the Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2018 but was unable to reach agreement.

David Bushby
Chair
6 December 2018.

Senator Williams moved—That the report be adopted.

The Assistant Minister for International Development and the Pacific (Senator Ruston) moved the following amendment:

At the end of the motion, add “and, in respect of:

(a) the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, the bill and all circulated amendments to the bill be referred to the Education and Employment Legislation Committee for inquiry and report by 11 February 2019;
(b) the Treasury Laws Amendment (Consumer Data Right) Bill 2018, the provisions of the bill be referred to the Economics Legislation Committee for inquiry and report by 11 February 2019; and

(c) the Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2018, the provisions of the bill be referred to the Economics Legislation Committee for inquiry and report by 11 February 2019”.

Senator Urquhart moved the following amendment to Senator Ruston’s proposed amendment:

Paragraph (a), omit “Education and Employment Legislation Committee”, substitute “Legal and Constitutional Affairs References Committee”.

Question—That Senator Urquhart’s amendment to Senator Ruston’s proposed amendment be agreed to—put.

The Senate divided—

AYES, 31

Bilyk  Hanson-Young  O’Neill  Steele-John
Carr  Hinch  Patrick  Sterle
Chisholm  Ketter  Polley  Urquhart*
Di Natale  Lines  Pratt  Waters
Farrell  McAllister  Rice  Watt
Farniq  McCarthy  Stewart  Whish-Wilson
Gallacher  McKim  Singh  Wong
Griff  Moore  Smith, David

NOES, 29

Abetz  Cormann  Hanson  O’Sullivan
Bernardi  Duniam  Hume  Reynolds
Birmingham  Fawcett  Leyonhjelm  Ruston
Brockman  Fierravanti-Wells  Macdonald  Ryan
Burston  Fifield  McGrath  Seselja
Canavan  Georgiou  McKenzie  Stoker
Cash  Gichuhi  Molan  Williams*

* Tellers

Question agreed to.

Senator Urquhart moved the following amendments to Senator Ruston’s proposed amendment, as amended, together by leave:

Paragraph (b), omit “11 February 2019”, substitute “18 March 2019”.

Paragraph (c), omit “11 February 2019”, substitute “18 March 2019”.

The question was divided at the request of Senator Urquhart—

Question—That Senator Urquhart’s amendment with respect to paragraph (b) of Senator Ruston’s proposed amendment be agreed to—put.
The Senate divided—

**AYES, 30**

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**NOES, 29**

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* Tellers

Question agreed to.

Question—That Senator Urquhart’s amendment with respect to paragraph (c) of Senator Ruston’s proposed amendment be agreed to—put and passed.

The Minister for Communications and the Arts (Senator Fifield) moved the following amendment to Senator Ruston’s amendment, as amended:

Paragraph (a), as amended, omit “Legal and Constitutional Affairs References Committee”, substitute “Legal and Constitutional Affairs Legislation Committee”.

Question—That Senator Fifield’s amendment to Senator Ruston’s proposed amendment, as amended, be agreed to—put and passed.

The question on Senator Ruston’s amendment, as amended, was divided at the request of Senator Siewert—

Question—That paragraph (a) of the amendment, as amended, be agreed to—put and passed.

Question—That paragraphs (b) and (c) of the amendment, as amended, be agreed to—put and passed.

Senator Urquhart moved the following amendment:

At the end of the motion, add “and in respect of the:

(a) National Integrity (Parliamentary Standards) Bill 2018, the provisions of the bill be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 5 April 2019; and

(b) National Integrity Commission Bill 2018 (No. 2), the bill be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 5 April 2019”.

The question was divided at the request of Senator Siewert—

Question—That paragraph (a) of the amendment be agreed to—put and passed.

Question—That paragraph (b) of the amendment be agreed to—put and passed.

Main question, as amended, put and passed.
12 **Leave of absence**

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

Question put and passed.

Senator Bushby, by leave, moved—That leave of absence be granted to the following senators for today:

(a) Senator Payne, on account of parliamentary business; and

(b) Senator Scullion, for personal reasons.

Question put and passed.

13 **Postponement**

Business was postponed as follows:

General business notice of motion no. 1309 standing in the name of Senator Anning for today, relating to the UN Global Compact on Refugees, postponed till 12 February 2019.

14 **Parliamentary privilege—Seizure of material by executive agencies**

The Leader of the Opposition in the Senate (Senator Wong), at the request of Senator O’Neill and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1350—That the Senate—

(a) notes that:

(i) the law of parliamentary privilege is intended to protect the ability of legislative Houses, their members and committees, to exercise their authority and perform their duties without undue external interference, and

(ii) an aspect of that law is the protection of the legislature against improper interference by the judiciary and the executive;

(b) further notes and affirms that:

(i) the powers, privileges and immunities of the Senate and the House of Representatives are secured through s.49 of the Constitution, and include the traditional freedoms formulated in Article 9 of the Bill of Rights 1688, protecting speech and debates in Parliament against being impeached or questioned in any court or place out of Parliament,

(ii) the protection of privileged material in proceedings of courts and tribunals, descended from Article 9, is declared and enacted in s.16 of the Parliamentary Privileges Act 1987,

(iii) the protections recited in Article 9 and secured through s.49 are not confined to courts and tribunals, but also encompass the protection of privileged material against incursion by the executive and executive agencies,

(iv) the protection of privileged material against seizure by executive agencies under warrant is acknowledged and secured by a settlement between the legislature and the executive, whose purpose is to ensure that search warrants are executed without improperly interfering with the functioning of Parliament, and

(v) the National AFP Guideline developed under this settlement is intended to enable informed claims of privilege to be made and determined, with seized material sealed with a third party until those claims are resolved;
(c) declares, for the avoidance of doubt:

(i) that the right of the Houses to determine claims of privilege over material sought to be seized or accessed by executive agencies adheres regardless of the form of the material, the means by which those agencies seek seizure or access, and the procedures followed, and

(ii) in particular, that these rights adhere against the covert use of intrusive powers, by which agencies may seek to seize or access information connected to parliamentary proceedings without the use or presentation of warrants;

(d) requires the executive and executive agencies to observe the rights of the Senate, its committees and members in determining whether and how to exercise their powers in matters which might engage questions of privilege; and

(e) calls on the Attorney-General, as a matter of urgency, to work with the Presiding Officers of the Parliament to develop a new protocol for the execution of search warrants and the use by executive agencies of other intrusive powers, which complies with the principles and addresses the shortcomings identified in reports tabled in the 45th Parliament by the Senate Committee of Privileges and the House of Representatives Committee of Privileges and Members Interests.

Question put and passed.

15 Indigenous Governance Awards

Senator Siewert, also on behalf of Senators Dodson and Scullion, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1346—That the Senate—

(a) notes that:

(i) this year’s Indigenous Governance Awards were held on 23 November in Melbourne, and

(ii) the Awards identify, celebrate and promote effective Indigenous governance, which is about Aboriginal and Torres Strait Islander peoples making and implementing decisions about their communities, lives and futures;

(b) recognises the calibre of the nine finalists for the Awards; and

(c) congratulates the winning organisations of the 2018 Indigenous Governance Awards.

Question put and passed.

16 Women surfers

Senator Siewert, also on behalf of Senators Pratt, McKenzie, Waters, O’Neill, Polley, Hanson-Young, Stoker, Gichuhi, Fierravanti-Wells, Ruston, Payne, Cash, Moore, Reynolds, Brown, Kitching, Hume, Rice, Faruqi, Singh, Lines, Wong, Collins, Urquhart, McAllister, Keneally, Bilyk, McCarthy, Hanson and Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1352—That the Senate—

(a) notes the success of Australian women surfers in recent world titles;

(b) congratulates Ms Stephanie Gilmore on winning her seventh world surfing championship, and Ms Shakira Westdorp on winning her third consecutive world paddleboard title; and
(c) encourages young women everywhere to discover their dreams and follow the knowledge they can expect to be recognised and supported to succeed.

Statements by leave: Senator Bernardi and the Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made statements relating to the motion.

Question put and passed.

17 Order of business—Rearrangement

The Assistant Minister for International Development and the Pacific (Senator Ruston) moved—That the order of general business for consideration today be as follows:

(a) general business orders of the day:
   No. 48 Environment and Infrastructure Legislation Amendment (Stop Adani) Bill 2017, and
   No. 94 A Fair Go for Australians in Trade Bill 2018 [No. 2]; and
(b) orders of the day relating to documents.

Question put and passed.

18 Electoral Matters—Joint Standing Committee—Reference

The Assistant Minister for International Development and the Pacific (Senator Ruston), at the request of the Minister for Finance and the Public Service (Senator Cormann) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—

(1) That the following matter be referred to the Joint Standing Committee on Electoral Matters established in the next Parliament, for commencement of a review on the second anniversary for the Royal Assent of the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018:


The review will consider:

(a) the operation of the amendments during the federal election immediately following the enactment of the amendments;
(b) the clarity of public guidance products issued by regulators;
(c) how the Bill’s objectives can continue to be achieved in the most effective way while minimising red tape; and
(d) any impacts from the amendments that are relevant to issue-based advocacy.

(2) That the committee report within 6 months of receiving the reference.

Statements by leave: Senators Ruston, Chisholm and Leyonhjelm, by leave, made statements relating to the motion.

Question put and passed.
19 **Australian Marriage Law Postal Survey—First anniversary of result**

Senator Rice, also on behalf of Senator Pratt, amended general business notice of motion no. 1208 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:
   (i) 7 December 2018 marks the first anniversary of marriage equality in Australia,
   (ii) this resounding ‘yes’ vote is something to be celebrated, as is the passing of marriage equality in Australia,
   (iii) the postal survey in itself is not to be celebrated, as it was opposed by the majority of LGBTIQ+ Australians and caused a lot of harm to LGBTIQ+ Australians and their families,
   (iv) the historic ‘yes’ vote and the passing of marriage equality was the result of decades of tireless campaigning by brave community leaders and activists, and
   (v) marriage equality is not the end of the fight for equality for LGBTIQ+ Australians and their families, many of whom still face discrimination in their daily lives; and

(b) calls on all parliamentarians to continue to work to end discrimination against LGBTIQ+ Australians and their families in all areas of their lives.

*Statements by leave:* The Assistant Minister for International Development and the Pacific (Senator Ruston) and Senator Rice, by leave, made statements relating to the motion.

Question put and passed.

20 **Universal Declaration of Human Rights**

Senator Urquhart, at the request of Senators Bilyk and Moore and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1288—That the Senate—

(a) notes that:
   (i) 10 December 2018 marks 70 years since the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR),
   (ii) the UDHR is a non-binding international agreement which states the basic rights and fundamental freedoms to which all human beings are entitled, and
   (iii) over the past 70 years the UDHR has had an important influence on the development of international human rights law, and led to a range of other important binding international agreements, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

(b) celebrates the vital role of the UDHR in the advancement of human rights over the past 70 years; and

(c) calls on the Australian Government, and all future Australian Governments, to observe and uphold human rights in their decisions.

*Statement by leave:* The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put and passed.
21 **Tasmania—Luxury camp on Hall Island**

Senator McKim amended general business notice of motion no. 1319 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) a proposal was lodged with the Tasmanian Government for a fly-in, fly-out ‘luxury standing camp’ on Halls Island in Lake Malbena, inside the Tasmanian Wilderness World Heritage Area, and that:

(A) the proposal is for the construction of three accommodation huts and a kitchen hut to accommodate up to 6 guests and 2 guides on up to 30 trips per year,

(B) guests and guides will be transported to Lake Malbena by helicopter,

(C) estimates of total helicopter flights per year range from 30 to 120, and

(D) officials from the Department of the Environment and Energy are unaware of the total number of helicopter flights per year when construction, maintenance and servicing of the camp are also considered,

(ii) in the last week of August this year, the Department of the Environment and Energy declared that the activity would not be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act), noting that controlled action simply means that the proposal would proceed to the next step in the process (environmental assessment and approval), as significant impacts are likely,

(iii) in its 2016 Tasmanian Wilderness World Heritage Master Plan, the Tasmanian Government rezoned Lake Malbena and much of the surrounding shoreline from ‘wilderness’ to ‘self-reliant recreation zone’, allowing greater development and activity at the site, and that:

(A) this rezoning was done without public consultation,

(B) the proposal has been deemed compliant with the 2016 Tasmanian Wilderness World Heritage Management Plan on the basis of ‘low level impact’ on wilderness character, and

(C) many submissions noted that such a conclusion would not have been possible without the 2016 rezoning,

(iv) over 900 submissions to the referral under the Act opposed the development, three submissions did not express a position and no submissions expressed support, and that an independent advisory body, the National Parks and Wildlife Advisory Committee, do not support this development and has, along with the Australian Heritage Council, highlighted its likely impacts on wilderness, other World Heritage values and the tranquillity of this remote precinct,
(v) the Anglers Alliance Tasmania, representing 27,000 recreational anglers, and the Wilderness Society, representing over 30,000 conservationists, also strongly opposed the development in its submission on similar grounds – the Anglers Alliance Tasmania and Wilderness Society expressed strong concerns that the development has been approved without any consideration of the voice of submitters to the referral process, such as recreational anglers and conservationists, who addressed relevant matters under the Act,

(vi) the development is also opposed by the Tasmanian Aboriginal Centre,

(vii) an independent wilderness consultant’s report commissioned by the Wilderness Society found that the proposal would have a significant negative impact on the area’s wilderness character by degrading wilderness across almost 50 square kilometres, including well into the Walls of Jerusalem National Park, and

(viii) the Brief prepared by the Department of the Environment and Energy was completed by the Queensland North section and included a typographical error where ‘Queensland’ was stated instead of ‘Tasmania’; and

(b) agrees that the Minister for the Environment should declare the project a controlled action and properly instigate a full assessment, including public participation from recreational anglers, conservationists and any other interested parties, of the proposal’s impacts on World Heritage values, including wilderness.

Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 32

Bilyk
Carr
Chisholm
Collins
Di Natale
Faruqi
Gallacher
Griff

Hanson-Young
Hinch
Keneally
Ketter
Lines
McAllister
McCarthy
McKim

Moore
Patrick
Polley
Pratt
Rice
Siewert
Singh
Smith, David

Steele-John
Sterle
Storer
Urquhart*
Waters
Watt
Whish-Wilson
Wong

NOES, 25

Abetz
Bernardi
Birmingham
Brockman
Brishby*
Canavan
Colbeck

Cormann
Duniam
Fawcett
Ferravanti-Wells
Fifield
Gichahu

Hume
Macdonald
McGrath
McKenzie
Molan
O’Sullivan

Reynolds
Ruston
Ryan
Seselja
Stoker
Williams

* Tellers

Question agreed to.
22 Drug and alcohol treatment services—Funding—Mount Gambier—Order for production of documents

Senator Griff, also on behalf of Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1325—

That the Senate—

(a) notes that:

(i) according to the 2016 National Drug Strategy Household Survey:

(A) 6.3% of, or 1.3 million, Australians over the age of 14 reported having used methamphetamines,

(B) among recent methamphetamine users, more than half (57%) reported using crystal methamphetamine,

(C) of those who had used methamphetamines, including ice, in the past 12 months, 20.4% used these drugs weekly or daily,

(D) rates of methamphetamine use were 2.5 times as high among people living in remote or very remote areas, compared to rates among those living in major cities or regional areas, and

(E) young people aged between 18 and 24 years old living in rural areas are more likely to report recent drug use, compared to their city counterparts,

(ii) on 23 November 2018, the Minister for Health, Mr Hunt, announced a $20 million funding package to boost drug and alcohol treatment services in South Australia, particularly in regional and rural areas,

(iii) this funding will be available over three years and will be provided as grants of up to $2.5 million in locations specified as ‘areas of need’, comprising the Fleurieu region, Peterborough and the Mid North, Port Augusta, Ceduna, Murray Bridge, Playford, Port Adelaide and Onkaparinga,

(iv) all other areas of South Australia, including Mount Gambier, have been locked out of applying for this funding,

(v) there is no detox service offered in the Mount Gambier Hospital,

(vi) rehabilitation facilities are offered only in shared houses or family houses,

(vii) clients wishing to detox must travel nearly 500 km to Adelaide to do so,

(viii) counselling staff are under-resourced, with some seeing up to 7 clients per day, leaving little time for follow-up letters for their clients to doctors, lawyers or other relevant ongoing referrals, and

(ix) the wait time for a person to see a drug or alcohol counsellor in the Mount Gambier region is up to three to four weeks; and

(b) orders that there be laid on the table by the Minister representing the Minister for Health, by 9 am on 20 December 2018, the information and sources it relied on to make the decision to exclude Mount Gambier-based services from applying for this funding.

Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put and passed.
23 **China**

*Motion determined as not formal*: Senator Griff requested that general business notice of motion no. 1326 standing in his name for today, relating to Australia’s relationship with China, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

*Statements by leave*: Senator Griff and the Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made statements relating to the motion.

*After 12.45 pm—*

24 **Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018**

Order of the day read for the adjourned debate on the motion of the Minister for Communications and the Arts (Senator Fifield)—That this bill be now read a second time.

*Closure*: The Leader of the Opposition in the Senate (Senator Wong) moved—That the question be now put.

*Ruling of President*: The President ruled that, in accordance with standing order 142(5), it was not in order for Senator Wong to move the motion.

Debate continued.

Senator Bernardi moved the following amendment:

At the end of the motion, add “but the Senate is of the view that:

(a) the Government should promptly release the statutory review of the Administrative Appeals Tribunal, particularly those aspects relating to the Migration and Refugee Divisions, conducted by the Honourable Ian Callinan, AC, QC;

(b) the Government should take all possible steps to prevent the presentation of late evidence in migration and refugee cases;

(c) only Australian citizens should be given access to legal aid assistance in cases in the Migration and Review Division of the Administrative Appeals Tribunal; and

(d) if legal aid is granted in the Migration and Review Division of the Administrative Appeals Tribunal to persons who are not Australian citizens, then the quantum of the grant of legal aid should be recovered via the taxation system in future years.

Debate ensued.

The Minister for Finance and the Public Service (Senator Cormann) moved—That the debate be adjourned.

Question put.
The Senate divided—

**AYES, 30**

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**NOES, 32**

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* Tellers

Question negatived.

**Limitation of debate:** The time allotted for consideration of the bill expired.

The question on the amendment was divided at the request of Senator Fifield—

Question—That paragraph (a) of the amendment be agreed to—put.

The Senate divided—

**AYES, 5**

<table>
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<tr>
<th>Senators</th>
<th>Georgiou</th>
<th>Hansson</th>
<th>Leyonhjelm</th>
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**NOES, 55**

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<th>Farrell</th>
<th>Gallacher</th>
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* Tellers

Question negatived.

Question—That paragraph (b) of the amendment be agreed to—put.
The Senate divided—

AYES, 30

Senators—

Abetz
Bernardi
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Hanson
Hume*
Leyonhjelm
Molan

Senators—

Brown
Cameron
Carr
Chisholm
Collins
Di Natale
Farrell
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter*
Kitching
Lines
McAllister

NOES, 32

Senators—

Bernardi*
Burston
Georgiou
Hanson
Leyonhjelm

NOES, 56

Senators—

Abetz
Birmingham
Brockman
Brown
Bushby
Cameron
Canavan
Carr
Cash
Chisholm
Colbeck
Collins
Cormann
Di Natale
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Gichuhi
Hanson-
Young
Hinch
Ketter
Kitching
Lines
McAllister

* Tellers

Question negatived.

Question—That paragraph (c) of the amendment be agreed to—put.

The Senate divided—

AYES, 5

Senators—

Bernardi*
Burston
Georgiou
Hanson
Leyonhjelm

NOES, 56

Senators—

Abetz
Birmingham
Brockman
Brown
Bushby
Cameron
Canavan
Carr
Cash
Chisholm
Colbeck
Collins
Cormann
Di Natale
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Gichuhi
Hanson-
Young
Hinch
Ketter
Kitching
Lines
McAllister

* Tellers

Question negatived.

Question—That paragraph (d) of the amendment be agreed to—put.
The Senate divided—

**AYES, 5**

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**NOES, 56**

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* Tellers

Question negatived.

The following amendment circulated by the Government was considered:

At the end of the motion, add “and that further consideration of this bill be deferred until after the Parliamentary Joint Committee on Intelligence and Security has inquired and reported into all of the amendments circulated on this bill by no later than 30 March 2019”.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 29**

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* Tellers

Question negatived.
The following amendment circulated by the United Australia Party was considered:

Omit all words after “That”, substitute “the Senate insists consideration of the bill be postponed until formal advice from the Director-General of the Australian Security Intelligence Organisation and the Australian Federal Police Commissioner has been tabled in the Senate about the national security implications of the amendments circulated to this bill”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Abetz  Cormann  Gichuhi  O’Sullivan
Bernardi  Cormann  Hanson  Reynolds
Birmingham  Duniam  Hume  Ruston
Brockman  Fawcett  Leyonhjelm  Ryan
Burston  Fieravranti-Wells  McGrath  Seselja
Bushby*  Fifield  McKenzie  Stoker
Canavan  Georgiou  Molan  Williams
Cash

NOES, 31

Brown  Griff  McKim  Steele-John
Carr  Hanson-Young  O’Neill  Sterle
Chisholm  Hinch  Patrick  Storer
Collins  Ketter  Pratt  Urquhart*
Di Natale  Kitching  Rice  Waters
Farrell  Lines  Stewart  Watt
Faruqi  McAllister  Singh  Whish-Wilson
Gallacher  McCarthy  Smith, David

* Tellers

Question negatived.

Leave refused: Senator Bernardi sought leave to move an additional amendment.

Proposed suspension of standing orders: Senator Bernardi moved—That so much of the standing orders be suspended as would prevent Senator Bernardi moving the amendment.

Question put.

The Senate divided—

AYES, 29

Abetz  Cormann  Gichuhi  O’Sullivan
Bernardi  Cormann  Hanson  Reynolds
Birmingham  Duniam  Hume  Ruston
Brockman  Fawcett  Leyonhjelm  Ryan
Burston  Fieravranti-Wells  McGrath  Seselja
Bushby*  Fifield  McKenzie  Stoker
Canavan  Georgiou  Molan  Williams
Cash
Proposed suspension of standing orders: Senator Bernardi moved—that so much of standing order 142 be suspended as would prevent further consideration of the bill without limitation of time.

Debate ensued.

Closure: Senator Wong moved—that the question be now put.

Question—that the question be now put—put.

The Senate divided—

AYES, 32

Senators—

Brown
Carr
Chisholm
Collins
Di Natale
Farrell
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lines
McAllister
McCarthy
McKim
O’Neill
Patrick
Pratt
Rice
Siewert
Singh
Smith, David

Steele-John
Sterle
Storer
Unquhart*
Waters
Watt
Whish-Wilson

NOES, 30

Senators—

Abetz
Bernardi
Birmingham
Brockman
Burton
Bushby*
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Molan

O’Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams

* Tellers

Question agreed to.

Question—that the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 30

Senators—

Abetz
Bernardi
Birmingham
Brockman
Burton
Bushby*
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Molan

O’Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams

* Tellers
NOES, 32

Senators—

Brown
Carr
Chisholm
Collins
Di Natale
Farrell
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lanes
McAllister
McCarthy
McKim
O’Neill
Patrick
Pratt
Rice
Stewart
Singh
Smith, David
Steele-John
Sterle
Storer
Waters
Watt
Whish-Wilson

* Tellers

Question negatived.

Leave refused: The Leader of Pauline Hanson’s One Nation (Senator Hanson) sought leave to move a motion to extend the time for debate to 5 pm. An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Hanson moved—That so much of standing order 142 be suspended as would prevent further consideration of the bill until 5 pm.

Ruling of President: The President, after receiving a submission from Senator Wong and in accordance with earlier rulings of Presidents, ruled that further motions for the suspension of standing orders subsequent to the motion of Senator Hanson would not be in order. The majority of the Senate had determined that the bill be considered under a limitation of time and had also declined to suspend standing orders to vary this in its earlier votes. Requests should not be capable of being repeatedly made, because this would provide means of permanently obstructing the business of the Senate.

Debate ensued.

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

Question—That the question be now put—put.

The Senate divided—

AYES, 32

Senators—

Brown
Carr
Chisholm
Collins
Di Natale
Farrell
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lanes
McAllister
McCarthy
McKim
O’Neill
Patrick
Pratt
Rice
Stewart
Singh
Smith, David
Steele-John
Sterle
Storer
Waters
Watt
Whish-Wilson

* Tellers

Question agreed to.

NOES, 30

Senators—

Abetz
Bernardi
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Molan
O’Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams*

* Tellers

Question agreed to.
Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 30

Senators—

Abetz
Bernardi
Birmingham
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Macdonald
McGrath
McKenzie
Molan

O'Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams*

NOES, 32

Senators—

Brown
Carr
Chisholm
Collins
Di Natale
Farrell
Faruq
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lines
McAllister
McCarthy

McKim
O’Neill
Patrick
Pratt
Rice
Siewert
Singh
Smith, David

Steele-John
Sterle
Storer
Urqhart*
Waters
Watt
Whish-Wilson
Wong

* Tellers

Question negatived.

Question—That this bill be now read a second time—put.

The Senate divided—

AYES, 32

Senators—

Brown
Carr
Chisholm
Collins
Di Natale
Farrell
Faruq
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
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Steele-John
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NOES, 30

Senators—

Abetz
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Canavan
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Colbeck
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Macdonald
McGrath
McKenzie
Molan

O'Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams*

* Tellers

Question agreed to.

Bill read a second time.
The following amendments circulated by Senator Storer and the Australian Greens, and amendments to those amendments circulated by the Government, were considered:

Amendments circulated by Senator Storer and the Australian Greens:

No. 1—Clause 2, page 2 (at the end of the table), add:

7. Schedule 6 The day after this Act receives the Royal Assent.

No. 2—Page 10 (after line 13), at the end of the bill, add:

Schedule 6—Transitory persons

Migration Act 1958

1 Subsection 5(1)

Insert:

legacy minor has the meaning given by subsection 198D(1).
relevant transitory person has the meaning given by subsection 198E(2).
treating doctor has the meaning given by subsection 198E(7).

2 Paragraph 42(2A)(ca)

Omit “section 198B”, substitute “section 198B or 198C”.

3 At the end of section 198B

Add:

(4) Without limiting the generality of subsection (1), a temporary purpose may include:
(a) medical or psychiatric assessment or treatment; or
(b) accompanying a person who has or will be brought to Australia in accordance with subsection (1) or section 198C, if that person is a member of the same family unit or if recommended by a medical practitioner.

4 After section 198B

Insert:

198C Transfer of legacy minors, relevant transitory persons and family members for medical treatment

Transfer of legacy minors

(1) If the Minister approves the transfer of a legacy minor to Australia under section 198D, an officer must, as soon as practicable, bring the legacy minor to Australia for the temporary purpose of medical or psychiatric assessment or treatment.
Note: For legacy minor, see subsection 198D(1).

Transfer of relevant transitory persons

(2) If the Minister approves the transfer of a relevant transitory person to Australia under section 198E or 198F, an officer must, as soon as practicable, bring the person to Australia for the temporary purpose of medical or psychiatric assessment or treatment.
Note: For relevant transitory person, see subsection 198E(2).
Transfer of family unit etc.

(3) If an officer knows or reasonably suspects that a transitory person in a regional processing country is a member of the same family unit as another transitory person (the relevant transferee) who is being brought to or is in Australia for a temporary purpose, and the Minister has approved the transitory person’s transfer under section 198G, the officer must, for the temporary purpose referred to in paragraph 198B(4)(b), bring the transitory person to Australia at the same time as, or as soon as practicable after, the relevant transferee.

(4) If an officer knows or reasonably suspects that a transitory person in a regional processing country has been recommended by a treating doctor to accompany another transitory person (the relevant transferee) who is being brought to or is in Australia for a temporary purpose, and the Minister has approved the person’s transfer under section 198G, the officer must, for the temporary purpose referred to in paragraph 198B(4)(b), bring the transitory person to Australia at the same time as, or as soon as practicable after, the relevant transferee.

(5) If an officer knows or reasonably suspects that a transitory person in a regional processing country is a member of the same family unit as a minor who is in Australia, and the Minister has approved the person’s transfer under section 198G, the officer must, for a temporary purpose, bring the transitory person to Australia.

Miscellaneous

(6) Nothing in this section shall affect the operation of section 198B.

(7) An officer must not bring a person to Australia from a regional processing country in accordance with subsection (1), (3), (4) or (5) while the person does not consent to being brought to Australia.

198D Minister’s approval to bring legacy minors to Australia

(1) As soon as practicable after this section commences, the Secretary must:
   (a) identify each transitory person who, on the day this section commences, is both in a regional processing country and aged under 18 (a legacy minor); and
   (b) notify the Minister that each such person is a legacy minor.

(2) Within 24 hours of being notified that a person is a legacy minor, the Minister must approve, or refuse to approve, the person’s transfer to Australia.

(3) The Minister must approve the person’s transfer to Australia unless the Minister reasonably believes that the transfer of the person to Australia would be prejudicial to security within the meaning of the Australian Security Intelligence Organisation Act 1979, including because an adverse security assessment in respect of the person is in force under that Act.

(4) For the purposes of subsection (3), the Minister must also have regard to the best interests of the person.
(5) If the Minister does not make a decision under subsection (2) within the time required by the subsection, the Minister is, at the end of the time, taken to have approved the person’s transfer under the subsection.

(6) The Minister’s powers under this section may only be exercised by the Minister personally.

(7) The regulations may prescribe processes to be complied with in relation to the exercise of the Minister’s powers under this section.

198E Minister’s approval to bring relevant transitory persons to Australia

(1) If 2 or more treating doctors for a transitory person who is in a regional processing country have notified the Secretary that the person is a relevant transitory person, the Secretary must notify the Minister as soon as practicable.

(2) A person is a relevant transitory person if, in the opinion of a treating doctor for the person:
   (a) the person requires medical or psychiatric assessment or treatment; and
   (b) the person is not receiving appropriate medical or psychiatric assessment or treatment in the regional processing country; and
   (c) it is necessary to remove the person from a regional processing country for appropriate medical or psychiatric assessment or treatment.

(3) Within 24 hours of being notified by the Secretary that a person is a relevant transitory person, the Minister must approve, or refuse to approve, the person’s transfer to Australia.

(4) The Minister must approve the person’s transfer to Australia unless:
   (a) the Minister reasonably believes that it is not necessary to remove the person from a regional processing country for appropriate medical or psychiatric assessment or treatment; or
   (b) the Minister reasonably believes that the transfer of the person to Australia would be prejudicial to security within the meaning of the Australian Security Intelligence Organisation Act 1979, including because an adverse security assessment in respect of the person is in force under that Act.

(5) If the Minister does not make a decision under subsection (3) within the time required by the subsection, the Minister is, at the end of the time, taken to have approved the person’s transfer under the subsection.

(6) The Minister’s powers under this section may only be exercised by the Minister personally.

(7) A medical practitioner is a treating doctor for a transitory person if the medical practitioner:
   (a) is registered or licensed to provide medical or psychiatric services in a regional processing country or in Australia; and
   (b) has assessed the transitory person either remotely or in person.

(8) The regulations may prescribe processes to be complied with in relation to the exercise of the Minister’s powers under this section.
198F Review by Independent Health Advice Panel of refusal on ground that transfer is not medically necessary

(1) If the Minister refuses to approve a relevant transitory person’s transfer to Australia on the ground set out in paragraph 198E(4)(a), the Minister must notify the Independent Health Advice Panel established by section 199A (the panel) as soon as practicable.

Note: The ground set out in paragraph 198E(4)(a) is that the Minister reasonably believes that it is not necessary to transfer the person to Australia for appropriate medical or psychiatric assessment or treatment.

(2) Within 24 hours of being notified by the Minister, the panel must:
   (a) conduct a further clinical assessment of the person (whether in person or remotely); and
   (b) inform the Minister of the findings of that assessment, including its recommendation that:
       (i) the decision to refuse the person’s transfer be confirmed;
       or
       (ii) the person’s transfer be approved.

(3) If the panel does not inform the Minister of its recommendation under subsection (2) within the time required by the subsection, the panel is, at the end of that time, taken to have recommended that the person’s transfer be approved and informed the Minister accordingly.

(4) Within 24 hours of being informed by the panel of its findings and recommendation, the Minister must reconsider the decision to refuse to approve the person’s transfer and either:
   (a) confirm the decision to refuse; or
   (b) approve the person’s transfer.

(5) If the panel recommends that the person’s transfer be approved, the Minister must approve the person’s transfer to Australia unless the Minister reasonably believes that the transfer of the person to Australia would be prejudicial to security within the meaning of the Australian Security Intelligence Organisation Act 1979, including because an adverse security assessment in respect of the person is in force under that Act.

(6) If the Minister does not make a decision under subsection (4) within the time required by the subsection, the Minister is, at the end of the time, taken to have approved the person’s transfer under the subsection.

(7) The Minister’s powers under this section may only be exercised by the Minister personally.

(8) A recommendation made by the panel for the purposes of this section must be agreed to by a majority of the panel’s members.

(9) The regulations may prescribe processes in relation to the exercise of the Minister’s powers under this section.

198G Minister’s approval to bring members of family unit etc. to Australia

(1) An officer must inform the Minister as soon as practicable if the officer has knowledge or reasonable suspicion in relation to a person as mentioned in subsection 198C(3), (4) or (5).
(2) Within 24 hours of being informed by an officer under subsection (1), the Minister must approve, or refuse to approve, the person’s transfer to Australia.

(3) The Minister must approve the person’s transfer to Australia unless the Minister reasonably believes that the transfer of the person to Australia would be prejudicial to security within the meaning of the *Australian Security Intelligence Organisation Act 1979*, including because an adverse security assessment in respect of the person is in force under that Act.

(4) For the purposes of subsection (3), the Minister must also have regard to the best interests of the person.

(5) In deciding whether to approve or refuse to approve the person’s transfer, the Minister must have regard to the best interests of the relevant transferee or minor mentioned in the applicable subsection of section 198C.

(6) The regulations may prescribe processes to be complied with in relation to the exercise of the Minister’s powers under this section.

### 198H AAT review of decisions

Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Minister under subsection 198E(3) to refuse to approve a relevant transitory person’s transfer to Australia (other than on the ground set out in paragraph 198E(4)(b)).

### 198J Tabling of information relating to refusal to approve transitory person’s transfer

(1) This section applies in relation to a decision under section 198D, 198E (other than a decision on the ground set out in paragraph 198E(4)(a)) or 198G to refuse to approve a person’s transfer to Australia.

(2) The Minister must cause a refusal statement to be laid before each House of the Parliament within 3 sitting days of that House after the day the Minister makes the decision.

(3) In this section:

   *refusal statement* means a statement of reasons as to why the Minister made the decision.

(4) A refusal statement tabled in accordance with subsection (3) must not include:
   
   (a) the name of the person; or
   
   (b) any information that may identify the person; or
   
   (c) the name of any other person connected in any way with any person covered by paragraph (a); or
   
   (d) any information that may identify that other person.

### 5 At the end of Division 8 of Part 2

Add:

**Subdivision D—Independent Health Advice Panel**

**199A Independent Health Advice Panel**

(1) The Independent Health Advice Panel (the *panel*) is established by this section.
(2) The objective of the panel is to monitor, assess and report on the physical and mental health of transitory persons who are in regional processing countries and the standard of health services provided to them.

199B Membership and appointment

(1) The panel consists of:
   (a) the person occupying the positions of Chief Medical Officer of the Department and the Surgeon-General of the Australian Border Force;
   (b) the person occupying the position of Commonwealth Chief Medical Officer; and
   (c) not less than 6 other members, including:
      (i) at least one person nominated by the President of the Australian Medical Association;
      (ii) at least one person nominated by the Royal Australian and New Zealand College of Psychiatrists;
      (iii) at least one person nominated by the Royal Australasian College of Physicians; and
      (iv) at least one person who has expertise in paediatric health.

(2) Other than the persons mentioned in paragraphs (1)(a) and (b), each member of the panel is to be appointed by the Minister by written instrument for a minimum term of 3 years.

(3) The Minister must not appoint a person as a member of the panel unless the Minister is satisfied that the person:
   (a) has expertise in one or more of the following:
      (i) the medical profession;
      (ii) mental health;
      (iii) public health;
      (iv) paediatric health; and
   (b) has been nominated by one or more of the following bodies:
      (i) the Australian Medical Association;
      (ii) the Royal Australian and New Zealand College of Psychiatrists;
      (iii) the Royal Australasian College of Physicians;
      (iv) the Australian Psychological Society;
      (v) an Australian professional body prescribed by the regulations.

199C Performance of panel’s functions

(1) Subject to this section, the panel is to carry out its functions in such manner as the panel determines.

(2) In performing its monitoring and assessment functions, the panel may:
   (a) assign different members of the panel to monitor and assess the health of transitory persons in different regional processing countries; and
   (b) travel to regional processing countries to conduct monitoring and assessment activities; and
   (c) assess whether initial assessments of transitory persons on arrival in a regional processing country are adequate; and
(d) assess the adequacy of health services and support provided to transitory persons in regional processing countries; and
(e) monitor a transitory person’s health on an ongoing basis for as long as the transitory person remains in a regional processing country; and
(f) adjudicate between treating doctors if there are differing clinical assessments and recommended treatment options.

(3) The panel may, at any time it considers appropriate, make recommendations to the Minister in respect of the health of transitory persons who have been taken to regional processing countries, including recommendations relating to:
(a) the treatment of individual transitory persons; and
(b) the treatment of a cohort of transitory persons in regional processing countries; and
(c) medical processes and procedures for managing the treatment of a cohort of transitory persons in regional processing countries.

199D Power to obtain information and documents

(1) If the panel has reason to believe that:
   (a) a Department of the Commonwealth or a prescribed authority (a relevant agency); or
   (b) a person who is engaged as a consultant or independent contractor by a relevant agency;
   is capable of giving information or producing documents or other records relevant to the panel’s performance of its functions, the panel may, by notice in writing given to the head of the agency, require the head of the agency or a person nominated by the head of the agency, to give the information or produce the document or other record to the panel.

(2) The panel may specify in a notice given under subsection (1) the place where, or date or time when the information must be given or the document or other record produced.

(3) The Secretary must provide appropriate assistance to the panel for the purpose of ensuring the panel performs its functions and exercises its powers.

(4) Without limiting subsection (3), assistance provided by the Secretary may include:
   (a) allowing the panel appropriate access to records, documents or information relating to the health of transitory persons who are in regional processing countries; and
   (b) ensuring the panel has appropriate administrative support and assistance to perform its functions.

199E Reporting

(1) The panel must, as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year, prepare and give to the Minister a report on its operations during the 3-month period that ended on that day.
(2) The Minister must cause a summary of each report to be laid before each House of the Parliament within 3 sitting days of that House after the report is given to the Minister.

(3) A summary report mentioned in subsection (2) must not include any information that may identify a transitory person.

(4) A summary report mentioned in subsection (2) must provide information about the number of transitory persons who have been brought to Australia under sections 198B and 198C in the relevant 3-month period.

(5) The Minister must prepare a response to any report provided in accordance with subsection (1).

(6) The Minister must cause the response to be laid before each House of Parliament within 3 sitting days of that House after the summary report mentioned in subsection (2) was laid before that House.

(7) A report provided to the Minister under subsection (1), and a summary report laid before a House of Parliament under subsection (2) must include a statement on the timeliness of the provision of information and assistance under section 199D.

(8) Notwithstanding subsection (1), the panel must produce its first report as soon as practicable after the commencement of this Subdivision.

(9) The first report of the panel is to consist of an assessment of:
(a) the physical and mental health conditions of transitory persons in regional processing countries; and
(b) the standards of health services provided to transitory persons in regional processing countries.

6 Subsection 474(4) (before table item 1)
Insert:

1A subsection 198D(2) Approval or refusal to approve transfer of legacy minor to Australia

1B subsection 198E(3) Approval or refusal to approve transfer of relevant transitory person to Australia

1C subsection 198F(4) Confirmation of refusal to approve transfer, or approval of transfer, of relevant transitory person to Australia

1D subsection 198G(2) Approval or refusal to approve transfer of a transitory person to Australia

7 Subsection 499(1)
After “this Act”, insert “(other than the panel established under section 199A)”.

Amendments circulated by the Government to amendment no. 1:
No. 1—After proposed subsection 198C(5), insert:

(5A) An officer must not bring a person to Australia from a regional processing country in accordance with subsections (3) to (5) if the officer knows or reasonably suspects that the person does not pass the character test under section 501(6).
No. 2—After proposed subsection 198C(5), insert:

(5A) An officer must not bring a person to Australia from a regional processing country in accordance with subsections (3) to (5) if the officer knows or reasonably suspects that the person has a substantial criminal record as defined in section 501(7).

The question on the amendments circulated by the Government was divided at the request of Senator Bernardi—

Question—That amendment no. 1 be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Abetz
Birmingham
Brockman
Burston
Bushby
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Cash
Colbeck
Cormann
Duniam
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NOES, 33

Senators—

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Singh
Smith, David
Steele-John
Sterle
Storer
Urquhart*
Watts
Waters
Watt
Whish-Wilson
Wong

* Tellers

Question negatived.

Question—That amendment no. 2 be agreed to—put.

The Senate divided—

AYES, 30

Senators—

Abetz
Bernardi
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck
Cormann
Duniam
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NOES, 32

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* Tellers

Question negatived.

The question on the amendments circulated by Senator Storer and the Australian Greens was divided at the request of Senator Bernardi—

Question—That amendment no. 1 be agreed to—put.

The Senate divided—

AYES, 32

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NOES, 29

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* Tellers

Question agreed to.

Question—That amendment no. 2 be agreed to—put.

The Senate divided—

AYES, 32

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Question agreed to.

The following amendments circulated by the Government were considered:

No. 1—Clause 2, page 1 (line 8) to page 2 (line 7), omit the clause, substitute:

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Column 1</th>
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<tbody>
<tr>
<td>Provisions</td>
<td>Commencement</td>
<td>Date/Details</td>
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<tr>
<td>1. The whole of this Act</td>
<td>The day after the end of the period of 12 months beginning on the day this Act receives the Royal Assent.</td>
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</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

No. 2—Page 10 (after line 13), at the end of the bill, add:

Schedule 6—Prohibiting Items in Immigration Detention Facilities

Migration Act 1958

1 Subsection 5(1)

Insert:

immigration detention facility has the meaning given by section 251A.

prohibited thing has the meaning given by section 251A.
2 After section 251

Insert:

251A Search of detainees etc.—prohibited things in immigration detention facilities

(1) A thing is a prohibited thing in relation to a person in detention, or in relation to an immigration detention facility, if:

(a) both:

(i) possession of the thing is unlawful because of a law of the Commonwealth, or a law of the State or Territory in which the person is detained, or in which the facility is located; and

(ii) the thing is determined under paragraph (2)(a); or

(b) the thing is determined under paragraph (2)(b).

(2) The Minister may, by legislative instrument, determine a thing for the purposes of subsection (1) if the Minister is satisfied that:

(a) possession of the thing is prohibited by law in a place or places in Australia; or

(b) possession or use of the thing in an immigration detention facility might be a risk to the health, safety or security of persons in the facility, or to the order of the facility.

Note: Examples of things that might be considered to pose a risk mentioned in paragraph (b) are as follows:

(a) mobile phones;

(b) SIM cards;

(c) computers and other electronic devices, such as tablets;

(d) medications or health care supplements, in specified circumstances;

(e) publications or other material that could incite violence, racism or hatred.

(3) An immigration detention facility is:

(a) a detention centre established under this Act (see section 273); or

(b) another place approved by the Minister in writing for the purposes of subparagraph (b)(v) of the definition of immigration detention in subsection 5(1).

3 Section 252 (heading)

Repeal the heading, substitute:

252 Searches of detainees and non-citizens in immigration clearance—general powers

4 At the end of subsection 252(2)

Add:

; (c) for a search under paragraph (1)(a)—in addition to the purposes mentioned in paragraphs (a) and (b) of this subsection, to find out whether a prohibited thing, other than a prohibited thing to which paragraph (a) or (b) applies, is hidden on the person, in the clothing or in the property.
5 Subsection 252(4)
Omit “, or a document or other thing referred to in paragraph (2)(b),”, substitute “, a document or other thing referred to in paragraph (2)(b), or a prohibited thing determined under paragraph 251A(2)(a),”.

6 Paragraphs 252(4)(a) and (b)
Omit “other”.

7 At the end of subsection 252(4)
Add:

Note: A prohibited thing determined under paragraph 251A(2)(a) that is found in the course of a search of a person who is detained is a thing the possession of which is unlawful because of a law of the Commonwealth, or a law of the State or Territory in which the person is detained (see section 251A).

8 After subsection 252(4)
Insert:

(4A) If, in the course of a search in relation to a detained person under this section, an authorised officer finds a prohibited thing determined under paragraph 251A(2)(b), the officer:
(a) may take possession of it; and
(b) may retain it; and
(c) must, if it appears that the thing is owned or was controlled by a detainee, take all reasonable steps to return it to the detainee when he or she ceases to be in detention; and
(d) must, if it appears that the thing is owned or was controlled by a person other than a detainee, take all reasonable steps to return it to the person.

Note: Paragraph 251A(2)(b) covers the determination of a thing as a prohibited thing if the Minister is satisfied that its possession or use in an immigration detention facility might be a risk to the health, safety or security of persons in the facility, or to the order of the facility.

(4B) However, if an authorised officer retains a prohibited thing under paragraph (4A)(b), after taking all reasonable steps to return the thing under paragraph (4A)(c) or (d), it is forfeited to the Commonwealth if the officer considers on reasonable grounds that:
(a) its owner or the person who last controlled the thing cannot be identified; or
(b) the thing is abandoned; or
(c) if it appears that the thing is owned or was controlled by a detainee—the thing cannot be returned to the detainee when he or she ceases to be in detention; or
(d) if it appears that the thing is owned or was controlled by a person other than a detainee—the thing cannot be returned to the person.

(4C) If a prohibited thing is forfeited under subsection (4B), the authorised officer may dispose of it in any way he or she thinks appropriate.
9 Subsection 252(9)
Repeal the subsection, substitute:
(9) To avoid doubt, a search of a person may be conducted under this section irrespective of whether powers are exercised under any of the following sections in relation to the person, or an immigration detention facility:
(a) section 252AA (searches of detainees—screening procedures);
(b) section 252A (searches of detainees—strip searches);
(c) section 252BA (searches of certain immigration detention facilities—general).

10 Section 252AA (heading)
Repeal the heading, substitute:
252AA Searches of detainees—screening procedures

11 Subsection 252AA(1)
Omit all the words after “a thing in his or her”, substitute:

(possession:
(a) a weapon, or other thing, capable of being used:
   (i) to inflict bodily injury; or
   (ii) to help the detainee, or any other detainee, to escape from immigration detention; or
(b) a prohibited thing, other than a weapon or other thing to which paragraph (a) applies.

12 After subsection 252AA(3)
Insert:

(3A) If an authorised officer uses a dog in conducting a screening procedure under this section, the officer must:
(a) take all reasonable precautions to prevent the dog touching any person (other than the officer); and
(b) keep the dog under control while conducting the screening procedure.
(3AA) If an authorised officer uses a dog in accordance with subsection (3A) in conducting a screening procedure under this section, that use of the dog is not unlawful only because of the behaviour of the dog (including the touching of any person by the dog).

13 Subsection 252AA(4)
Repeal the subsection, substitute:

(4) To avoid doubt, a screening procedure in relation to a detainee may be conducted under this section irrespective of whether powers are exercised under any of the following sections in relation to the detainee, or an immigration detention facility:
(a) section 252 (searches of detainees and non-citizens in immigration clearance—general powers);
(b) section 252A (searches of detainees—strip searches);
(c) section 252BA (searches of certain immigration detention facilities—general).
14 Subsection 252AA(5) (at the end of the definition of conducting a screening procedure)

Add:
; or (d) using a dog to search a detainee or things in the detainee’s possession.

15 Section 252A (heading)

Repeal the heading, substitute:

252A Searches of detainees—strip searches

16 Subsection 252A(1)

Omit all the words (including the note) after “a thing in his or her”, substitute:

(a) a weapon, or other thing, capable of being used:
   (i) to inflict bodily injury; or
   (ii) to help the detainee, or any other detainee, to escape from immigration detention; or
(b) a prohibited thing, other than a weapon or other thing to which paragraph (a) applies.

Note: Section 252B sets out rules for conducting a strip search under this section.

17 Paragraph 252A(3)(a)

After “subsection (1)”, insert “(including a prohibited thing)”.  

18 Subsection 252A(7)

Repeal the subsection, substitute:

(7) To avoid doubt, a strip search of a detainee may be conducted under this section irrespective of whether powers are exercised under any of the following sections in relation to the detainee, or an immigration detention facility:
   (a) section 252 (searches of detainees and non-citizens in immigration clearance—general powers);
   (b) section 252AA (searches of detainees—screening procedures);
   (c) section 252BA (searches of certain immigration detention facilities—general).

19 Section 252B (heading)

Repeal the heading, substitute:

252B Searches of detainees—rules for conducting a strip search

20 Paragraph 252B(1)(j)

After “subsection 252A(1)”, insert “(including a prohibited thing)”.  

21 After section 252B

Insert:

252BA Searches of certain immigration detention facilities—general

Power to search

(1) For the purposes set out in subsection (2), an authorised officer may, without warrant, conduct a search of an immigration detention facility operated by or on behalf of the Commonwealth, including, without limitation, a search covering any or all of the following:

(a) accommodation areas;
(b) administrative areas;
(c) common areas;
(d) detainees’ personal effects;
(e) detainees’ rooms;
(f) medical examination areas;
(g) storage areas.

Purposes of search

(2) A search of the facility may be conducted under this section only to find out whether any of the following are at the facility:

(a) a weapon or other thing capable of being used to inflict bodily injury or to help a detainee to escape from immigration detention;
(b) a prohibited thing, other than a weapon or other thing to which paragraph (a) applies.

Note: For the possession and retention by an immigration officer of any of these things found in the course of a search under this section, see sections 252C and 252CA.

Conduct of search

(3) Without limiting subsection (1), an authorised officer may use a dog in conducting a search under this section.

(4) If an authorised officer uses a dog in conducting a search under this section, the officer must:

(a) take all reasonable precautions to prevent the dog touching any person (other than the officer); and
(b) keep the dog under control while conducting the search.

(5) If an authorised officer uses a dog in accordance with subsection (4) in conducting a search under this section, that use of the dog is not unlawful only because of the behaviour of the dog (including the touching of any person by the dog).

(6) An authorised officer who conducts a search under this section must not use more force against a person or property, or subject a person to greater indignity, than is reasonably necessary in order to conduct the search.
Exercise of search powers

(7) To avoid doubt, a search of an immigration detention facility may be conducted under this section irrespective of whether powers are exercised under any of the following sections in relation to a person detained in the facility:

(a) section 252 (searches of detainees and non-citizens in immigration clearance—general powers);
(b) section 252AA (searches of detainees—screening procedures);
(c) section 252A (searches of detainees—strip searches).

252BB Searches of certain immigration detention facilities—authorised officers' assistants

Authorised officers may be assisted by other persons

(1) An authorised officer may be assisted by other persons in exercising powers or performing functions or duties in conducting a search under section 252BA (other than under subsection 252BA(3)), or under section 252C or 252CA in relation to such a search, if that assistance is necessary and reasonable. A person giving such assistance is the authorised officer's assistant.

Note: Subsection 252BA(3) provides for an authorised officer to use a dog to conduct a search of an immigration detention facility. Sections 252C and 252CA provide for how to deal with things that are found in the conduct of a search under section 252BA.

Powers of an authorised officer’s assistant

(2) An authorised officer’s assistant in relation to a search of an immigration detention facility under section 252BA:

(a) may enter the facility; and
(b) may exercise powers and perform functions and duties for the purposes of a search or screening procedure in relation to which subsection (1) applies in relation to any thing found in the course of that search or screening procedure; and
(c) must do so in accordance with any directions given to the assistant by the authorised officer.

(3) A power exercised by an authorised officer’s assistant as mentioned in subsection (2) is taken for all purposes to have been exercised by the authorised officer.

(4) A function or duty performed by an authorised officer’s assistant as mentioned in subsection (2) is taken for all purposes to have been performed by the authorised officer.

(5) If a direction is given under paragraph (2)(c) in writing, the direction is not a legislative instrument.

22 Section 252C (heading)

Repeal the heading, substitute:

252C Screening and strip searches of detainees and searches of facilities—retention of seized things (general)
23 Subsection 252C(1)
Omit “conducting a screening procedure under section 252AA or conducting a strip search under section 252A”, substitute “a search under section 252AA (which deals with screening procedures), 252A (which deals with strip searches) or 252BA (which deals with immigration detention facility searches)’’.

24 Subsection 252C(2)
Repeal the subsection, substitute:
(2) The following things are forfeited to the Commonwealth if found in the course of a search mentioned in subsection (1):
(a) a weapon or other thing capable of being used to inflict bodily injury or to help a detainee to escape from immigration detention;
(b) a prohibited thing determined under paragraph 251A(2)(a), other than a weapon or other thing to which paragraph (a) applies.

Note: A prohibited thing determined under paragraph 251A(2)(a) that is found in the course of a search of a person who is detained is a thing the possession of which is unlawful because of a law of the Commonwealth, or a law of the State or Territory in which the person is detained (see section 251A).

25 After section 252C
Insert:

252CA Screening and strip searches of detainees and searches of facilities—retention of certain prohibited things
(1) This section applies in relation to a prohibited thing determined under paragraph 251A(2)(b), unless subsection 252C(1) applies in relation to the prohibited thing.

Note 1: Paragraph 251A(2)(b) covers the determination of a thing as a prohibited thing if the Minister is satisfied that its possession or use in an immigration detention facility might be a risk to the health, safety or security of persons in the facility, or to the order of the facility.

Note 2: Paragraph 252C(1)(a) provides for the retention under section 252C of a thing (including a prohibited thing determined under paragraph 251A(2)(b)) if it might provide evidence of the commission of an offence against this Act.

Note 3: For the possession and retention of other things obtained by screening or strip search, or by a search of immigration detention facilities, see section 252C.

(2) If, in the course of a search under section 252AA (which deals with screening procedures), 252A (which deals with strip searches) or 252BA (which deals with immigration detention facility searches), an authorised officer finds a prohibited thing in relation to which this section applies, the officer:
(a) may take possession of it; and
(b) may retain it; and
(c) must, if it appears that the thing is owned or was controlled by a detainee, take all reasonable steps to return it to the detainee when he or she ceases to be in detention; and
(d) must, if it appears that the thing is owned or was controlled by a person other than a detainee, take all reasonable steps to return it to the person.

(3) However, if an authorised officer retains a prohibited thing under paragraph (2)(b), after taking all reasonable steps to return the thing under paragraph (2)(c) or (d), it is forfeited to the Commonwealth if the officer considers on reasonable grounds that:
   (a) its owner or the person who last controlled the thing cannot be identified; or
   (b) the thing is abandoned; or
   (c) if it appears that the thing is owned or was controlled by a detainee—the thing cannot be returned to the detainee when he or she ceases to be in detention; or
   (d) if it appears that the thing is owned or was controlled by a person other than a detainee—the thing cannot be returned to the person.

(4) If a prohibited thing is forfeited under subsection (3), the authorised officer may dispose of it in any way he or she thinks appropriate.

26 Section 252G (heading)
   Repeal the heading, substitute:

252G Persons entering immigration detention facilities—screening powers

27 Subsection 252G(1)
   Omit “a detention centre established under this Act”, substitute “an immigration detention facility operated by or on behalf of the Commonwealth”.

28 At the end of subsection 252G(1)
   Add:
   ; (d) allow an authorised officer to use a dog for the purposes of searching the person for a thing to which subsection (3) applies.

29 After subsection 252G(2)
   Insert:

   (2A) If an authorised officer uses a dog for the purposes of searching a person for a thing to which subsection (3) applies, the officer must:
   (a) take all reasonable precautions to prevent the dog touching any person (other than the officer); and
   (b) keep the dog under control while conducting the search.

   (2B) If an authorised officer uses a dog in accordance with subsection (2A) for the purposes of searching a person for a thing to which subsection (3) applies, that use of the dog is not unlawful only because of the behaviour of the dog (including the touching of any person by the dog).
30 Subsection 252G(3)
Repeal the subsection, substitute:

(3) An authorised officer may request that a person do something under subsection (4) if the person is about to enter an immigration detention facility operated by or on behalf of the Commonwealth, and the officer suspects on reasonable grounds that the person has in his or her possession:
   (a) a thing that:
       (i) might endanger the safety of the detainees, staff or other persons at the facility; or
       (ii) might disrupt the order or security arrangements at the facility; or
   (b) a prohibited thing.

(3A) A request may be made under subsection (4) that a person do something whether or not a request is also made under subsection (1) that the person do something.

31 Paragraph 252G(4)(e)
Omit all the words after “concealing”, substitute:

something that:
   (i) might endanger the safety of the detainees, staff or other persons at the immigration detention facility; or
   (ii) might disrupt the order or security arrangements at the facility; or
   (iii) is a prohibited thing.

32 Subsection 252G(5)
Omit “A person”, substitute “Subject to subsections (6) and (6A), a person”.

33 Subsections 252G(5) and (6)
Omit “detention centre”, substitute “immigration detention facility”.

34 After subsection 252G(6)
Insert:

(6A) If a person leaves a prohibited thing determined under paragraph 251A(2)(b) in a place as mentioned in subsection (5) of this section, after taking all reasonable steps to return the thing to the person for the purposes of that subsection, it is forfeited to the Commonwealth if an authorised officer considers on reasonable grounds that:
   (a) its owner or a person who controls the thing cannot be identified; or
   (b) the thing is abandoned; or
   (c) the thing otherwise cannot be returned to the person.

Note: Paragraph 251A(2)(b) covers the determination of a thing as a prohibited thing if the Minister is satisfied that its possession or use in an immigration detention facility might be a risk to the health, safety or security of persons in the facility, or to the order of the facility.

(6B) If a prohibited thing is forfeited under subsection (6A), the authorised officer may dispose of it in any way he or she thinks appropriate.
35 Subsection 252G(7)

Omit “a detention centre established under this Act”, substitute “an immigration detention facility”.

No. 3—Page 10 (after line 13), at the end of the bill, add:

**Schedule 7—Regional Processing Cohort**

**Part 1—Amendments**

*Migration Act 1958*

1 Subsection 5(1)

   Insert:

   **member of the designated regional processing cohort** means:

   (a) a person who:

      (i) is an unauthorised maritime arrival under subsection 5AA(1); and

      (ii) after 19 July 2013, was taken to a regional processing country under section 198AD; and

      (iii) was at least 18 years of age on the first or only occasion after 19 July 2013 when he or she was so taken to a regional processing country; or

   (b) a transitory person who:

      (i) after 19 July 2013, was taken to a regional processing country under Division 7 or 8 of Part 3 of the *Maritime Powers Act 2013*; and

      (ii) was at least 18 years of age on the first or only occasion after 19 July 2013 when he or she was so taken to a regional processing country.

2 Subsection 33(2)

Omit “subsection (3)”, substitute “subsections (3) and (3A)”.

3 After subsection 33(3)

   Insert:

   (3A) A non-citizen who is a member of the designated regional processing cohort is not taken to have been granted a special purpose visa.

   (3B) The Minister may waive the operation of subsection (3A) in a particular case.

4 After subsection 46A(2)

   Insert:

   (2AA) An application for a visa is not a valid application if it is made by a person who:

      (a) is an unauthorised maritime arrival under subsection 5AA(1); and

      (b) after 19 July 2013, was taken to a regional processing country under section 198AD; and

      (c) was at least 18 years of age on the first or only occasion after 19 July 2013 when he or she was so taken to a regional processing country.
(2AB) If the Minister thinks that it is in the public interest to do so, the Minister may, by written notice given to an unauthorised maritime arrival, determine that subsection (2AA) does not apply to an application by the unauthorised maritime arrival for a visa of a class specified in the determination.

(2AC) If the Minister thinks that it is in the public interest to do so, the Minister may, by legislative instrument, determine that subsection (2AA) does not apply to an application by an unauthorised maritime arrival included in a class of unauthorised maritime arrivals specified in the determination for a visa of a class specified in the determination.

5 Subsection 46A(2A)
   After “subsection (2)”, insert “, (2AB) or (2AC)”.

6 Subsection 46A(2B)
   After “determination”, insert “under subsection (2), (2AB) or (2AC)”.

7 Subsection 46A(2C)
   After “subsection (2)”, insert “or (2AB)”.

8 After subsection 46A(2C)
   Insert:
   (2D) The Minister may, by legislative instrument, vary or revoke a determination made under subsection (2AC) if the Minister thinks that it is in the public interest to do so.

9 Subsection 46A(3)
   Omit “(2) or (2C)”, substitute “(2), (2AB), (2AC), (2C) or (2D)”.

10 Paragraphs 46A(5)(a) and (b)
   Omit “the unauthorised”, substitute “an unauthorised”.

11 Subsection 46A(7)
   After “subsection (2)”, insert “, (2AB)”.

12 At the end of section 46A
   Add:
   (8) The Minister does not have a duty to consider whether to exercise the power under subsection (2AC) or (2D) in respect of any class of unauthorised maritime arrivals, whether the Minister is requested to do so by an unauthorised maritime arrival included in such a class or by any other person, or in any other circumstances.

13 After subsection 46B(2)
   Insert:
   (2AA) An application for a visa is not a valid application if it is made by a transitory person who:
   (a) after 19 July 2013, was taken to a regional processing country under Division 7 or 8 of Part 3 of the Maritime Powers Act 2013; and
(b) was at least 18 years of age on the first or only occasion after 19 July 2013 when he or she was so taken to a regional processing country.

(2AB) If the Minister thinks that it is in the public interest to do so, the Minister may, by written notice given to a transitory person, determine that subsection (2AA) does not apply to an application by the person for a visa of a class specified in the determination.

(2AC) If the Minister thinks that it is in the public interest to do so, the Minister may, by legislative instrument, determine that subsection (2AA) does not apply to an application by a transitory person included in a class of transitory persons specified in the determination for a visa of a class specified in the determination.

14 Subsection 46B(2A)
After “subsection (2)”, insert “, (2AB) or (2AC)”.

15 Subsection 46B(2B)
After “determination”, insert “under subsection (2), (2AB) or (2AC)”.

16 Subsection 46B(2C)
After “subsection (2)”, insert “or (2AB)”.

17 After subsection 46B(2C)
Insert:

(2D) The Minister may, by legislative instrument, vary or revoke a determination made under subsection (2AC) if the Minister thinks that it is in the public interest to do so.

18 Subsection 46B(3)
Omit “(2) or (2C)”, substitute “(2), (2AB), (2AC), (2C) or (2D)”.

19 Paragraphs 46B(5)(a) and (b)
Omit “the transitory”, substitute “a transitory”.

20 Subsection 46B(7)
After “subsection (2)”, insert “, (2AB)”.

21 At the end of section 46B
Add:

(8) The Minister does not have a duty to consider whether to exercise the power under subsection (2AC) or (2D) in respect of any class of transitory persons, whether the Minister is requested to do so by a transitory person included in such a class or by any other person, or in any other circumstances.

Migration Regulations 1994

22 At the end of subregulation 2.07AA(2)
Add:

; and (d) the applicant is not a member of the designated regional processing cohort.
23 After subregulation 2.07AA(2)
Insert:
(2A) The Minister may waive the operation of paragraph (2)(d) in a particular case.

24 After subregulation 2.07AB(1)
Insert:
(1A) Subregulation (1) does not apply if the applicant is a member of the designated regional processing cohort.

25 At the end of subregulation 2.07AB(2)
Add:
; and (e) the applicant is not a member of the designated regional processing cohort.

26 At the end of regulation 2.07AB
Add:
(5) The Minister may waive the operation of subregulation (1A) in a particular case.
(6) The Minister may waive the operation of paragraph (2)(e) in a particular case.

27 At the end of regulation 2.07AM
Add:
(6) The Minister may waive the operation of paragraph 1402(3)(bb) of Schedule 1 in a particular case.

28 At the end of paragraph 2.08A(1)(da)
Add “and”.

29 After paragraph 2.08A(1)(da)
Insert:
(db) the additional applicant is not a member of the designated regional processing cohort;

30 At the end of regulation 2.08A
Add:
(3) The Minister may waive the operation of paragraph (1)(db) in a particular case.

30A At the end of paragraph 2.08AAA(1)(g)
Add “and”.

30B After paragraph 2.08AAA(1)(g)
Insert:
(ga) the additional applicant is not a member of the designated regional processing cohort;

30C At the end of regulation 2.08AAA
Add:
(3) The Minister may waive the operation of paragraph (1)(ga) in a particular case.
31 Regulation 2.11A (note)
Omit “Section 46A”, substitute “Subsection 46A(1)”.

32 Regulation 2.11B (note)
Omit “Section 46B”, substitute “Subsection 46B(1)”.

33 After paragraph 1402(3)(ba) of Schedule 1
Insert:
  (bb) Applicant must not be a member of the designated regional processing cohort.

34 At the end of subitem 1402(3) of Schedule 1
Add:
  Note: See also subregulation 2.07AM(6), which provides that the Minister may waive the operation of paragraph (bb) of this subitem in a particular case.

35 After Part 53 of Schedule 13
Insert:
  Part 53A—Amendments made by the Migration Legislation Amendment (Regional Processing Cohort) Act 2016

5301A Operation of Schedule 1
(1) Paragraph 2.07AA(2)(d) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a visa application if the conditions mentioned in paragraphs 2.07AA(2)(a) to (c) of these Regulations are satisfied in relation to the application after the commencement of that Schedule.

(2) Subregulation 2.07AB(1A) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a visa application if the applicant provides his or her passport details (as mentioned in subregulation 2.07AB(1) of these Regulations) after the commencement of that Schedule.

(3) Paragraph 2.07AB(2)(e) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a visa application if the applicant asks for the visa (as mentioned in paragraph 2.07AB(2)(d) of these Regulations) after the commencement of that Schedule.

(4) Paragraph 2.08A(1)(db) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a request made by the original applicant under paragraph 2.08A(1)(b) of these Regulations if the request is made after the commencement of that Schedule.
(4A) Paragraph 2.08AAA(1)(ga) of these Regulations (as amended by Schedule 1 to the *Migration Legislation Amendment (Regional Processing Cohort) Act 2016*) applies in relation to a request made by the original applicant under paragraph 2.08AAA(1)(c) of these Regulations if the request is made after the commencement of that Schedule.

(5) Paragraph 1402(3)(bb) of Schedule 1 to these Regulations (as amended by Schedule 1 to the *Migration Legislation Amendment (Regional Processing Cohort) Act 2016*) applies in relation to a visa application if the application is made after the commencement of Schedule 1 to that Act.

**Part 2—Application provisions**

36 Application—sections 46A and 46B of the *Migration Act 1958*

*Applicant outside Australia*

(1) Subsections 46A(2AA) and 46B(2AA) of the *Migration Act 1958* (as amended by this Act) apply in relation to a visa application made when the applicant was outside Australia if:

(a) the application is made after the commencement of this item; or

(b) the application:
   
   (i) was made before the commencement of this item but after the time when the Bill that became the *Migration Legislation Amendment (Regional Processing Cohort) Act 2016* was introduced into the House of Representatives; and

   (ii) was not finally determined before the commencement of this item.

*Applicant in Australia*

(2) Subsections 46A(2AA) and 46B(2AA) of the *Migration Act 1958* (as amended by this Act) apply in relation to a visa application made when the applicant was in Australia if:

(a) the application is made after the commencement of this item; and

(b) no determination was made under subsection 46A(2) or 46B(2) of the *Migration Act 1958* in relation to the application before the commencement of this item.

No. 4—Page 10 (after line 13), at the end of the bill, add:

**Schedule 8—Validation of Port Appointment**

1 Definitions

In this Schedule:

*appointment* includes a purported appointment.

2 Validation of appointment of an area of water within the Territory of Ashmore and Cartier Islands as a port

(1) This item applies in relation to the appointment of an area of waters within the Territory of Ashmore and Cartier Islands under paragraph 5(5)(a) of the *Migration Act 1958* by notice published in the Gazette on 23 January 2002.
(2) The appointment has, and is taken always to have had, effect as if all of the words from and including “the area of waters” to and including “point of commencement.” were omitted and the following words were substituted:

the area of waters within the Territory of Ashmore and Cartier Islands commencing at a point on the Mean Low Water (MLW) line closest to Latitude 12 degrees 13.2 minutes South, Longitude 122 degrees 59.0 minutes East, then following the line of MLW in an anticlockwise direction so as to enclose a bay by bridging across islands of MLW at the entrance to the bay to close back to the point of commencement.

(3) The Migration Act 1958 has, and is taken always to have had, effect as if the area of waters specified in the appointment (as affected by subitem (2)) were a port for the purposes of that Act.

(4) This item does not, by implication, prevent amendment or revocation of the appointment.

3 Validation of things done under the Migration Act 1958

(1) This item applies to a thing done under the Migration Act 1958 at any time before the day this Schedule commences, to the extent that the doing of the thing would, apart from this Schedule, be invalid or ineffective because the doing of the thing relied, directly or indirectly, on the validity of the appointment referred to in subitem 2(1).

(2) The thing done is as valid and effective, and is taken always to have been as valid and effective, as it would have been had this Schedule been in force at that time.

4 Schedule does not affect certain rights or liabilities

This Schedule does not affect rights or liabilities arising between parties to proceedings in which judgment has been delivered by a court before the commencement of this Schedule, if:

(a) the validity of the appointment referred to in subitem 2(1) was at issue in the proceedings; and

(b) the judgment set aside the appointment or declared it to be invalid.

No. 5—Title, page 1 (line 2), after “customs”, insert “, bail”.

No. 6—Page 10 (after line 13), at the end of the bill, add:

Schedule 9—Presumption against bail

Part 1—Court records

Crimes Act 1914

1 After subsection 15AA(3)

Insert:

(3AA) If the bail authority is a court and it grants bail, the court must:

(a) state its reasons in writing; and

(b) cause those reasons to be entered in the court’s records.
2 Application provision

The amendment made by this Part applies in relation to a decision, made on or after the commencement of this Part, by a bail authority to grant bail to a person charged with, or convicted of, an offence (whether the person was charged with, or convicted of, the offence before, on or after that commencement).

Part 2—Commonwealth child sex offenders

Crimes Act 1914

3 After section 15AA

Insert:

15AAA Bail not to be granted to various persons charged with, or convicted of, certain Commonwealth child sex offences

(1) Despite any other law of the Commonwealth, a bail authority must not grant bail to a person who:
   (a) is charged with, or convicted of, an offence described in column 1 of an item in the table in section 16AAA; or
   (b) is charged with, or convicted of, an offence described in column 1 of an item in the table in subsection 16AAB(2) and who has previously been convicted of a child sexual abuse offence;

unless the bail authority is satisfied by the person that circumstances exist to grant bail.

(2) In addition to any other matters, in determining whether the bail authority is satisfied that circumstances exist to grant bail to a person, the bail authority must take into account such of the following matters as are relevant and known to the bail authority:
   (a) whether the bail authority considers that the person would be likely to fail to appear at any proceedings for the offence if the person were granted bail;
   (b) whether the bail authority considers that the person would be likely to commit a further offence if the person were granted bail;
   (c) whether the bail authority considers that the person would be likely to put at risk the safety of the community or cause a person to suffer any harm if the person were granted bail;
   (d) whether the bail authority considers that the person would be likely to conceal, fabricate or destroy evidence or intimidate a witness if the person were granted bail;
   (e) whether the person was aged 18 years or over when the offence was committed;
   (f) if the person has pleaded guilty to the charge in respect of the offence or been convicted of the offence—whether the bail authority considers that the person would not be likely to undertake a rehabilitation program, or not be likely to comply with any bail conditions relating to rehabilitation or treatment, while released on bail.
(3) If the bail authority is a court and it grants bail, the court must:
   (a) state its reasons in writing; and
   (b) cause those reasons to be entered in the court’s records.

(4) Despite any law of the Commonwealth, the Director of Public Prosecutions or the person may appeal against a decision of a bail authority:
   (a) to grant bail to the person despite subsection (1) on the basis that the bail authority is satisfied that circumstances exist to grant bail; or
   (b) to refuse to grant bail to the person on the basis that the bail authority is not satisfied that circumstances exist to grant bail.

(5) An appeal under subsection (4):
   (a) may be made to a court that would ordinarily have jurisdiction to hear and determine appeals (however described) from directions, orders or judgments of the bail authority referred to in subsection (4), whether the jurisdiction is in respect of appeals relating to bail or appeals relating to other matters; and
   (b) is to be made in accordance with the rules or procedures (if any) applicable under a law of the Commonwealth, a State or a Territory in relation to the exercise of such jurisdiction.

(6) If:
   (a) a bail authority decides to grant bail to the person; and
   (b) immediately after the decision is made, the Director of Public Prosecutions notifies the bail authority that he or she intends to appeal against the decision mentioned in subsection (4);
the decision to grant bail is stayed with effect from the time of the notification.

(7) A stay under subsection (6) ends:
   (a) when a decision on the appeal is made; or
   (b) when the Director of Public Prosecutions notifies:
      (i) the bail authority; or
      (ii) if an appeal has already been instituted in a court—the court;
      that he or she does not intend to proceed with the appeal; or
   (c) 72 hours after the stay comes into effect;
 whichever occurs first.

(8) To avoid doubt, except as provided by subsections (1), (4), (5), (6) and (7), this section does not affect the operation of a law of a State or a Territory.

Note: These provisions indirectly affect laws of the States and Territories because they affect section 68 of the *Judiciary Act 1903*.

4 Application provisions

(1) The amendment made by this Part applies in relation to a decision, made on or after the commencement of this Part, by a bail authority whether to grant bail to a person charged with, or convicted of, an offence (whether the person was charged with, or convicted of, the offence before, on or after that commencement).
(2) If conduct that occurred before the commencement of this Part:
   (a) constituted a Commonwealth child sex offence before that commencement; and
   (b) does not constitute a Commonwealth child sex offence on or after that commencement;

section 15AAA of the *Crimes Act 1914* as inserted by this Part applies in relation to that conduct as if, on or after that commencement, that conduct constituted a Commonwealth child sex offence.

No. 7—Title, page 1 (line 2), after “migration,” insert “citizenship.”

No. 8—Page 10 (after line 13), at the end of the bill, add:

**Schedule 10—Strengthening the Citizenship Loss Provisions**

**Australian Citizenship Act 2007**

1 **Subsection 35A(1)**

Repeal the subsection, substitute:

*Meaning of relevant terrorism conviction*

(1A) A person has a *relevant terrorism conviction* if the person has been convicted of an offence against, or offences against, one or more of the following:

(a) a provision of Subdivision A of Division 72 of the *Criminal Code*;
(b) a provision of Subdivision B of Division 80 of the *Criminal Code* (treason);
(c) a provision of Part 5.3 of the *Criminal Code* (except Division 104 or 105);
(d) a provision of Part 5.5 of the *Criminal Code*;
(e) section 6 or 7 of the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978*.

*Meaning of relevant other conviction*

(1B) A person has a *relevant other conviction* if:

(a) the person has been convicted of an offence against, or offences against, one or more of the following:

(i) a provision of Division 82 of the *Criminal Code* (sabotage) other than section 82.9 (preparing for or planning sabotage offence);
(ii) a provision of Division 91 of the *Criminal Code* (espionage);
(iii) a provision of Division 92 of the *Criminal Code* (foreign interference); and

(b) the person has, in respect of the conviction or convictions, been sentenced to a period of imprisonment of at least 6 years, or to periods of imprisonment that total at least 6 years.
Cessation of citizenship on determination by Minister

(1) The Minister may determine in writing that a person ceases to be an Australian citizen if:

(a) the person has a relevant terrorism conviction or a relevant other conviction; and

(b) the Minister is satisfied that the person would not, if the Minister were to determine that the person ceases to be an Australian citizen, become a person who is not a national or citizen of any country; and

(c) the Minister is satisfied that the conduct of the person to which the conviction or convictions relate demonstrates that the person has repudiated their allegiance to Australia; and

(d) having regard to the following factors, the Minister is satisfied that it is not in the public interest for the person to remain an Australian citizen:

(i) the severity of the conduct that was the basis of the conviction or convictions and the sentence or sentences;

(ii) the degree of threat posed by the person to the Australian community;

(iii) the age of the person;

(iv) if the person is aged under 18—the best interests of the child as a primary consideration;

(v) the person’s connection to the other country of which the person is a national or citizen and the availability of the rights of citizenship of that country to the person;

(vi) Australia’s international relations;

(vii) any other matters of public interest.

Note: A person may seek review of a determination made under this subsection in the High Court of Australia under section 75 of the Constitution, or in the Federal Court of Australia under section 39B of the Judiciary Act 1903.

2 Subsection 35A(4)
Omit “paragraph (1)(b)”, substitute “paragraph (1B)(b)”.

3 Paragraph 35A(4)(b)
Omit “paragraph (1)(a)” (wherever occurring), substitute “paragraph (1B)(a)”.

4 Application and saving provisions

(1) Section 35A of the Australian Citizenship Act 2007 (as amended by this Schedule) applies in relation to persons who became Australian citizens before, on or after the commencement of this item.

(2) Section 35A of the Australian Citizenship Act 2007 (as amended by this Schedule) applies in relation to a relevant terrorism conviction occurring on or after 12 December 2005.

(3) Section 35A of the Australian Citizenship Act 2007 (as amended by this Schedule) applies in relation to a relevant other conviction of a person if:

(a) the conviction occurred on or after 12 December 2005; and
(b) if the conviction occurred before 12 December 2015—the person was sentenced to a period of imprisonment of at least 10 years in respect of the conviction.

(4) The amendments made by this Schedule do not affect the validity of a determination made under subsection 35A(1) of the *Australian Citizenship Act 2007* before the commencement of this item.

No. 9—Page 10 (after line 13), at the end of the bill, add:

**Schedule 11—Strengthening the Character Test**

*Migration Act 1958*

1 Before subsection 5C(1)

   Insert:

   *Character concern*

   2 After paragraph 5C(1)(a)

   Insert:

   (aa) the non-citizen has been convicted of a designated offence (as defined by subsection (3)); or

3 Before subsection 5C(2)

   Insert:

   *Substantial criminal record*

4 At the end of section 5C

   Add:

   *Designated offence*

   (3) For the purposes of subsection (1), a *designated offence* is an offence against a law in force in Australia, or a foreign country, in relation to which the following conditions are satisfied:

   (a) one or more of the physical elements of the offence involves:

   (i) violence against a person, including (without limitation) murder, manslaughter, kidnapping, assault, aggravated burglary and the threat of violence; or

   (ii) non-consensual conduct of a sexual nature, including (without limitation) sexual assault and the non-consensual commission of an act of indecency or sharing of an intimate image; or

   (iii) breaching an order made by a court or tribunal for the personal protection of another person; or

   (iv) using or possessing a weapon (as defined by subsection (4)); or

   (v) aiding, abetting, counselling or procuring the commission of an offence that is a designated offence because of any of subparagraphs (i) to (iv); or

   (vi) inducing the commission of an offence that is a designated offence because of any of subparagraphs (i) to (iv), whether through threats or promises or otherwise; or
being in any way (directly or indirectly) knowingly concerned in, or a party to, the commission of an offence that is a designated offence because of any of subparagraphs (i) to (iv); or

conspiring with others to commit an offence that is a designated offence because of any of subparagraphs (i) to (iv);

(b) for an offence against a law in force in Australia—the offence is punishable by:

(i) imprisonment for life; or
(ii) imprisonment for a fixed term of not less than 2 years; or
(iii) imprisonment for a maximum term of not less than 2 years;

c) for an offence against a law in force in a foreign country—if it were assumed that the act or omission constituting the offence had taken place in the Australian Capital Territory:

(i) the act or omission would have constituted an offence (the Territory offence) against a law in force in that Territory; and
(ii) the Territory offence would have been punishable as mentioned in subparagraph (b)(i), (ii) or (iii).

(4) For the purposes of subparagraph (3)(a)(iv), a weapon includes:

(a) a thing made or adapted for use for inflicting bodily injury; and
(b) a thing where the person who has the thing intends or threatens to use the thing, or intends that the thing be used, to inflict bodily injury.

5 After paragraph 501(6)(a)

Insert:

(aaa) the person has been convicted of a designated offence (as defined by subsection (7AA)); or

6 After subsection 501(7)

Insert:

Designated offence

(7AA) For the purposes of the character test, a designated offence is an offence against a law in force in Australia, or a foreign country, in relation to which the following conditions are satisfied:

(a) one or more of the physical elements of the offence involves:

(i) violence against a person, including (without limitation) murder, manslaughter, kidnapping, assault, aggravated burglary and the threat of violence; or
(ii) non-consensual conduct of a sexual nature, including (without limitation) sexual assault and the non-consensual commission of an act of indecency or sharing of an intimate image; or
(iii) breaching an order made by a court or tribunal for the personal protection of another person; or
(iv) using or possessing a weapon (as defined by subsection (7AB)); or
(v) aiding, abetting, counselling or procuring the commission of an offence that is a designated offence because of any of subparagraphs (i) to (iv); or
(vi) inducing the commission of an offence that is a designated offence because of any of subparagraphs (i) to (iv), whether through threats or promises or otherwise; or
(vii) being in any way (directly or indirectly) knowingly concerned in, or a party to, the commission of an offence that is a designated offence because of any of subparagraphs (i) to (iv); or
(viii) conspiring with others to commit an offence that is a designated offence because of any of subparagraphs (i) to (iv);

(b) for an offence against a law in force in Australia—the offence is punishable by:
(i) imprisonment for life; or
(ii) imprisonment for a fixed term of not less than 2 years; or
(iii) imprisonment for a maximum term of not less than 2 years;

(c) for an offence against a law in force in a foreign country—if it were assumed that the act or omission constituting the offence had taken place in the Australian Capital Territory:
(i) the act or omission would have constituted an offence (the Territory offence) against a law in force in that Territory; and
(ii) the Territory offence would have been punishable as mentioned in subparagraph (b)(i), (ii) or (iii).

(7AB) For the purposes of subparagraph (7AA)(a)(iv), a weapon includes:
(a) a thing made or adapted for use for inflicting bodily injury; and
(b) a thing where the person who has the thing intends or threatens to use the thing, or intends that the thing be used, to inflict bodily injury.

7 Application of amendments
(1) Paragraph 5C(1)(aa) of the Migration Act 1958, as in force on and after the commencement of this item, applies for the purposes of subsection 336E(2) of that Act in relation to a disclosure of identifying information that is made on or after that commencement.

(2) Paragraph 501(6)(aaa) of the Migration Act 1958, as in force on and after the commencement of this item, applies to:
(a) a decision to grant or refuse to grant a visa, if:
(i) the application for the visa was made before that commencement and had not been finally determined as at that commencement; or
(ii) the application for the visa is made on or after that commencement; and
(b) a decision made on or after that commencement to cancel a visa.
(3) The provisions of the Migration Act 1958 mentioned in subitems (1) and (2) apply as mentioned in those subitems in relation to a person whether the person committed or was convicted of the relevant designated offence before, on or after the commencement of this item.

The question was divided at the request of Senator Bernardi—

Question—That amendment no. 1 be agreed to—put.

The Senate divided—

AYES, 29

Abetz
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fieravanti-Wells
Fifield
Georgiou
Gichuhi

Hanson
Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Molan

O’Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams*

NOES, 33

Bernardi
Brown
Cameron
Carr
Chisholm
Collins
Di Natale
Farrell
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lines
McCarthy

McKim
O’Neill
Patrick
Pratt
Rice
Stewart
Singh
Smith, David

Steele-John
Sterle
Storer
Urquhart*
Waters
Watt
Whish-Wilson

* Tellers

Question negatived.

Question—That amendment no. 2 be agreed to—put.

The Senate divided—

AYES, 29

Abetz
Bernardi
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fieravanti-Wells
Fifield
Georgiou

Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
McGrath
Molan

O’Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams*
Question negatived.

The Senate divided—

AYES, 28

Seners—

Abetz
Birmingham
Brockman
Burston
Bushby
Canavan
Cash

Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou

Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
McKenzie
Molan

O’Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams*

NOES, 32

Seners—

Brown
Cameron
Carr
Chisholm
Collins
Di Natale
Farrell
Faruqi

Gallacher
Hanson-Young
Hinch
Ketter
Kitching
Leyonhjelm
Lines

McCarthy
O’Neill
Patrick
Pratt
Rice
Siewert
Singh

McKim
Sterle
Storer
Urquhart*
Waters
Watt
Whish-Wilson

* Tellers

Question negatived.

Leave refused: Senator Bernardi sought leave to ask questions of the Government concerning amendments. An objection was raised and leave was not granted.

Question—That amendment no. 4 be agreed to—put.

The Senate divided—

AYES, 28

Seners—

Abetz
Birmingham
Brockman
Burston
Bushby
Canavan
Cash

Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou

Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
McKenzie
Molan

O’Sullivan
Reynolds
Ruston
Ryan
Seselja
Stoker
Williams*
Question negatived.

Question—That amendments nos 5 and 6 be agreed to—put.

The Senate divided—

AYES, 28

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NOES, 32

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* Tellers

Statements by leave: Senators Wong and Cormann, by leave, made statements consideration of the bill.

Leave refused: The Leader of the Australian Greens (Senator Di Natale) sought leave to make a statement of no more than 5 minutes. An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Di Natale moved—That so much of the standing orders be suspended as would prevent him making that statement.

Question put.

The Senate divided—

AYES, 12

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NOES, 34

Senators—
Abetz
Birmingham
Brockman
Burston
Bushby
Canavan
Carr
Cash
Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Hinch
Hume
Kitching
Lines
Macdonald
McCarthy
McKenzie
Molan
O’ Sullivan
Pratt
Reynolds
Ruston

* Tellers

Question negatived.

Statement by leave: Senator Di Natale, by leave, made a statement of no more than 1 minute.

Suspension of standing orders: Senator Cormann moved—that so much of the standing orders be suspended as would prevent the matter being adjourned, to allow consideration of a motion about the further consideration of this bill and another bill.

Question put.

The Senate divided—

AYES, 41

Senators—
Abetz
Birmingham
Brockman
Burston
Bushby*
Cameron
Canavan
Carr
Cash
Chisholm
Colbeck
Collins
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Georgiou
Hinch
Leyonhjelm
McKim
Patrick
Hanson-Young

Hume
Keneally
Kitching
Molany
O’Neill
Rice
Siewert*
Steele-John
O’Sullivan

Pratt
Reynolds
Ruston
Ryan
Seselja
Seselja
Sterle
Stoker
Williams
Storer
Whish-Wilson

NOES, 13

Senators—
Di Natale
Faruqi
Griff
Hanson-Young

Leyonhjelm
McKim
Patrick

Rice
Stewart*
Steele-John

Sier
Waters
Whish-Wilson

* Tellers

Question agreed to by an absolute majority, in accordance with standing order 209(1). Debate adjourned.

25 Hours of meeting and routine of business—Variation

The Minister for Finance and the Public Service (Senator Cormann) moved—that—

(a) the routine of business for the remainder for today be consideration of the following bills:

Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018
Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018;

(b) divisions may take place after 4.30 pm;
(c) if, by 6 pm, the Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018 has not been finally considered, the questions on all remaining stages shall be put without debate;
(d) paragraph (c) of this order shall operate as a limitation of debate under standing order 142;
(e) the references to 2 hours in standing order 142(4) shall be read as 30 minutes; and
(f) the Senate shall adjourn without debate after it has completed consideration of the bills listed in paragraph (a), or a motion for the adjournment is moved by a minister.

Debate ensued.
Question put and passed.

26 **Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018**

Order read for the further consideration of the bill, as amended.

Question—That amendments nos 7 to 9 be agreed to—put and negatived.

The following amendment circulated by the United Australia Party were considered by leave:

Page 10 (after line 13), at the end of the bill, add:

**Schedule 7—Regional Processing Cohort**

**Part 1—Amendments**

**Migration Act 1958**

1 **Subsection 5(1)**

Insert:

*member of the designated regional processing cohort* means:

(a) a person who:

(i) is an unauthorised maritime arrival under subsection 5AA(1); and
(ii) was taken to a regional processing country under section 198AD at any time; and
(iii) was at least 18 years of age on the first or only occasion when he or she was so taken to a regional processing country; or

(b) a transitory person who:

(i) was taken to a regional processing country under Division 7 or 8 of Part 3 of the *Maritime Powers Act 2013*; and
(ii) was at least 18 years of age on the first or only occasion when he or she was so taken to a regional processing country.

2 **Subsection 33(2)**

Omit “subsection (3)”, substitute “subsections (3) and (3A)”.


3 After subsection 33(3)
    Insert:
    (3A) A non-citizen who is a member of the designated regional processing cohort is not taken to have been granted a special purpose visa.
    (3B) The Minister may waive the operation of subsection (3A) in a particular case.

4 After subsection 46A(2)
    Insert:
    (2AA) An application for a visa is not a valid application if it is made by a person who:
    (a) is an unauthorised maritime arrival under subsection 5AA(1); and
    (b) was taken to a regional processing country under section 198AD at any time; and
    (c) was at least 18 years of age on the first or only occasion when he or she was so taken to a regional processing country.
    (2AB) If the Minister thinks that it is in the public interest to do so, the Minister may, by written notice given to an unauthorised maritime arrival, determine that subsection (2AA) does not apply to an application by the unauthorised maritime arrival for a visa of a class specified in the determination.
    (2AC) If the Minister thinks that it is in the public interest to do so, the Minister may, by legislative instrument, determine that subsection (2AA) does not apply to an application by an unauthorised maritime arrival included in a class of unauthorised maritime arrivals specified in the determination for a visa of a class specified in the determination.

5 Subsection 46A(2A)
    After “subsection (2)”, insert “, (2AB) or (2AC)”.

6 Subsection 46A(2B)
    After “determination”, insert “under subsection (2), (2AB) or (2AC)”.

7 Subsection 46A(2C)
    After “subsection (2)”, insert “or (2AB)”.

8 After subsection 46A(2C)
    Insert:
    (2D) The Minister may, by legislative instrument, vary or revoke a determination made under subsection (2AC) if the Minister thinks that it is in the public interest to do so.

9 Subsection 46A(3)
    Omit “(2) or (2C)”, substitute “(2), (2AB), (2AC), (2C) or (2D)”.

10 Paragraphs 46A(5)(a) and (b)
    Omit “the unauthorised”, substitute “an unauthorised”.

11 Subsection 46A(7)
    After “subsection (2)”, insert “, (2AB)”. 
12 At the end of section 46A
Add:

(8) The Minister does not have a duty to consider whether to exercise the power under subsection (2AC) or (2D) in respect of any class of unauthorised maritime arrivals, whether the Minister is requested to do so by an unauthorised maritime arrival included in such a class or by any other person, or in any other circumstances.

13 After subsection 46B(2)
Insert:

(2AA) An application for a visa is not a valid application if it is made by a transitory person who:

(a) after 19 July 2013, was taken to a regional processing country under Division 7 or 8 of Part 3 of the Maritime Powers Act 2013; and

(b) was at least 18 years of age on the first or only occasion when he or she was so taken to a regional processing country.

(2AB) If the Minister thinks that it is in the public interest to do so, the Minister may, by written notice given to a transitory person, determine that subsection (2AA) does not apply to an application by the person for a visa of a class specified in the determination.

(2AC) If the Minister thinks that it is in the public interest to do so, the Minister may, by legislative instrument, determine that subsection (2AA) does not apply to an application by a transitory person included in a class of transitory persons specified in the determination for a visa of a class specified in the determination.

14 Subsection 46B(2A)
After “subsection (2)”, insert “, (2AB) or (2AC)”.

15 Subsection 46B(2B)
After “determination”, insert “under subsection (2), (2AB) or (2AC)”.

16 Subsection 46B(2C)
After “subsection (2)”, insert “or (2AB)”.

17 After subsection 46B(2C)
Insert:

(2D) The Minister may, by legislative instrument, vary or revoke a determination made under subsection (2AC) if the Minister thinks that it is in the public interest to do so.

18 Subsection 46B(3)
Omit “(2) or (2C)”, substitute “(2), (2AB), (2AC), (2C) or (2D)”.

19 Paragraphs 46B(5)(a) and (b)
Omit “the transitory”, substitute “a transitory”.

20 Subsection 46B(7)
After “subsection (2)”, insert “, (2AB)”.
21 At the end of section 46B
Add:
(8) The Minister does not have a duty to consider whether to exercise the power under subsection (2AC) or (2D) in respect of any class of transitory persons, whether the Minister is requested to do so by a transitory person included in such a class or by any other person, or in any other circumstances.

Migration Regulations 1994
22 At the end of subregulation 2.07AA(2)
Add:
; and (d) the applicant is not a member of the designated regional processing cohort.

23 After subregulation 2.07AA(2)
Insert:
(2A) The Minister may waive the operation of paragraph (2)(d) in a particular case.

24 After subregulation 2.07AB(1)
Insert:
(1A) Subregulation (1) does not apply if the applicant is a member of the designated regional processing cohort.

25 At the end of subregulation 2.07AB(2)
Add:
; and (e) the applicant is not a member of the designated regional processing cohort.

26 At the end of regulation 2.07AB
Add:
(5) The Minister may waive the operation of subregulation (1A) in a particular case.
(6) The Minister may waive the operation of paragraph (2)(e) in a particular case.

27 At the end of regulation 2.07AM
Add:
(6) The Minister may waive the operation of paragraph 1402(3)(bb) of Schedule 1 in a particular case.

28 At the end of paragraph 2.08A(1)(da)
Add “and”.

29 After paragraph 2.08A(1)(da)
Insert:
(d) the additional applicant is not a member of the designated regional processing cohort;
30 At the end of regulation 2.08A
Add:
(3) The Minister may waive the operation of paragraph (1)(db) in a particular case.

30A At the end of paragraph 2.08AAA(1)(g)
Add “and”.

30B After paragraph 2.08AAA(1)(g)
Insert:
(ga) the additional applicant is not a member of the designated regional processing cohort;

30C At the end of regulation 2.08AAA
Add:
(3) The Minister may waive the operation of paragraph (1)(ga) in a particular case.

31 Regulation 2.11A (note)
Omit “Section 46A”, substitute “Subsection 46A(1)”.

32 Regulation 2.11B (note)
Omit “Section 46B”, substitute “Subsection 46B(1)”.

33 After paragraph 1402(3)(ba) of Schedule 1
Insert:
(bb) Applicant must not be a member of the designated regional processing cohort.

34 At the end of subitem 1402(3) of Schedule 1
Add:
Note: See also subregulation 2.07AM(6), which provides that the Minister may waive the operation of paragraph (bb) of this subitem in a particular case.

35 After Part 53 of Schedule 13
Insert:

Part 53A—Amendments made by the Migration Legislation Amendment (Regional Processing Cohort) Act 2016

5301A Operation of Schedule 1
(1) Paragraph 2.07AA(2)(d) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a visa application if the conditions mentioned in paragraphs 2.07AA(2)(a) to (c) of these Regulations are satisfied in relation to the application after the commencement of that Schedule.
(2) Subregulation 2.07AB(1A) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a visa application if the applicant provides his or her passport details (as mentioned in subregulation 2.07AB(1) of these Regulations) after the commencement of that Schedule.

(3) Paragraph 2.07AB(2)(e) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a visa application if the applicant asks for the visa (as mentioned in paragraph 2.07AB(2)(d) of these Regulations) after the commencement of that Schedule.

(4) Paragraph 2.08A(1)(db) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a request made by the original applicant under paragraph 2.08A(1)(b) of these Regulations if the request is made after the commencement of that Schedule.

(4A) Paragraph 2.08AAA(1)(ga) of these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a request made by the original applicant under paragraph 2.08AAA(1)(c) of these Regulations if the request is made after the commencement of that Schedule.

(5) Paragraph 1402(3)(bb) of Schedule 1 to these Regulations (as amended by Schedule 1 to the Migration Legislation Amendment (Regional Processing Cohort) Act 2016) applies in relation to a visa application if the application is made after the commencement of Schedule 1 to that Act.

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

Question—That the remaining stages of this bill be agreed to and this bill be now passed with amendments—put.

The Senate divided—

AYES, 31

Senators—

Bilyk  Carr  Chisholm  Collins  Di Natale  Faruq  Gallacher  Griff  
Hanson-Young  Hinch  Keneally  Ketter  Kitching  McAllister  McCarthy  McKim  
Moore  O’Neill  Patrick  Polley  Rice  Siewert  Smith, David  Steele-John  
Sterle  Storer  Urquhart*  Waters  Watt  Whish-Wilson  Wong
Question agreed to.

Bill read a third time.

27 Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018

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

Message no. 527, dated 6 December 2018—A Bill for an Act to amend the law relating to telecommunications, computer access warrants and search warrants, and for other purposes.

The Minister for Trade, Tourism and Investment (Senator Birmingham) 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 Birmingham moved—That this bill be now read a second time.

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

Statement by President: The President made a statement relating to a submission he had made to the Parliamentary Joint Committee on Intelligence and Security on its inquiry into the bill, and correspondence in similar terms to the Attorney-General and the Minister for Home Affairs.

Document: The President tabled the following document:

Letter to the President of the Senate from the Acting Minister for Home Affairs (Mr Porter), dated 4 December 2018.

Debate ensued.

At the request of the Minister for Finance and the Public Service (Senator Cormann), the time allotted for the remaining stages of the bill was extended by 30 minutes, by leave.

Debate continued.

At the request of Senator Urquhart, the time allotted for the remaining stages of the bill was extended by 30 minutes, by leave.

Reference to committee: Senator Cormann moved the following amendment:

At the end of the motion, add “and the Parliamentary Joint Committee on Intelligence and Security conduct a review of the operation of the amendments made by this bill and report on that review by 3 April 2019”.

Senator Collins withdrew the amendments to the bill circulated by the Opposition.

Limitation of debate: The time allotted for consideration of the bill expired.
Leave refused: The Leader of the Australian Greens (Senator Di Natale) sought leave to take over the amendments previously circulated by the Opposition. An objection was raised and leave was not granted.

Question—That Senator Cormann’s amendment be agreed to—put.

The Senate divided—

AYES, 46

Bilyk  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Birmingham  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Bushby  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Cameron  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Carr  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Cash  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Chisholm  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Colbeck  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Collins  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Cormann  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Duniam  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

NOES, 11

Burston  Hanson  Hanson-Young  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Di Natale  Leyonhjelm  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Faruqi  McKim  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

* Tellers

Question agreed to.

Question—That this bill be now read a second time—put.

The Senate divided—

AYES, 43

Bilyk  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Birmingham  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Bushby  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Cameron  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Carr  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Cash  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Chisholm  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Colbeck  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Collins  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Cormann  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Duniam  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

NOES, 14

Burston  Hanson  Hanson-Young  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Di Natale  Leyonhjelm  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Faruqi  McKim  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

Griff  Fahey  Fawcett  Fierravanti-Wells  Fifield  Gallagher  Georgiou  Griff  Janson  Hinch  Hume*  Keneally  Ketter

* Tellers

Question agreed to.

Bill read a second time.
Leave refused: Senator Di Natale sought leave to move an amendment. An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Di Natale moved—that so much of the standing orders be suspended as would prevent him moving that amendment.

Statement by leave: The Leader of the Opposition in the Senate (Senator Wong) and Senator Di Natale, by leave, made statements relating to the matter.

Senator Cormann moved the following amendment:

Omit, “as would prevent him moving that amendment”, substitute “as would prevent Senator Cormann moving—that the remaining stages of this bill be agreed to and this bill be now passed”.

Question—That the amendment to the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 44

Senators—

Bilyk
Birmingham
Brockman
Burston
Bushby
Cameron
Carr
Cash
Chisholm
Colbeck
Collins
Cormann
Duniam
Farrell
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Georgiou
Hanson
Hinch
Hume*

Keneally
Ketter
Kitching
Macdonald
McAllister
McCarthy
McGrath
McKenzie
Molan
Moore
O’Neill

Pratt
Reynolds
Ruston
Ryan
Seselja
Singh
Smith, David
Sterle
Stoker
Urquhart
Wong

NOES, 12

Senators—

Di Natale
Faruqi
Griff

Hanson-Young
McKim
Patrick

Rice
Siewert*
Steele-John

Storer
Waters
Whish-Wilson

* Tellers

Question agreed to.

Question—That the motion to suspend standing orders, as amended, be agreed to—put.

The Senate divided—

AYES, 44

Senators—

Bilyk
Birmingham
Brockman
Burston
Bushby
Cameron
Carr
Cash
Chisholm
Colbeck
Collins
Cormann
Duniam
Farrell
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Georgiou
Hanson
Hinch
Hume*

Keneally
Ketter
Kitching
Macdonald
McAllister
McCarthy
McGrath
McKenzie
Molan
Moore
O’Neill

Pratt
Reynolds
Ruston
Ryan
Seselja
Singh
Smith, David
Sterle
Stoker
Urquhart
Wong

Question agreed to by an absolute majority, in accordance with standing order 209(1). Senator Cormann moved—that the remaining stages of this bill be agreed to and this bill be now passed.

Question put. The Senate divided—

AYES, 44

Senators—

Bilyk
Birmingham
Brockman
Burston
Bushby
Cameron
Carr
Cash
Chisholm
Colbeck
Collins

Cormann
Duniam
Farrell
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Georgiou
Hanson
Hinch
Hume*

Keneally
Ketter
Kitching
Macdonald
McAllister
McCarthy
McGrath
McKenzie
Molan
Moore
O’Neill

Pratt
Reynolds
Ruston
Ryan
Singh
Smith, David
Sterle
Stokes
Urquhart

Bill read a third time.

28 Committee membership

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Assistant Minister for Home Affairs (Senator Reynolds), by leave, moved—that senators be discharged from and appointed to committees as follows:

Economics Legislation Committee—
Appointed—Substitute member: Senator Siewert to replace Senator Whish-Wilson for the committee’s inquiry into the provisions of the Social Services and Other Legislation Amendment (Supporting Retirement Incomes) Bill 2018

Economics References Committee—
Appointed—Substitute member: Senator Hanson-Young to replace Senator Whish-Wilson for the committee’s inquiry into credit and financial services targeted at Australians at risk of financial hardship
Finance and Public Administration Legislation Committee—
Appointed—Substitute member: Senator Rice to replace Senator Siewert for the committee’s inquiry into the provisions of the Future Drought Fund Bill 2018 and related bill

Legal and Constitutional Affairs Legislation Committee—
Appointed—Substitute member: Senator Rice to replace Senator McKim for the committee’s inquiry into the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 and all circulated amendments

Northern Australia—Joint Standing Committee—
Discharged—Senator Waters
Appointed—Senator Siewert.

Question put and passed.

Next meeting of Senate
The Assistant Minister for Home Affairs (Senator Reynolds) moved—That the Senate, at its rising, adjourn till Tuesday, 12 February 2019, at midday, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

Leave of absence
The Assistant Minister for Home Affairs (Senator Reynolds) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

Adjournment
Pursuant to order, the Senate adjourned at 7.26 pm till Tuesday, 12 February 2019 at midday.

Attendance

RICHARD PYE
Clerk of the Senate