### Contents

1. Meeting of Senate ................................................................. 2819
2. Documents................................................................................ 2819
3. Legal and Constitutional Affairs References Committee—Private Meeting—Extension of Time to Report .................................................................................. 2820
4. Committee—Leave to Meet During Sitting .................................. 2821
5. Hours of Meeting and Routine of Business—Variation .................. 2821
6. Migration Amendment (Regional Processing Arrangements) Bill 2015 .... 2822
7. Notice ......................................................................................... 2825
8. Committee Membership .............................................................. 2826
11. Export Charges (Imposition—General) Bill 2015                  
    Export Charges (Imposition—Customs) Bill 2015                  
    Export Charges (Imposition—Excise) Bill 2015                  
    Export Charges (Collection) Bill 2015 ...................................... 2827
12. Imported Food Charges (Imposition—General) Bill 2015           
    Imported Food Charges (Imposition—Customs) Bill 2015           
    Imported Food Charges (Imposition—Excise) Bill 2015            
    Imported Food Charges (Collection) Bill 2015............................ 2828
13. Tax and Superannuation Laws Amendment (Employee Share Schemes) 
    Bill 2015................................................................................ 2828
14. Selection of Bills—Standing Committee—Report No. 8 of 2015 ....... 2828
15. Postponements........................................................................... 2831
16. Committees—Extensions of Time to Report ............................... 2831
17. Economics References Committee—Reference ............................ 2832
18. Federal Courts Legislation Amendment (Fees) Regulation—Disallowance .... 2832
19. Legal and Constitutional Affairs References Committee—Reference 2833
20. Parliamentary Zone—Capital Works Proposals—Approval ............ 2833
21. Civil Law and Justice (Omnibus Amendments) Bill 2015 .............. 2834
22. Families—Select Committee—Proposed Appointment .................. 2834
No. 102—25 June 2015

23 Questions.............................................................. 2836
24 Dissent from Decision—Statement by President .............................. 2836
25 Motions to Take Note of Answers .................................................. 2837
26 Parliament—Condition of Parliament House—Documents .................. 2837
27 Australian Parliamentary Delegation to the 132nd Inter-Parliamentary
  Union Assembly—Document ...................................................... 2837
28 Committee Reports and Government Responses—Tabling and
  Consideration Pursuant to Standing Order 62(4) .............................. 2837
29 Health—Mental Health—Headspace Governance Arrangements—
  Document .......................................................... 2842
30 Fair Work (Registered Organisations) Amendment Bill 2014 [No. 2]
  Social Services Legislation Amendment (Youth Employment and Other
  Measures) Bill 2015 ..................................................................... 2842
31 Migration Amendment (Regional Processing Arrangements) Bill 2015 .... 2843
32 Committee Membership ................................................................ 2849
33 Civil Law and Justice Legislation Amendment Bill 2014 ...................... 2850
34 Committee Membership ................................................................ 2850
35 Next Meeting of Senate .................................................................. 2851
36 Leave of Absence ........................................................................ 2851
37 Constitutional Recognition of Aboriginal and Torres Strait Islander
  Peoples—Joint Select Committee—Report—Statement by Leave ......... 2851
38 Adjournment .............................................................................. 2851
39 Attendance .................................................................................. 2851
MEETING OF SENATE

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

DOCUMENTS

The following documents were tabled by the Clerk pursuant to statute:

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


Environment Protection and Biodiversity Conservation Act 1999—

  Amendment to the list of migratory species under section 209 (18 June 2015) [F2015L00871].
  Amendment to the list of migratory species under section 209 (18 June 2015) [F2015L00872].

Federal Financial Relations Act 2009—

  Federal Financial Relations (General purpose financial assistance) Determination No. 71 (February 2015) [F2015L00882].
  Federal Financial Relations (General purpose financial assistance) Determination No. 72 (March 2015) [F2015L00881].
  Federal Financial Relations (General purpose financial assistance) Determination No. 73 (April 2015) [F2015L00880].


Senator Collins, by leave, moved—That—

(a) the Legal and Constitutional Affairs References Committee be required to hold a private meeting otherwise than in accordance with standing order 33(1) today, immediately following the adjournment of the scheduled Legal and Constitutional Affairs Legislation Committee meeting, or at 11 am, whichever is the earlier, and that the agenda for the meeting of the references committee include:

(i) the election of a new chair of the committee, and

(ii) deliberation on the committee’s progress on its inquiry into the handling of a letter sent by Mr Man Haron Monis to the Attorney-General, including the letter, dated 24 June 2015, from Mr Thawley, Secretary of the Department of the Prime Minister and Cabinet, and received by the committee on 24 June 2015; and

(b) the time for the presentation of the report on the handling of a letter sent by Mr Man Haron Monis to the Attorney-General be extended to 12 August 2015.

Debate ensued.

Question put.
The Senate divided—

AYES, 34

Senators—

Bilyk
Bullock
Carr
Collins
Connroy
Dastyrian
Di Natale
Gallacher
Gallagher
Hanson-Young
Ketter
Lambie
Lazarus
Ludlam
Ludwig
Marshall
McAllister
McEwen
McLucas
Milne
Moore
O’Neill
Peris
Polley
Rhiannon
Rice
Siewert
Singh
Urquhart (Teller)
Wang
Waters
Whish-Wilson
Wright
Xenophon
NOES, 31

Senators—

Back              Day              Lindgren          Ronaldson
Bernardi          Edwards          Macdonald         Ruston
Birmingham        Fawcett (Teller)  Madigan           Ryan
Brandis           Fierravanti-Wells  McGrath           Scullion
Bushby            Fifield          McKenzie          Sinodinos
Canavan           Heffernan        Nash              Smith
Colbeck           Johnston         O’Sullivan        Williams
Cormann           Leyonhjelm       Parry

Question agreed to.

4  COMMITTEE—LEAVE TO MEET DURING SITTING

A committee was authorised to meet during the sitting of the Senate, as follows:

Legal and Constitutional Affairs Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 9.30 am, for the committee’s inquiry into the Regulator of Medicinal Cannabis Bill 2014.

5  HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Assistant Minister for Social Services (Senator Fifield), by leave, moved government business notice of motion no. 3—That, on Thursday, 25 June 2015:

(a) the hours of meeting shall be 9.30 am to adjournment;
(b) consideration of general business private senators’ bills under temporary order 57(1)(d)(ia) shall not be proceeded with and that government business shall have precedence for 2 hours and 20 minutes;
(c) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(d) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm shall be government business only;
(e) divisions may take place after 4.30 pm;
(f) the question for the adjournment of the Senate shall be proposed after it has finally considered the Migration Amendment (Regional Processing Arrangements) Bill 2015, or a motion for the adjournment is moved by a minister, whichever is the earlier; and
(g) debate on the question for the adjournment shall not exceed 40 minutes, and a senator shall not speak to that question for more than 10 minutes.

Debate ensued.

Question put.
The Senate divided—

AYES, 43

Senators—

Back—Day—Madigan—Peris
Bernardi—Edwards—Marshall—Ruston
Birmingham—Fawcett—McAllister—Ryan
Brown—Fifield—McEwen—Sinodinos
Bullock—Gallacher—McGrath—Smith
Bushby (Teller)—Gallagher—McKenzie—Sterle
Canavan—Johnston—McLucas—Urquhart
Carr—Ketter—Moore—Wang
Colbeck—Lindgren—Muir—Williams
Cormann—Lnes—O’Neill—Xenophon
Dastyari—Ludwig—Parry

NOES, 12

Senators—

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

Question agreed to.

6 MIGRATION AMENDMENT (REGIONAL PROCESSING ARRANGEMENTS) BILL 2015

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


The Assistant Minister for Social Services (Senator Fifield) moved—that this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Leave refused: Senator Fifield sought leave to move a motion to exempt the bill from the provisions of paragraphs (5) to (8) of standing order 111.

An objection was raised and leave was not granted.

Suspension of standing orders: Senator Fifield, at the request of the Leader of the Government in the Senate (Senator Abetz) and pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to exempt the bill from the provisions of paragraphs (5) to (8) of standing order 111.

Debate ensued.

Question put and passed.

Senator Fifield moved—that a motion to exempt the bill from the provisions of paragraphs (5) to (8) of standing order 111 may be moved immediately and have precedence over all other business today till determined.

Question put.
The Senate divided—

AYES, 42

Senators—

Back
Bilyk
Birmingham
Brown
Bullock
Bushby
Cameron
Canavan
Carr
Cash
Colbeck

Cormann
Dastyari
Day
Edwards
Fawcett
Fifield
Gallacher
Gallacher
Lazarus
Landgren
Ludwig

Macdonald
Madigan
Marshall
McAllister
McEwen
McGrath
McKenzie
McLucas
Moore
Muir

O’Neill
O’Sullivan
Parry
Ruston
Ryan
Smith
Sterle
Urquhart (Teller)
Wang
Xenophon

NOES, 11

Senators—

Di Natale
Hanson-Young
Lambie

Ludlam
Milne
Rhiannon

Rice
Siewert (Teller)
Waters

Whish-Wilson
Wright

Question agreed to.

Consideration of legislation: Senator Fifield moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Migration Amendment (Regional Processing Arrangements) Bill 2015, allowing it to be considered during this period of sittings.

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

Question—That the question be now put—put and passed.

Main question put and passed.

Document: Senator Fifield tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Migration Amendment (Regional Processing Arrangements) Bill 2015 in the 2015 winter sittings.

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

Debate ensued.

Senator Hanson-Young moved the following amendment:

At the end of the motion, add “but the Senate notes:

(a) the findings of the review by Mr Phillip Moss into conditions in Nauru and the evidence currently before the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru that women and children have been suffering rape, sexual assault, child abuse and severe physical and mental trauma associated with the conditions in Nauru; and

(b) the United Nations Subcommittee on the Prevention of Torture found the conditions on Nauru to amount to torture and trauma”.

Debate ensued.
Senator Hanson-Young, by leave, amended the amendment to read as follows:

At the end of the motion, add “but the Senate notes the findings of the review by Mr Phillip Moss into conditions in Nauru and the evidence currently before the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru”.

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

Main question, as amended, put.

The Senate divided—

AYES, 37

Senators—

Back Fawcett Marshall Peris
Brandis Fierravanti-Wells McAllister Polley
Brown Fifield McEwen Ruston
Bullock Gallagher McGrath Seselja
Bushby (Teller) Ketter McKenzie Singh
Cameron Lindgren McLucas Smith
Canavan Lines Moore Sterle
Dastyari Ludwig O’Neill Urquhart
Day Madigan O’Sullivan Williams
Edwards

NOES, 13

Senators—

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

Question agreed to.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

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

Page 4 (after line 5), at the end of the bill, add:

Schedule 2—Detention of vulnerable persons

Migration Act 1958

1 Subsection 198AD(1)

Omit “sections 198AE, 198AF and 198AG”, substitute “sections 198AE, 198AF, 198AG and 198AGA”.

2 After section 198AG

Insert:

198AGA Vulnerable persons

(1) Section 198AD does not apply to an unauthorised maritime arrival if the person is a vulnerable person for the purpose of subsection (2).
(2) A person is a vulnerable person for the purpose of this subsection if:
   (a) the person is aged under 18; or
   (b) the person is the parent or guardian (or other family member) of a person covered by paragraph (a).

3 Application

The amendments to the Migration Act 1958 made by this Schedule apply in relation to an unauthorised maritime arrival on or after the day on which this Schedule commences.

4 Transitional—vulnerable persons transferred before Royal Assent

(1) This item applies to a person if:
   (a) the person was an unauthorised maritime arrival at any time on or after 13 August 2012; and
   (b) the person was taken from Australia to a regional processing country in accordance with subsection 198AD(2) of the Migration Act 1958; and
   (c) at the time the person was taken to the regional processing country the person was:
      (i) aged under 18; or
      (ii) the parent or guardian (or other family member) of a person covered by subparagraph (i); and
   (d) on the day this Act receives the Royal Assent, the person is:
      (i) aged under 18; or
      (ii) the parent or guardian (or other family member) of a person covered by subparagraph (i).

(2) As soon as reasonably practicable, an officer must ensure the person is removed from the regional processing country and returned to Australia.

Clause 2, page 2, at the end of the table, add:

3. Schedule 2 The day after this Act receives the Royal Assent.

Debate ensued.

Time expired: Pursuant to the order of the Senate agreed to earlier today (see entry no. 5) the time for the consideration of government business reached the limit of 2 hours 20 minutes.

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

7 NOTICE

Senator Ludlam: To move on the next day of sitting—That—
   (a) the Senate notes the comments made by Productivity Commissioner, Mr Peter Harris, who said ‘we treat consumers like idiots if we don’t publish [cost benefit studies]’ in relation to Commonwealth funding of major infrastructure projects; and
(b) there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development, no later than 5 pm on Tuesday, 11 August 2015, the following documents held or prepared by Infrastructure Australia:

(i) the Infrastructure Australia Board evaluation of the Perth Freight Link project that occurred at its meeting on 7 May 2015,
(ii) any business case presented by the Western Australian Government for the Perth Freight Link project,
(iii) any other documents in relation to the Perth Freight Link project provided to Infrastructure Australia by the Western Australian Government, and
(iv) any assessment of the proposed Perth Freight Link undertaken by Infrastructure Australia, including the priority of this project as compared to other projects. (general business notice of motion no. 781)

Notice of motion withdrawn: Senator Wright, pursuant to notice of intention given on 24 June 2015, withdrew business of the Senate notice of motion no. 3 standing in her name for today for the disallowance of the Federal Courts Legislation Amendment (Fees) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 70 and made under the Federal Court of Australia Act 1976, the Family Law Act 1975 and the Federal Circuit Court of Australia Act 1999.

8 COMMITTEE MEMBERSHIP

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

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

Intelligence and Security—Joint Statutory Committee—
Appointed—Senators Gallagher and Wong, pursuant to the Intelligence Services Act 2001

Murray-Darling Basin Plan—Select Committee—
Appointed—
Participants: Senators Canavan and Ruston

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—
Appointed—
Substitute members: Senator Johnston to replace Senator Bernardi from 26 June to 31 July 2015
Participating member: Senator Bernardi.

Question put and passed.

9 ORDER OF BUSINESS—REARRANGEMENT—ROUTINE OF BUSINESS—VARIATION

The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That—

(a) the following government business orders of the day be considered from 12.45 pm today:

No. 2 Defence Legislation (Enhancement of Military Justice) Bill 2015
No. 3 Export Charges (Imposition—General) Bill 2015
Export Charges (Imposition—Customs) Bill 2015
Export Charges (Imposition—Excise) Bill 2015
Export Charges (Collection) Bill 2015

No. 4 Imported Food Charges (Imposition—General) Bill 2015
Imported Food Charges (Imposition—Customs) Bill 2015
Imported Food Charges (Imposition—Excise) Bill 2015
Imported Food Charges (Collection) Bill 2015

No. 5 Tax and Superannuation Laws Amendment (Employee Share Schemes) Bill 2015;
(b) the following business be called on after the bills listed in paragraph (a) till not later than 2 pm:
(i) tabling and adoption of Selection of Bills Committee report,
(ii) placing of business, and
(iii) discovery of formal business; and
(b) government business be called on at the completion of business listed in paragraph (b) till not later than 2 pm today.
Question put and passed.

At 12.45 pm—

10 DEFENCE LEGISLATION (ENHANCEMENT OF MILITARY JUSTICE) BILL 2015
Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan) the bill was read a third time.

11 EXPORT CHARGES (IMPOSITION—GENERAL) BILL 2015
EXPORT CHARGES (IMPOSITION—CUSTOMS) BILL 2015
EXPORT CHARGES (IMPOSITION—EXCISE) BILL 2015
EXPORT CHARGES (COLLECTION) BILL 2015
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of Senator Ryan the bills were read a third time.
Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan) the bills were read a third time.

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan) the bill was read a third time.

The Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 8 OF 2015

1. The committee met in private session on Wednesday, 24 June 2015 at 7.22 pm.
2. The committee resolved to recommend—that—
   (a) the Australian Government Boards (Gender Balanced Representation) Bill 2015 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 8 September 2015;
   (b) the provisions of the Australian Radiation Protection and Nuclear Safety Amendment Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 17 August 2015;
   (c) contingent upon its introduction in the House of Representatives, the provisions of the Fairer Paid Parental Leave Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 15 September 2015;
(d) the provisions of the Gene Technology Amendment Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 18 August 2015; and

(e) the Voice for Animals (Independent Office of Animal Welfare) Bill 2015 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 15 September 2015.

3. The committee resolved to recommend—That the following bills not be referred to committees:

Australian Citizenship Amendment (Allegiance to Australia) Bill 2015
Customs Tariff Amendment (Fuel Indexation) Bill 2015
Excise Tariff Amendment (Fuel Indexation) Bill 2015
Fuel Indexation (Road Funding) Bill 2015
Fuel Indexation (Road Funding) Special Account Bill 2015
Higher Education Support Amendment (New Zealand Citizens) Bill 2015
Migration Amendment (Regional Processing Arrangements) Bill 2015
Passports Legislation Amendment (Integrity) Bill 2015
Social Security (Administration) Amendment (Consumer Lease Exclusion) Bill 2015
Social Services Legislation Amendment (Defined Benefit Income Streams) Bill 2015
Tax Laws Amendment (Small Business Measures No. 3) Bill 2015
Treasury Legislation Amendment (Small Business and Unfair Contract Terms) Bill 2015.

The committee recommends accordingly.

4. The committee considered the Shipping Legislation Amendment Bill 2015 but was unable to reach agreement.

5. The committee deferred consideration of the following bills to its next meeting:

Aboriginal Land Rights (Northern Territory) Amendment Bill 2015
Acts and Instruments (Framework Reform) (Consequential Provisions) Bill 2015
Australian Centre for Social Cohesion Bill 2015
Australian Defence Force Cover Bill 2015
Australian Defence Force Superannuation Bill 2015
Civil Law and Justice (Omnibus Amendments) Bill 2015
Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
Corporations Amendment (Publish What You Pay) Bill 2014
Defence Legislation Amendment (Superannuation and ADF Cover) Bill 2015
Motor Vehicle Standards (Cheaper Transport) Bill 2014
Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
Tax and Superannuation Laws Amendment (2015 Measures No. 2) Bill 2015

David Bushby
Chair

Senator Bushby moved—that the report be adopted.

Senator Moore moved the following amendment:

At the end of the motion, add, “and, in respect of the Shipping Legislation Amendment Bill 2015, the provisions of the bill be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the first sitting day of 2016”.

Senator Siewert moved the following amendment to Senator Moore’s proposed amendment:

At the end of the amendment, add “and:

(a) the Migration Amendment (Regional Processing Arrangements) Bill 2015 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 August 2015; and

(b) the provisions of the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 August 2015”.

Question—that Senator Siewert’s amendment to Senator Moore’s proposed amendment be agreed to—put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 40

Senators—

Back
Brown
Bullock
Bushby
Canavan
Colbeck
Collins
Day
Edwards
Fifield
Gallacher
Ketter
Lazarus
Lindgren
Lines
Ludwig
Macdonald
Marshall
McAllister
McEwen (Teller)
McGrath
McKenzie
McLucas
Moore
Muir
Nash
O’Neill
O’Sullivan
Peris
Polley
Ruston
Ryan
Seselja
Sinesilos
Smith
Sterle
Urquhart
Wang
Williams
Xenophon

Question negatived.

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

The Assistant Minister for Social Services (Senator Fifield) moved the following amendments to Senator Moore’s proposed amendment together by leave:

No. 1—Omit “Rural, Regional Affairs and Transport Legislation Committee”, substitute “Economics Legislation Committee”.

No. 2—Omit “the first sitting day of 2016”, substitute “12 August 2015”.


Debate ensued.

Senator Moore, by leave, amended her amendment as follows:

Omit “the first sitting day of 2016”, substitute “12 October 2015”.

Question—That Senator Fifield’s amendment no. 2 to Senator Moore’s proposed amendment be agreed to—put and negatived.

Question—That Senator Fifield’s amendment no. 1 to Senator Moore’s proposed amendment be agreed to—put.

The Senate divided—

AYES, 31

Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann

Day
Edwards
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Leyonhjelm
Lindgren

Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Payne
Ronaldson
Ruston

Ryan
Scullion
Seselja
Sinodinos
Smith
Williams
Xenophon

NOES, 35

Bilyk
Brown
Bullock
Cameron
Carr
Conroy
Dastyari
Di Natale
Gallacher

Hanson-Young
Ketter
Lambie
Lazarus
Ludlam
Ludwig
Madigan
McAllister
McEwen (Teller)

McLucas
Milne
Moore
Muir
O’Neill
Peris
Polley
Rhiannon
Rice

Siewert
Singh
Sterle
Urquhart
Wang
Waters
Whish-Wilson
Wright

Question negatived.

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

Main question, as amended, put and passed.

15 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 12 August 2015.

Business of the Senate notice of motion no. 2 standing in the name of Senator Xenophon for today, proposing a reference to the Economics References Committee, postponed till 12 August 2015.

16 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:

Environment and Communications References Committee—Stormwater management, extended to 19 August 2015.

Foreign Affairs, Defence and Trade Legislation Committee—International Aid (Promoting Gender Equality) Bill 2015, extended to 17 September 2015.
17 **ECONOMICS REFERENCES COMMITTEE—REFERENCE**

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—That the following matter be referred to the Economics References Committee for inquiry and report by 13 June 2016:

The economic and social impact of legislation, policies or Commonwealth guidelines, with particular reference to:

(a) the sale and use of tobacco, tobacco products, nicotine products, and e-cigarettes, including any impact on the health, enjoyment and finances of users and non-users;

(b) the sale and service of alcohol, including any impact on crime and the health, enjoyment and finances of drinkers and non-drinkers;

(c) the sale and use of marijuana and associated products, including any impact on the health, enjoyment and finances of users and non-users;

(d) bicycle helmet laws, including any impact on the health, enjoyment and finances of cyclists and non-cyclists;

(e) the classification of publications, films and computer games; and

(f) any other measures introduced to restrict personal choice ‘for the individual’s own good’.

Question put and passed.

18 **FEDERAL COURTS LEGISLATION AMENDMENT (FEES) REGULATION—DISALLOWANCE**

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That Schedule 2 of the Federal Courts Legislation Amendment (Fees) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 70 and made under the Federal Court of Australia Act 1976, the Family Law Act 1975, and the Federal Circuit Court of Australia Act 1999, be disallowed.

Question put.

The Senate divided—

**AYES, 37**

Senators—

<table>
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<th>Bilyk</th>
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<th>McEwen (Teller)</th>
<th>Siewert</th>
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NOES, 28

Senators—

Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Edwards
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Lindgren
Macdonald
McGrath
McKenzie
Nash
O'Sullivan
Payne
Ronaldson
Ruston
Ryan
Scullion
Seselja
Sinodinos
Smith
Williams

Question agreed to.

19 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Lazarus, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—that the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 3 December 2015:

Use of smoke alarms to prevent smoke and fire related deaths, with particular reference to:

(a) the incidence of smoke and fire related injuries and deaths and associated damage to property;

(b) the immediate and long term effects of such injuries and deaths;

(c) how the use, type and installation set-ups of smoke alarms could affect such injuries and deaths;

(d) what smoke alarms are in use in owner-occupied and rented dwellings and the installation set-ups;

(e) how the provisions of the Australian Building Code relating to smoke alarm type, installation and use can be improved;

(f) whether there are any other legislative or regulatory measures which would minimise such injuries and deaths; and

(g) any related matter.

Question put and passed.

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

20 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSALS—APPROVAL

The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—that, in accordance with section 5 of the Parliament Act 1974, the Senate approves the following proposals by the National Capital Authority for capital works within the Parliamentary Zone:

(a) John Gorton Building car park enhancement; and

(b) construction of a memorial to the victims of the MH17 disaster.

Question put and passed.
21 CIVIL LAW AND JUSTICE (OMNIBUS AMENDMENTS) BILL 2015

The Assistant Minister for Social Services (Senator Fifield), at the request of the Attorney-General (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—that the following bill be introduced:

A Bill for an Act to amend various Acts relating to law and justice, and for related purposes.

Question put and passed.

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

Question put and passed.

Bill read a first time.

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

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

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings, 10 August 2015.

22 FAMILIES—SELECT COMMITTEE—PROPOSED APPOINTMENT

Senator McEwen, at the request of Senator Gallagher and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 772—

(1) That a select committee, to be known as the Select Committee on Families, be established to inquire into and report by 13 October 2015 on the following matters:

(a) the short- and long-term impact and potential impact on Australian families and children of decisions of the Abbott Government taken since its election, including:

(i) proposed changes to family tax benefits contained in the 2014-15 and 2015-16 budgets,

(ii) proposed changes to income support payments, including Newstart Allowance and Youth Allowance contained in the 2014-15 and 2015-16 budgets,

(iii) proposed changes to child care contained in the 2014-15 and 2015-16 budgets,

(iv) proposed changes to parental leave pay contained in the 2015-16 Budget,

(v) the abolition of the Schoolkids Bonus and the Income Support Bonus, and

(vi) any other changes by the Abbott Government to payments and/or concessions made directly by the Commonwealth Department of Social Services to Australian families; and
(b) the impact of these changes on particular groups of vulnerable families and children, including single parent families, single income families, families of people with disability, low-income families, Indigenous families and other vulnerable groups.

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

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

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

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and as deputy chair the member nominated by the Leader of the Australian Greens.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and any interim recommendations as it may deem fit.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Statement by leave: The Assistant Minister for Social Services (Senator Fifield) and Senators Leyonhjelm and McEwen, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 33

Senators—

Bilyk H. 
Brown K. 
Bullock L. 
Cameron L. 
Carr L. 
Collins L. 
Conroy M. 
Di Natale M. 
Gallacher G. 
Hanson-Young M. 
Ketter M. 
Lambie M. 
Lazarus L. 
Ludlam L. 
Ludwig L. 
McAllister M. 
McEwen (Teller) M. 
Milne M. 
Moore M. 
O’Neill M. 
Peris M. 
Polley M. 
Rhiannon R. 
Singh S. 
Siewert S. 
Sterle S. 
Urquhart U. 
Waters W. 
Whish-Wilson W. 
Brown B. 
Ketter K. 
Lambie L. 
Lazarus L. 
Ludlam L. 
Ludwig L. 
McAllister M. 
McEwen (Teller) M. 
Milne M. 
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O’Neill M. 
Peris M. 
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Rhiannon R. 
Singh S. 
Siewert S. 
Sterle S. 
Urquhart U. 
Waters W. 
Whish-Wilson W. 
Bilyk B. 
Brown B. 
Bullock B. 
Cameron C. 
Carr C. 
Collins C. 
Conroy C. 
Di Natale D. 
Gallacher G. 

NOES, 33

Senators—

Back B. 
Bernardi B. 
Birmingham B. 
Bushby (Teller) B. 
Canavan C. 
Cash C. 
Colbeck C. 
Cormann C. 
Day D. 
Edwards E. 
Fawcett F. 
Fierravanti-Wells F. 
Fifield F. 
Heffernan H. 
Leyonhjelm L. 
Lindgren L. 
Macdonald M. 
Madigan M. 
McGrath M. 
McKenzie M. 
Muir M. 
Nash N. 
O’Sullivan O. 
Payne P. 
Ronaldson R. 
Ruston R. 
Ryan R. 
Scullion S. 
Seselja S. 
Sindonis S. 
Smith S. 
Wang W. 
Williams W. 
The ayes and noes were equal and so the question was negatived.

After 2 pm—

23 QUESTIONS

Questions without notice were answered.

Document: The Leader of the Opposition in the Senate (Senator Wong), by leave, tabled the following document:

Legal and Constitutional Affairs Legislation Committee—Budget estimates 2015-16—Copy of email from Deputy Secretary, Department of the Prime Minister and Cabinet (Mr McKinnon), dated 1 June 2015, relating to the correction of evidence given to the committee.

Further questions without notice were answered.

24 DISSENT FROM DECISION—STATEMENT BY PRESIDENT

The President made a statement relating to points of order taken by Senator Macdonald during the vote on a reference to the Legal and Constitutional Affairs References Committee earlier today (see entry no. 19), a subsequent decision by the Deputy President (Senator Marshall) that there was no point of order and events subsequent to that.
Dissent from decision of Deputy President: Senator Macdonald, having objected, in writing, to the decision of the Deputy President, moved—That the Senate dissents from the decision of the Deputy President to dismiss Senator Macdonald’s point of order.

Debate was adjourned till the next day of sitting, pursuant to standing order 198.

25 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Collins moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

Senator Whish-Wilson moved—That the Senate take note of the answer given by the Minister for Human Services (Senator Payne) to a question without notice asked by Senator Whish-Wilson today relating to investor-state dispute settlement clauses.

Question put and passed.

26 PARLIAMENT—CONDITION OF PARLIAMENT HOUSE—DOCUMENTS

The Deputy President (Senator Marshall) tabled the following documents:

Parliament—Condition of Parliament House—
Presiding Officer’s statement regarding the condition of Parliament House, dated 25 June 2015.

Summary of Parliament House building condition report.

27 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE 132ND INTER-PARLIAMENTARY UNION ASSEMBLY—DOCUMENT

Senator McEwen, by leave, tabled the following document:


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

The Deputy Chair of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (Senator Peris) tabled the following report and documents:

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—Report, dated June 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

Debate adjourned till the next day of sitting, Senator McKenzie in continuation.
Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher) tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia’s treaty-making process—Report, dated June 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

Senator Fawcett, at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), tabled the following report and documents:


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

Senator Fawcett, at the request of the Chair of the Standing Committee on Publications (Senator O’Sullivan), tabled the following report:

PUBLICATIONS COMMITTEE
15TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 14 May 2015, recommends that the following be printed:

Albury-Wodonga Development Corporation—Report for the period 1 July to 31 December 2014 [Final report].


Reports—

No. 91—Tapara v Commonwealth of Australia (Department of Immigration and Border Protection).

No. 92—Immigration detainees with adverse security assessments v Commonwealth of Australia (Department of Immigration and Border Protection).


Summary report, dated April 2015.
Australian National Preventive Health Agency (ANPHA)—Report for 2013-14—Corrigendum.
Australian National University—Report for 2014.
Budget 2015-16—Ministerial statement—Partnership for regional growth 2015-16—Statement by the Minister for Infrastructure and Regional Development (Mr Truss) and the Assistant Minister for Infrastructure and Regional Development (Mr Briggs), dated 12 May 2015.
Economics Legislation Committee—
Private Health Insurance (Prudential Supervision) Bill 2015 [Provisions],
Private Health Insurance (Prudential Supervision) (Consequential Amendments and Transitional Provisions) Bill 2015 [Provisions],
Private Health Insurance Supervisory Levy Imposition Bill 2015 [Provisions],
Environment and Communications Legislation Committee—
Legal and Constitutional Affairs Legislation Committee—
Rural and Regional Affairs and Transport References Committee—Grain export networks, including the on- and off-farm storage, transport, handling and export of Australian grain—Report, dated June 2015.
REPORT ON COMMITTEE ACTIVITIES
The Publications Committee reports that, in accordance with an undertaking
given in the committee’s report Distribution of the Parliamentary Papers Series,
as at 24 June 2015, 16 documents are yet to be supplied by their author agency
for inclusion in the 2014 series. These agencies have been, or are in the process
of being, reminded of their obligations. The committee will report to the
chamber if agencies remain in default at the end of 2015.

Senator O’Sullivan
Chair
Senator Fawcett moved—That the report be adopted.
Question put and passed.

Senator Fawcett, at the request of the chairs of the respective committees, tabled the
following documents:
Additional estimates 2014-15—
Community Affairs Legislation Committee—Additional information received
between 13 May and 24 June 2015—Social Services portfolio.
Education and Employment Legislation Committee—Additional information
received between 14 May and 24 June 2015—
Education and Training portfolio.
Employment portfolio.
Environment and Communications Legislation Committee—Additional
information received between 23 February and 22 May 2015—Environment
portfolio.
Finance and Public Administration Legislation Committee—Additional
information received between—
13 May and 23 June 2015—Finance portfolio.
14 May and 23 June 2015—Prime Minister and Cabinet portfolio.
Rural and Regional Affairs and Transport Legislation Committee—Additional
information—
Received on 21 April 2015—Agriculture portfolio.
Received between 22 April and 27 May 2015—Infrastructure and Regional
Development portfolio.

Senator Fawcett, at the request of the Chair of the Finance and Public Administration
Legislation Committee (Senator Bernardi), tabled the following report and documents:
Finance and Public Administration Legislation Committee—Department of
Report ordered to be printed on the motion of Senator Fawcett.
Senator Fawcett moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Fawcett in continuation.
Senator Fawcett, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi), tabled the following report and documents:


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

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

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

Senator Fawcett, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report:


Extension of time to report: Senator Fawcett, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), moved—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Regulator of Medicinal Cannabis Bill 2014 be extended to 10 August 2015.

Question put and passed.

Senator Urquhart, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bilyk), tabled the following document:


Pursuant to order, Senator Urquhart, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle), tabled the following report and documents:

- Rural and Regional Affairs and Transport References Committee—Australia’s transport energy resilience and sustainability—Report, dated June 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

Debate adjourned till the next day of sitting, Senator Rice in continuation.
Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher) tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report, dated June 2015, Hansard record of proceedings, additional information and submissions.

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

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

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

The Deputy Chair of the Joint Select Committee on the Australia Fund Establishment (Senator Lazarus) tabled the following report and documents:


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

Question put and passed.

29 HEALTH—MENTAL HEALTH—HEADSPACE GOVERNANCE ARRANGEMENTS—DOCUMENT

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) tabled the following document:

Health—Mental health—Headspace governance arrangements—Letter from the Assistant Minister for Health (Senator Nash) to Senator Wright, dated 25 June 2015, responding to a proposed order for the production of a document (see entry no. 16, 18 June 2015).

30 FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT BILL 2014 [NO. 2]
SOCIAL SERVICES LEGISLATION AMENDMENT (YOUTH EMPLOYMENT AND OTHER MEASURES) BILL 2015

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


Message no. 417, dated 24 June 2015—A Bill for an Act to amend the law relating to social security and farm household support, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Senator McEwen requested that the motion be divided—

Question—that these bills may be taken together—debated and negatived.

SOCIAL SERVICES LEGISLATION AMENDMENT (YOUTH EMPLOYMENT AND OTHER MEASURES) BILL 2015—

Question—that this bill may proceed without formalities and be now read a first time—put and passed.

Bill read a first time.
Senator Colbeck moved—That this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Community Affairs Legislation Committee to report on the bill, 11 August 2015.

FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT BILL 2014 [NO. 2]—

Question—That this bill may proceed without formalities—put.

The Senate divided—

AYES, 31

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Question negatived.

Question—That this bill be now read a first time—put and passed.

Bill read a first time.

Consideration of legislation: Pursuant to order, the second reading of the Fair Work (Registered Organisations) Amendment Bill 2014 [No. 2] was made an order of the day for the day fixed for the Education and Employment Legislation Committee to report on the bill, 11 August 2015.

31 MIGRATION AMENDMENT (REGIONAL PROCESSING ARRANGEMENTS) BILL 2015

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

In the committee

Consideration resumed of the bill—and of the amendments moved by Senator Hanson-Young (see entry no. 6).

Debate resumed.

______
Document: The Attorney-General (Senator Brandis) tabled the following document:
Migration Amendment (Regional Processing Arrangements) Bill 2015—Answers to questions concerning the bill.

Debate continued.
Question—That the amendments be agreed to—put.
The committee divided—

**AYES, 13**

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

Page 4 (after line 5), at the end of the bill (after proposed Schedule 2), add:

**Schedule 3—Mandatory reporting of abuse**

*Migration Act 1958*

1 After section 197BA

Insert:

**197BAA Mandatory reporting of reportable assaults**

(1) If a designated person believes on reasonable grounds that a person has experienced, or is experiencing, a reportable assault, the designated person must, as soon as practicable, notify the relevant authorities of:
   (a) the alleged assault; and
   (b) the grounds on which the person has formed the belief that the alleged assault occurred.

**Offence**

(2) A person commits an offence if:
   (a) the person is required to make a notification under subsection (1); and
   (b) the person fails to comply with the requirement.

Penalty: 60 penalty units.
**Geographical jurisdiction**

(3) Section 15.3 of the *Criminal Code* (extended geographical jurisdiction—category C) applies to an offence against subsection (2).

**Interpretation**

(4) In this section:

*designated person* means:

(a) an authorised officer; and

(b) a person appointed or employed by, or for the performance of services for:

(i) the Commonwealth, a State or a Territory; or

(ii) an authority of the Commonwealth, a State or a Territory; and

(c) a person employed by another person or body that is contracted by the Commonwealth, or an authority of the Commonwealth, to perform services in relation to an immigration detention facility.

*relevant authority* means:

(a) in any case—the Department and the Australian Federal Police; and

(b) if:

(i) the victim of an alleged reportable assault is a child; and

(ii) the alleged assault occurs in a State or Territory;

a relevant authority of the State or Territory that has functions relating to child safety; and

(c) if:

(i) the victim of an alleged reportable assault is a child; and

(ii) the alleged assault occurs in a foreign country;

a police force of the foreign country.

*reportable assault* means any of the following, to the extent that they occur, or allegedly occur, in an immigration detention facility:

(a) unlawful sexual contact;

(b) sexual harassment;

(c) unreasonable use of force;

(d) any other assault.

Clause 2, page 2, at the end of the table, after proposed table item 3, add:

4. Schedule 3 Immediately after the commencement of Schedule 1 to the *Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Act 2015*.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 16

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<tr>
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Bilyk (Teller)
Brandis
Bullock
Bushby
Canavan
Carr

Colbeck
Edwards
Fawcett
Gallacher
Gallagher
Ketter
Lindgren
Lines

Ludwig
Macdonald
McGrath
McKenzie
McLucas
Moore
O'Neill
O'Sullivan

Peris
Ruston
Seselja
Singh
Smith
Sterle
Williams

Question negatived.

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

Schedule 1, page 3 (before line 4), before item 1, insert:

1A Subsection 198AB(2)

Repeal the subsection, substitute:

(2) The only conditions for the exercise of the power under subsection (1) are:

(a) that the Minister thinks that it is in the national interest to designate the country to be a regional processing country; and

(b) that subsection (4A) has been complied with.

1B After subsection 198AB(4)

Insert:

(4A) The Minister must not designate a country to be a regional processing country unless the country has given Australia assurances, in writing, to the effect that the country will allow the following persons or bodies reasonable access to unauthorised maritime arrivals who have been taken to the regional processing country under section 198AD:

(a) the Australian Human Rights Commission;

(b) the Commonwealth Ombudsman;

(c) journalists (within the meaning of the Evidence Act 1995).

(4B) The assurances referred to in subsection (4A) need not be legally binding.

Note: However, the Minister must revoke a designation if the country does not comply with those assurances, see subsection (5A).

1C After subsection 198AB(5)

Insert:

(5A) If:

(a) the Minister designates a country under subsection (1); and

(b) the country has given written assurances under subsection (4A); and

(c) the Minister becomes aware that the country has not complied, or is not complying, with those assurances;

the Minister must revoke the designation.
Schedule 1, page 4 (after line 5), at the end of the Schedule, add:

2 Application—written assurances relating to access

The amendments made to the Migration Act 1958 by items 1A, 1B and 1C apply in relation to the designation of a country as a regional processing centre on or after the day on which this Act receives the Royal Assent.

3 Application and transitional—regional processing countries designated before Royal Assent

(1) This item applies if the Minister designated a country to be a regional processing country under subsection 198AB(1) of the Migration Act 1958 before the day on which this Act receives the Royal Assent.

(2) As soon as practicable, but no later than 3 months after the day on which this Act receives the Royal Assent, the Minister must revoke the designation unless the country has given assurances, in writing, to the effect that the country will allow the following persons or bodies reasonable access to unauthorised maritime arrivals who have been taken to the regional processing country under section 198AD of that Act:
   (a) the Australian Human Rights Commission;
   (b) the Commonwealth Ombudsman;
   (c) journalists (within the meaning of the Evidence Act 1995).

(3) If the assurances under subitem (2) are given, subsection 198AB(5A) of the Migration Act 1958, as amended by this Schedule, applies in relation to the designation on and after the day the assurances are received, as if the designation were made under section 198AB of that Act as amended by this Act.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

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

NOES, 33

Senators—

Back  Carr  Lines  Ruston
Bernardi  Collins  Ludwig  Seselja
Bilyk (Teller)  Edwards  McGraht  Singh
Brandis  Fawcett  McKenzie  Smith
Brown  Gallacher  McLucas  Sterle
Bullock  Gallagher  Moore  Urquhart
Bushby  Ketter  O’Neill  Wang
Cameron  Lindgren  Peris  Williams
Canavan

Question negatived.

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

Schedule 1, page 3 (after line 19), after subsection 198AHA(2), insert:

(2A) Despite subsection (2), the Commonwealth must not:
   (a) take, or cause to be taken, any action; or
(b) make any payment, or cause any payment to be made; or
(c) do anything else that is incidental or conducive to the taking of such action or the making of such a payment;

to the extent that the action, payment or anything else will result in, or enable, the restraint over the liberty of an individual for longer than 3 months.

Schedule 1, page 4 (after line 5), at the end of the Schedule, add (after proposed item 3):

4 Application—detention beyond 3 months

Subsection 198AHA(2) of the Migration Act 1958, as amended by this Act, applies in relation to an action, payment or anything else that is done by the Commonwealth on or after the day on which this Act receives the Royal Assent.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

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NOES, 36

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Question negatived.

Senator Leyonhjelm moved the following amendment:

Schedule 1, page 3 (lines 20 to 22), omit subsection 198AHA(3), substitute:

(3) To avoid doubt, subsection (2):

(a) is intended to ensure that the Commonwealth has capacity and authority to take action, without otherwise affecting the lawfulness of that action; and

(b) does not authorise or empower an individual acting on behalf of the Commonwealth to take, or cause to be taken, any action outside Australia that, if the action was taken in Australia, would contravene a law of the Commonwealth, a State or a Territory.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.
The President resumed the chair and the Temporary Chair of Committees (Senator Seselja) reported accordingly.

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

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

Question put.

The Senate divided—

**AYES, 41**

Back, Bernardi, Bilyk, Birmingham, Brandis, Bullock, Branchby, Canavan, Carr, Cash, Colbeck

Collins, Dastyari, Day, Edwards, Fawcett, Fifield, Gallagher, Ketter, Lindgren

Lines, Ludwig, Madigan, McEwen, McGrath, McKenzie, Moore, O’Neill, Parry

Peris, Ruston (Teller), Seselja, Singh, Sinodinos, Smith, Sterle, Urquhart, Xenophon

**NOES, 15**

Di Natale, Hanson-Young, Lambie, Lazarus

Leyonhjelm, Ludlam, Milne, Muir

Rhiannon, Rice, Siewert (Teller), Wang

Waters, Whish-Wilson, Wright

Question agreed to.

Bill read a third time.

32 **COMMITTEE MEMBERSHIP**

The President informed the Senate that he had received letters requesting changes in the membership of committees.

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

**Economics References Committee**—

Appointed—

Substitute member: Senator Leyonhjelm to replace Senator McAllister for the committee’s inquiry into the impact of Commonwealth legislation, policies or guidelines

Participating member: Senator McAllister

**Environment and Communications References Committee**—

Appointed—

Substitute member: Senator Ludlam to replace Senator Waters for the committee’s inquiry into Australia’s video game industry

Participating member: Senator Waters
Finance and Public Administration Legislation Committee—
   Appointed—
      Substitute member: Senator Waters to replace Senator Rice for the committee’s inquiry into the Australian Government Boards (Gender Balanced Representation) Bill 2015
      Participating member: Senator Rice

Health—Select Committee—
   Discharged—Senator Di Natale
   Appointed—
      Senator Muir
      Participating member: Senator Di Natale

Legal and Constitutional Affairs Legislation Committee—
   Appointed—
      Substitute member: Senator Urquhart to replace Senator Collins for the committee’s inquiry into the Regulator of Medicinal Cannabis Bill 2014
      Participating member: Senator Collins

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—
   Appointed—Participating members: Senators Di Natale, Ludlam, Milne, Rhiannon, Rice, Siewert, Waters, Whish-Wilson and Wright

Rural and Regional Affairs and Transport Legislation Committee—
   Appointed—
      Substitute member: Senator Rhiannon to replace Senator Siewert for the committee’s inquiry into the Voice for Animals (Independent Office of Animal Welfare) Bill 2015
      Participating member: Senator Siewert.

Question put and passed.

33 **CIVIL LAW AND JUSTICE LEGISLATION AMENDMENT BILL 2014**

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

34 **COMMITTEE MEMBERSHIP**

Messages from the House of Representatives were reported informing the Senate of changes in the membership of joint committees, as follows:
   Message no. 418, dated 25 June 2015—Parliamentary Joint Committee on Intelligence and Security, Mr Dreyfus and Mr Scott in place of Mr Clare and Mr Dreyfus.
   Message no. 419, dated 25 June 2015—Joint Standing Committee on Foreign Affairs, Defence and Trade, Ms Parke in place of Ms Plibersek.
35 **NEXT MEETING OF SENATE**
The Assistant Minister for Social Services (Senator Fifield) moved—That the Senate, at its rising, adjourn till Monday, 10 August 2015, at 10 am, 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.

36 **LEAVE OF ABSENCE**
The Assistant Minister for Social Services (Senator Fifield) 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.

37 **CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES—JOINT SELECT COMMITTEE—REPORT—STATEMENT BY LEAVE**
Senator McKenzie, by leave, made a statement relating to possible disclosures of the draft report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples.

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

Debate ensued.

The Senate adjourned at 6.40 pm till Monday, 10 August 2015 at 10 am.

39 **ATTENDANCE**
Present, all senators except Senators Abetz* and Reynolds* (*on leave).

ROSEMARY LAING
Clerk of the Senate