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<td>23 June 2014</td>
<td>Attendance</td>
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MEETING OF SENATE
The Senate met at 10 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING
Senator Kroger, by leave and on behalf of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, moved—That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 10.30 am.

Question put and passed.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle), moved—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.15 pm, to take evidence for the committee’s inquiry into grass-fed cattle levies.

Question put and passed.

EXPORT LEGISLATION AMENDMENT BILL 2014
EXPORT INSPECTION (QUANTITY CHARGE) AMENDMENT BILL 2014
EXPORT INSPECTION (SERVICE CHARGE) AMENDMENT BILL 2014
EXPORT INSPECTION (ESTABLISHMENT REGISTRATION CHARGES) AMENDMENT BILL 2014
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That these bills be now read a second time.

Debate resumed.

Document: Senator Xenophon, by leave, tabled the following document:

Export Legislation Amendment Bill 2014 and related bills—Letter from the Minister for Agriculture (Mr Joyce) to Senator Xenophon.

Debate continued.

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 Agriculture (Senator Colbeck) the bills were read a third time.
5 FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE MEASURES)
BILL 2014

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

Debate resumed.

Senator Carr moved the following amendment:

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

(a) the Government has failed to provide sufficient information about the impact on families of the changes to the Child Care Benefit;
(b) the Government has not completed an assessment of impacts on workforce participation of the changes to the Child Care Benefit;
(c) the changes to the Child Care Benefit should not be legislated just weeks before the Productivity Commission inquiry into childcare and early childhood learning provides its interim report; and
(d) families have not had a chance to have their say on these changes”.

Debate ensued.

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

Senator Hanson-Young moved the following amendment:

At the end of the motion, add “but the Senate is of the opinion that, rather than punishing families, revenue should be raised from big miners, bankers and polluters through:

(a) applying a ‘public insurance’ levy on the big four banks, that are too big to fail;
(b) removing fossil fuel subsidised fuel for big mining companies;
(c) retaining the billions in revenue from the carbon price;
(d) implementing the original super profits mining tax;
(e) imposing a millionaires tax;
(f) taxing discretionary trusts as corporations; and
(g) imposing a levy on thermal coal imports/exports”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 9

Senators—

Di Natale    Milne    Siewert (Teller)    Whish-Wilson
Hanson-Young  Rhiannon    Waters    Wright
Ludlam
Question negatived.
Main question, as amended, put.
The Senate divided—

**NOES, 42**

<table>
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<tr>
<th>Senators—</th>
<th>AYES, 41</th>
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<td>Farrell</td>
<td>McKenzie</td>
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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.
Question—That the bill stand as printed—divided, at the request of Senator Carr, in respect of Schedule 1, item 2.
Schedule 1, item 2 debated.
Question—That Schedule 1, item 2 stand as printed—put and negatived.
Bill, as amended, agreed to.
Bill to be reported with an amendment.
The Acting Deputy President (Senator Bernardi) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Minister for Human Services (Senator Payne) the report from the committee was adopted.

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

Question put.

The Senate divided—

**AYES, 39**

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**NOES, 10**

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<td>Di Natale</td>
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<td>Ludlam</td>
<td>Siewert (Teller)</td>
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<td>Xenophon</td>
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</table>

Question agreed to.

Bill read a third time.

6 **INFRASTRUCTURE AUSTRALIA AMENDMENT BILL 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Bilyk was speaking.

7 **QUESTIONS**

Questions without notice were answered.

8 **MOTIONS TO TAKE NOTE OF ANSWERS**

The Leader of the Opposition in the Senate (Senator Wong) 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 Wright 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 Wright today relating to the National School Chaplaincy and Student Welfare Program.

Question put and passed.
9  **FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—ESTIMATES HEARINGS—PERSONAL EXPLANATION**

Senator Faulkner, by leave, made a personal explanation relating to an article in the *Weekend Australian* of 21 June 2014 concerning the discussion of Middle Eastern policy that took place during the consideration by the Foreign Affairs, Defence and Trade Legislation Committee of the 2014-15 Budget estimates on 4 June 2014.

10  **POLITICS—AUSTRALIAN LABOR PARTY—PERSONAL EXPLANATION**

Senator Dastyari, by leave, made a personal explanation relating to comments made by the former Minister for Foreign Affairs (Mr Bob Carr) in the book, *Diary of a Foreign Minister*.

11  **PETITION**

The following petition, lodged with the Clerk by Senator Stephens, was received:

From 183 petitioners, requesting that the Senate take action to support the construction of a palliative care hospice in Wagga Wagga, New South Wales.

12  **NOTICES**

The Chair of the Select Committee on School Funding (Senator Collins): To move on the next day of sitting—That the time for the presentation of the final report of the Select Committee on School Funding be extended to 9 July 2014. (*general business notice of motion no. 287*)

The Chair of the Environment and Communications Legislation Committee (Senator Williams): To move on the next day of sitting—That the time for the presentation of the report of the Environment and Communications Legislation Committee on the National Broadband Network Companies Amendment (Tasmania) Bill 2014 be extended to 16 July 2014. (*general business notice of motion no. 288*)

The Chair of the Procedure Committee (Senator Parry): To move on the next day of sitting—That standing order 72 be amended, with effect from the next day of sitting, as follows:

Omit paragraph (3), substitute:

(3) (a) The asking of each primary question shall not exceed one minute and answers to them shall not exceed two minutes.

(b) Two supplementary questions shall be allowed to each questioner, each supplementary question shall be limited to thirty seconds and the answers to them shall be limited to one minute each.

(c) Answers shall be directly relevant to each question. (*general business notice of motion no. 289*)

The Chair of the Procedure Committee (Senator Parry): To move on the next day of sitting—

(1) That:

(a) standing orders 55(1), 57(1)(d) and 59 be modified as follows to provide for the consideration of general business orders of the day relating to bills on Thursdays from 9.30 am for not more than 2 hours and 20 minutes; and

(b) this order operate as a temporary order until 30 June 2015 with effect from 7 July 2014.
55 Times of meetings

(1) The days and times of meeting of the Senate in each sitting week shall be:

<table>
<thead>
<tr>
<th>Day</th>
<th>Times</th>
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<tbody>
<tr>
<td>Monday</td>
<td>10 am – 6.30 pm, 7.30 pm – 10.30 pm</td>
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<tr>
<td>Tuesday</td>
<td>12.30 pm – adjournment</td>
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<tr>
<td>Wednesday</td>
<td>9.30 am – 8 pm</td>
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<tr>
<td>Thursday</td>
<td>9.30 am – 8.40 pm</td>
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</table>

57 Routine of business

(1) The routine of business shall be:

(d) On Thursday:

   (ia) General business orders of the day for consideration of bills only for up to 2 hours 20 minutes
   (i) Petitions
   (ii) Notices of motion
   (iii) Postponement and rearrangement of business
   (iv) Formal motions – discovery of formal business
   (v) Consideration of committee reports under standing order 62(4)
   (vi) Government business
   (vii) At 12.45 pm, non-controversial government business only
   (viii) At 2 pm, questions
   (ix) Motions to take note of answers
   (x) Any proposal to debate a matter of public importance or urgency
   (xi) Not later than 4.30 pm, general business
   (xii) Not later than 6 pm, consideration of government documents under general business
   (xiii) Not later than 7 pm, consideration of committee reports and government responses under standing order 62(1)
   (xiv) At 8 pm, adjournment proposed
   (xv) At 8.40 pm, adjournment.

59 Government and general business

Government business shall take precedence over general business, except that general business shall take precedence over government business on Thursday as follows:

(a) from 9.30 am, for a period not exceeding 2 hours and 20 minutes, general business orders of the day for the consideration of bills shall be considered; and

(b) from not later than 4.30 pm, for a period not exceeding 2½ hours, and general business orders of the day shall take precedence over general business notices of motion on alternate Thursdays. (general business notice of motion no. 290)
Senator Di Natale: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 27 October 2014:

The need for, and implications of, federal legislation with regard to the rights of terminally ill people to seek assistance in ending their lives, and an appropriate framework and safeguards with which to do so; having particular reference to the proposed Medical Services (Dying with Dignity) Bill 2014.

Senator Siewert: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Aboriginal and Torres Strait Islander Act 2005, and for related purposes. Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014. (general business notice of motion no. 291)

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

(a) applauds the action taken by the Republic of the Marshall Islands in the International Court of Justice under Article VI of the Nuclear Non-Proliferation Treaty against the United States, Russia, China, France, the United Kingdom, India, Pakistan, Israel and the Democratic People’s Republic of Korea, for their failure to fulfil their obligations with respect to nuclear disarmament;

(b) notes that:

(i) in taking this action, the Republic of the Marshall Islands is in effect acting on behalf of all the world’s peoples in upholding international law, and

(ii) the effects of the use of even a small percentage of the 17 000 nuclear weapons currently operational would be catastrophic for society and the global climate, and could bring about the deaths of up to 2 billion people from nuclear winter-induced famine; and

(c) urges the Australian Government to join with the Marshall Islands legal action. (general business notice of motion no. 292)

13 LEAVE OF ABSENCE

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

(a) Senator Fawcett for 23 and 24 June 2014, on account of parliamentary business; and

(b) Senator Mason from 23 to 26 June 2014, on account of ministerial business.

Question put and passed.

14 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, by leave and at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams), moved—That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 24 June 2014, from 12.30 pm.

Question put and passed.
15 **POSTPONEMENTS**

The following items of business were postponed:

- General business notice of motion no. 93 standing in the name of Senator Ludlam for today, proposing the introduction of the Telecommunications (Interception and Access) Amendment (Get a Warrant) Bill 2014, postponed till 4 December 2014.
- General business notice of motion no. 271 standing in the name of Senator Di Natale for today, proposing the establishment of a select committee into the Abbott Government’s budget cuts, postponed till 24 June 2014.

16 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE**

Senator Xenophon amended business of the Senate notice of motion no. 3 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 27 October 2014:

The current requirements for labelling of seafood and seafood products, with particular reference to the following matters:

(a) whether the current requirements provide consumers with sufficient information to make informed choices, including choices based on sustainability and provenance preferences, regarding their purchases;
(b) whether the current requirements allow for best-practice traceability of product chain-of-custody;
(c) the regulations in other jurisdictions, with particular reference to the standards in the European Union (EU) under the common market regulation (EU) No 1379/2013 Article 35;
(d) the need for consistent definitions and use of terms in product labelling, including catch area, species names, production method (including gear category), and taking into account Food and Agriculture Organisation guidelines;
(e) the need for labelling for cooked or pre-prepared seafood products with reference to the Northern Territory’s seafood country of origin regulation;
(f) recommendations for the provision of consumer information as determined through the Common Language Group process conducted by the Fisheries Research and Development Corporation;
(g) whether current labelling laws allow domestic seafood producers to compete on even terms with imported seafood products; and
(h) any related matters.

Question put and passed.

17 **FOREIGN AFFAIRS—MARRAKESH TREATY**

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 283—that the Senate—

(a) notes:

(i) the World Blind Union estimates that currently only 5 per cent of all published books in developed countries and less than 1 per cent in developing countries are ever produced in accessible formats for persons who are blind, visually impaired, or otherwise print disabled,
(ii) the Marrakesh Treaty, which facilitates access to published works for these persons, closes for signature on 26 June 2014,

(iii) the instrumental work Australia did during the Marrakesh Treaty negotiations, and

(iv) the Australian Government is yet to sign the treaty despite Australia’s major trading partners, including China, the United States, the European Union and Indonesia having already signed; and

(b) calls on the Government to sign and ratify the Marrakesh Treaty.

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

18 IMMIGRATION—ASYLUM SEEKERS FROM IRAQ

Motion determined as not formal: Senator Hanson-Young requested that general business notice of motion no. 285 standing in her name for today, relating to asylum seekers from Iraq, be taken as formal.

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

Proposed suspension of standing orders: Senator Hanson-Young, at the request of the Leader of the Australian Greens (Senator Milne) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Milne moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 285.

Debate ensued.

Question put.

The Senate divided—

AYES, 11

Senators—

Di Natale
Hanson-Young
Ludlam

Madigan
Milne
Rhiannon

Siewert (Teller)
Waters
Whish-Wilson

Wright
Xenophon

NOES, 39

Senators—

Bernardi
Bishop
Boyd
Bushing
Cameron
Carr
Colbeck
Dastyari
Edwards

Farrell
Faulkner
Fifield
Furner
Gaillacher
Lines
Ludwig
Lundy
Marshall

McEwen (Teller)
McKenzie
McLucas
Moore
O’Neill
Parry
Polley
Pratt
Ruston

Ryan
Seselja
Singh
Smith
Stephens
Thorp
Tillem
Urquhart
Williams

Question negatived.
19 **URGENCY MOTION—FINANCE—FUTURE OF FINANCIAL ADVICE LAWS**

The Deputy President (Senator Parry) informed the Senate that the President had received a letter from Senator Moore advising that today she intended to move—That, in the opinion of the Senate, the following is a matter urgency:

The actions of the Abbott Government in undermining consumer protections by weakening the Future of Financial Advice (FoFA) laws.

The proposal was supported by four senators.

Senator Dastyari, at the request of Senator Moore, moved the motion.

Debate ensued.

Question put and passed.

20 **AUDITOR-GENERAL—AUDIT REPORTS NOS 47 AND 48 OF 2013-14—DOCUMENTS**

The Acting Deputy President (Senator Sterle) tabled the following documents:

Auditor-General—Audit reports for 2013-14—

No. 47—Performance audit—Managing conflicts of interest in FMA agencies: Across agencies.

No. 48—Performance audit—Administration of the Australian Business Register: Australian Taxation Office; Australian Securities and Investments Commission; Department of Industry.

21 **DEFENCE LEGISLATION AMENDMENT (WOOMERA PROHIBITED AREA) BILL 2014—EXPLANATORY MEMORANDUM**

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) tabled a replacement explanatory memorandum relating to the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014.

22 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—ADDITIONAL INFORMATION—OPERATION SOVEREIGN BORDERS**

Senator Back, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Stephens), tabled the following documents:

Foreign Affairs, Defence and Trade References Committee—Report—Breaches of Indonesian territorial waters—Additional information.

23 **AUSTRALIAN PARLIAMENTARY DELEGATION TO THE 130TH INTER-PARLIAMENTARY UNION ASSEMBLY AND BILATERAL VISIT TO THE UNITED ARAB EMIRATES—DEPUTY PRESIDENT OF THE SENATE—OFFICIAL VISIT TO SINGAPORE—DOCUMENT**

Senator Back, by leave, tabled the following document:

130th Inter-Parliamentary Union Assembly, Geneva, Switzerland and bilateral visit to the United Arab Emirates; Visit by the Deputy President of the Senate to Singapore—Report of the Australian parliamentary delegation, 9 to 23 March 2014, dated June 2014.
24 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (BILATERAL AGREEMENT IMPLEMENTATION) BILL 2014 AND ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (COST RECOVERY) BILL 2014

Pursuant to order, Senator Back, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams), tabled the following report and documents:

- Report, dated June 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

25 DOCUMENTS

The following documents were tabled by the Clerk:

-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.

Australian National University Act 1991—
- Programs and Awards Statute 2013—Graduate Coursework Awards Rules 2014 [F2014L00759].


Broadcasting Services Act 1992—
- Broadcasting Services (Events) Notice (No. 1) 2010—Amendment No. 7 of 2014 [F2014L00740].
- Amendment No. 8 of 2014 [F2014L00744].

Civil Aviation Act 1988—
- Civil Aviation Regulations 1988—Direction — number of cabin attendants for Airbus A320 and Fokker F100 aircraft (Virgin Australia Regional Airlines)—CASA 129/14 [F2014L00742].
- Civil Aviation Safety Regulations 1998—Exemption — hang-gliding and paragliding operations at Hooley Dooley launch site within active restricted airspace at Williamtown, NSW—CASA EX43/14 [F2014L00750].
- Part 42 Manual of Standards Amendment Instrument 2014 (No. 1) [F2014L00748].
- Repeal of exemption — standard take-off and landing minima — Royal Brunei Airlines—CASA EX15/14 [F2014L00741].
26 Asset Recycling Fund Bill 2014

Asset Recycling Fund (Consequential Amendments) Bill 2014

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


Message no. 149, dated 19 June 2014—A Bill for an Act to deal with consequential matters arising from the enactment of the Asset Recycling Fund, and for related purposes.

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

Question put and passed.

Bills read a first time.

Senator Birmingham moved—that these bills be now read a second time.

On the motion of Senator Birmingham the debate was adjourned and the resumption of the debate made an order of the day for a later hour.
27 **GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAW**
A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:


28 **BANKRUPTCY ACT—DISALLOWANCES**
Senator Wright, pursuant to notice, moved the following business of the Senate notices of motion together by leave—

No. 1—That item 4.10A of Schedule 1 of the Bankruptcy Amendment (2014 Measures No. 1) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 36 and made under the *Bankruptcy Act 1966*, be disallowed.

No. 2—That Division 2.11 of the Bankruptcy (Fees and Remuneration) Determination 2014, made under subsection 316(1) of the *Bankruptcy Act 1966*, be disallowed.

Debate ensued.

Question put and passed.

29 **INFRASTRUCTURE AUSTRALIA AMENDMENT BILL 2013**
Order of the day read for the adjourned debate on the motion of the Assistant Treasurer—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 Minister for Defence (Senator Johnston) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.

On the motion of Senator Ludlam the following amendment was debated and agreed to:

Schedule 1, item 8, page 4 (lines 22 to 24), omit paragraph 5(a), substitute:

(a) to conduct audits to determine the adequacy, capacity and condition of nationally significant infrastructure, taking into account:

(i) forecast growth; and

(ii) economic, social and environmental sustainability;

Bill, as amended, further debated.
On the motion of Senator Conroy the following amendment was debated and agreed to:

Schedule 1, item 8, page 5 (after line 4), after paragraph 5(g), insert:

(ga) to review and provide advice on proposals to facilitate the harmonisation of policies, and laws, relating to development of, and investment in, infrastructure;

(gb) to review Commonwealth infrastructure funding programs and their alignment with Infrastructure Plans given to the Minister under section 5B;

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

Schedule 1, item 8, page 5 (lines 15 to 17), omit subsection 5A(2).
Schedule 1, item 8, page 5 (lines 18 and 19), omit “or subsection (2)”.

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

Schedule 1, page 3 (after line 22), after item 6, insert:

6A Section 3

Insert:

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October of a year.

Schedule 1, item 8, page 5 (after line 19), at the end of section 5A, add:

(4) As soon as practicable after the end of each quarter, Infrastructure Australia must make a summary of each proposal evaluated during the quarter available on its website.

Senator Ludlam moved the following amendment:

Schedule 1, item 8, page 5 (line 28), after “productivity”, insert “, liveability and sustainability”.

Debate ensued.

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

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

Schedule 1, item 8, page 5 (after line 32), after paragraph 5B(1)(b), insert:

(ba) includes a cost benefit analysis of each such proposal; and

Schedule 1, item 8, page 6 (lines 7 to 12), omit subsections 5B(2) and (3), substitute:

(2) A plan must cover a period of 15 years from the time the plan is prepared, or such other period as the Board determines.

(3) A cost benefit analysis included in a plan as mentioned in paragraph (1)(ba) must be prepared using the method approved by Infrastructure Australia. The method must enable the proposals to be compared.

(4) A plan must be prepared under this section every 5 years, or at such other intervals as the Board determines.

(5) Within 14 days of a plan being given to the Minister, the plan must be made available on Infrastructure Australia’s website.
On the motion of Senator Ludlam the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 8, page 6 (after line 12), at the end of section 5B, add:

(6) Infrastructure Australia must cause the method approved under subsection (3) to be reviewed:
   (a) no later than 6 months after the commencement of this section;
   and
   (b) every 24 months after that first review.

(7) Without limiting subsection (6), a review under that subsection must consider whether the cost benefit analyses take into account social, environmental and economic costs and benefits adequately.

(8) The report of the review must be made available on Infrastructure Australia’s website within 14 days of the report being given to Infrastructure Australia.

Schedule 1, item 39, page 17 (line 15), at the end of section 39C, add:

; (d) details of each method of preparing cost benefit analyses approval of which was in force under subsection 5B(3) at any time during the year, including the weight required to be assigned to each factor the method required to be taken into account.

Senator Ludlam moved the following amendment:

Schedule 1, item 8, page 6 (after line 4), after subparagraph 5B(1)(c)(ii), insert:

(iiia) deliberative engagement and consultation with local communities; and

(iiib) principles of integrated design; and

Debate ensued.

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

Senator Conroy moved the following amendments together by leave:

Schedule 1, item 8, page 6 (line 14), before “For”, insert “(1)”.

Schedule 1, item 8, page 6 (after line 22), after paragraph 5C(b), insert:

(ba) policy issues arising from climate change;

Schedule 1, item 8, page 6 (line 29), at the end of section 5C, add:

; (g) the delivery of infrastructure projects.

Schedule 1, item 8, page 6 (after line 29), at the end of section 5C, add:

(2) For the purposes of paragraph (1)(g), Infrastructure Australia may evaluate the delivery of an infrastructure project, including evaluating:
   (a) the delivery against any targets set before or during delivery; and
   (b) any relevant assumptions made before or during delivery.

(3) Infrastructure Australia also has the function of promoting public awareness of the matters mentioned in subsections (1) and (2), including by publishing information on its website.

Debate ensued.

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

AYES, 32

Senators—

Bilyk (Teller) Farrell McEwen Singh
Bishop Fumer McLucas Sterle
Cameron Gallacher Milne Tillem
Carr Hanson-Young Moore Urquhart
Collins Lines Peris Waters
Conroy Ludlam Polley Whish-Wilson
Dastyari Ludwig Rhiannon Wright
Di Natale Marshall Siewert Xenophon

NOES, 27

Senators—

Back Cash Kroger Ryan
Bernardi Colbeck McKenzie Scullion
Birmingham Edwards O’Sullivan Seselja
Boswell Eggleston Parry Sinodinos
Boyce Fieravanti-Wells Payne Smith
Brandis Fifield Ronaldson Williams
Bushby (Teller) Johnston Ruston

Question agreed to.

Senator Ludlam moved the following amendment:

Schedule 1, item 8, page 6 (after line 22), after paragraph 5C(b), insert:
   (ba) climate change, as it relates to infrastructure, including the following:
      (i) the economic, social and environmental impacts of climate change;
      (ii) prioritising infrastructure that would assist with adapting to, or mitigating, climate change;
      (iii) the role of infrastructure in decarbonising the economy;
      (iv) the impact of infrastructure decisions on the achievement of national and international targets to limit global warming;

Debate ensued.

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

Senator Ludlam moved the following amendment:

Schedule 1, item 8, page 6 (line 29), at the end of section 5C, add:
   ; (h) the impact of infrastructure on local ecological services and ecosystems;
      (i) peak oil and resource depletion, as they relate to infrastructure;
      (j) the contribution of infrastructure to the liveability, productivity and sustainability of Australia’s cities and regions;
      (k) the impact of infrastructure on the social amenity of local communities;
      (l) social license from local communities for infrastructure projects.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.
On the motion of Senator Johnston the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 39, page 17 (line 8), omit “paragraph 5D(1)(c) or”.
Schedule 1, item 41, page 19 (line 6), omit “paragraph 5D(1)(c) or”.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Johnston, in respect of Schedule 1, item 8, section 5D.

On the motion of Senator Conroy the following amendment was debated and agreed to:

Schedule 1, item 9, page 7 (line 19) to page 8 (line 3), omit the item, substitute:

9 **Subsection 6(4)**

Repeal the subsection, substitute:

(4) However, the Minister must not give directions about the content of any audit, list, evaluation, plan or advice to be provided by Infrastructure Australia.

On the motion of Senator Ludlam the following amendment was debated and agreed to:

Schedule 1, item 10, page 8 (line 26), after “consumer”, insert “, academic, professional”.

Senator Ludlam moved the following amendment:

Schedule 1, item 10, page 8 (line 28), at the end of section 6B, add:

; (c) local communities.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 10**

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

**NOES, 36**

- Back
- Bernardi
- Bishop
- Boyce
- Brown
- Bushby
- Cameron
- Carr
- Conroy
- Dastyari
- Edwards
- Eggleston
- Farrell
- Furner
- Gallacher
- Johnston
- Lines
- Ludwig
- McEwen (Teller)
- McKenzie
- McLucas
- Moore
- O’Neill
- O’Sullivan
- Peris
- Polley
- Ruston
- Scullion
- Seselja
- Singh
- Smith
- Stephens
- Sterle
- Tillem
- Urquhart
- Williams

Question negatived.

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

Schedule 1, item 39, page 16 (line 15), omit “functions;”, substitute “functions.”.
Schedule 1, item 39, page 16 (line 16), omit paragraph (3)(d).
Schedule 1, item 39, page 16 (lines 17 and 18), omit subsection 39B(4).
Schedule 1, item 39, page 16 (line 28) to page 17 (line 2), omit subsections 39B(7) and (8).

On the motion of Senator Conroy the following amendments, taken together by leave, were debated and agreed to:
Schedule 1, Part 2, page 21 (line 1) to page 27 (line 22), omit the Part, substitute:

**Part 2—Consequential amendments**

**Income Tax Assessment Act 1997**

43 **Section 415-1**

Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

44 **Paragraph 415-15(3)(c)**

Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

45 **Subsection 415-15(3) (note)**

Omit “Infrastructure Coordinator” (wherever occurring), substitute “Infrastructure CEO”.

46 **Paragraph 415-20(2)(c) (note)**

Omit “paragraph 5(2)(b)”, substitute “paragraph 5(b)”.

47 **Section 415-50**

Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

48 **Subsection 415-55(1)**

Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

49 **Subsection 415-55(1)**

Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

50 **Subsection 415-55(1) (note)**

Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

51 **Paragraph 415-55(4)(a)**

Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

52 **At the end of section 415-55**

Add:

(5) A fee prescribed as mentioned in paragraph (4)(b) is payable to the Infrastructure CEO, on behalf of the Commonwealth.

53 **Subsection 415-60(1)**

Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

54 **Paragraph 415-60(2)(a)**

Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

55 **Paragraph 415-60(2)(b)**

Omit “Infrastructure Coordinator” (wherever occurring), substitute “Infrastructure CEO”.
56 Subsection 415-60(3)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

57 Paragraph 415-60(3)(b)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

58 Subsections 415-60(4) and (5)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

59 Subsection 415-65(1)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

60 Subsection 415-65(1)
Omit “Infrastructure Coordinator” (second, third and fourth occurring), substitute “Infrastructure CEO”.

61 Subsection 415-65(3)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

62 Subsection 415-65(3)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

63 Subsection 415-65(5)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

64 Subsection 415-65(5)
Omit “Infrastructure Coordinator” (second, third and fourth occurring), substitute “Infrastructure CEO”.

65 Paragraph 415-65(6)(a)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

66 Paragraph 415-65(6)(b)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

67 Subsection 415-65(7)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

68 Subsection 415-65(7)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

69 Subsection 415-70(1)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

70 Paragraph 415-70(1)(a) and (b)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

71 Paragraph 415-70(2)(a)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

72 Paragraph 415-70(2)(b)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

73 Subsection 415-70(4)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

74 Subsection 415-70(4)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

75 Subsection 415-70(6)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

76 Subsection 415-70(6)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

77 Paragraph 415-70(7)(a)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

78 Paragraph 415-70(7)(b)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

79 Paragraph 415-70(8)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

80 Paragraph 415-70(8)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

81 Subsection 415-70(9) (heading)
Repeal the heading, substitute:

Infrastructure CEO must notify Commissioner

82 Subsection 415-70(9)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

83 Subsection 415-70(9)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

84 Subsection 415-75(3) (note)
Omit “paragraph 5(2)(b)”, substitute “paragraph 5(b)”.

85 Subsection 415-80(1)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.


86 Paragraph 415-80(1)(b)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

87 Subsection 415-80(2)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

88 Subsection 415-80(3)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

89 Subsection 415-80(3)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

90 Paragraph 415-80(4)(a)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

91 Paragraph 415-80(4)(b)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

92 Subsection 415-80(5)
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

93 Subsection 415-80(5)
Omit “Infrastructure Coordinator” (second occurring), substitute “Infrastructure CEO”.

94 Paragraph 415-80(6)(a)
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

95 Sections 415-85 and 415-90
Omit “Infrastructure Coordinator”, substitute “Infrastructure CEO”.

96 Section 415-95
Omit “Infrastructure Coordinator” (first occurring), substitute “Infrastructure CEO”.

97 Section 415-95
Omit “Infrastructure Coordinator’s” (second occurring), substitute “Infrastructure CEO’s”.

98 Section 415-95
Omit “Infrastructure Coordinator” (last occurring), substitute “Infrastructure CEO”.

99 Subsection 995-1(1)
Insert:

Infrastructure CEO means the Chief Executive Officer of Infrastructure Australia appointed under section 29 of the Infrastructure Australia Act 2008.

Schedule 2, item 8, page 33 (lines 13 to 15), omit paragraphs (2)(b) and (c), substitute:

(b) the CEO.
Schedule 2, item 12, page 37 (lines 13 and 14), omit “responsible person under section 415-95 of that Act”, substitute “CEO”.
Schedule 2, item 12, page 37 (line 29), omit “responsible person mentioned in that subitem in relation to the thing”, substitute “CEO”.
Schedule 2, item 12, page 37 (line 32) to page 38 (line 5), omit subitem (4), substitute:

(4) The Minister may, by writing, determine that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Infrastructure Coordinator. The determination has effect accordingly.

Schedule 2, item 13, page 38 (lines 12 and 13), omit “responsible person for the purposes of the provision under section 415-95 of that Act”, substitute “CEO”.

Bill, as amended, agreed to.
Bill to be reported with amendments.

The Acting Deputy President (Senator Whish-Wilson) resumed the chair and the Temporary Chair of Committees reported accordingly.
On the motion of Senator Johnston the report from the committee was adopted and the bill read a third time.

30 ADJOURNMENT
The Minister for Defence (Senator Johnston) moved—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.24 pm till Tuesday, 24 June 2014 at 12.30 pm.

31 ATTENDANCE
Present, all senators except Senators Fawcett* and Mason* (*on leave).

ROSEMARY LAING
Clerk of the Senate

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