JOURNALS OF THE SENATE

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1 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.

2 ORDER OF BUSINESS—REARRANGEMENT
The Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans) moved—that—
(a) government business order of the day no. 3 (Remuneration and Other Legislation Amendment Bill 2011) be postponed till the next day of sitting; and
(b) intervening business be postponed till after consideration of government business order of the day no. 5 (Corporations Amendment (Improving Accountability on Director and Executive Remuneration) Bill 2011).

Question put and passed.

3 CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON DIRECTOR AND EXECUTIVE REMUNERATION) BILL 2011
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—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.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

Schedule 1, item 8, page 7 (after line 29), after Part 2D.8, insert:

Part 2D.9—Limit on benefits for key management personnel

206N Limit on benefits for key management personnel

(1) Despite any other provision of this Act, an entity must not give, or propose to give, a benefit in connection with a member of the key management personnel of the entity which in any financial year exceeds, or is capable of exceeding, an amount that is 30 times the average wage or salary of a full-time employee of the entity.

Note 1: The recipient of the benefit need not be the member of the key management personnel.

Note 2: Key management personnel has the meaning given by section 9.

(2) If the benefit is given, or is proposed to be given, in connection with a member of the key management personnel of the entity for a period of less than 12 months in a financial year, the amount calculated under subsection (1) is taken to be reduced proportionately to reflect the number of days in that year to which the benefit relates.
(3) In this section:

benefit includes the amount of the benefit or the money value of the benefit (if it is not, or not solely, a payment of a monetary amount).

deficiency includes related entities, so that the total or all benefits given by related entities in relation to a member of the key management personnel must not exceed the relevant amount.

full-time employee does not include any person who is a member of the key management personnel or who holds a similar position, or any other person prescribed by the regulations.

(4) For the purposes of subsection (1), the regulations may prescribe a method or methods for the calculation of the average wage or salary of a full-time employee of an entity.

Debate ensued.

Question—That the amendment be agreed to—put.

A division was called for.

Pursuant to the order of the Senate of 22 November 2010 consideration of the matter was postponed.

Senator Cormann moved the following amendments together by leave:

Schedule 1, item 9, page 8 (lines 4 and 5), omit “votes cast on a resolution that the remuneration report be adopted were”, substitute “total votes that were entitled to be cast on a resolution that the remuneration report be adopted were cast”.

Schedule 1, item 13, page 12 (lines 6 and 7), omit “votes cast on a resolution that the remuneration report be adopted were”, substitute “total votes that were entitled to be cast on a resolution that the remuneration report be adopted were cast”.

Schedule 1, item 13, page 12 (lines 9 and 10), omit “votes cast on a resolution that the remuneration report be adopted were”, substitute “total votes that were entitled to be cast on a resolution that the remuneration report be adopted were cast”.

Schedule 1, item 19, page 16 (lines 29 and 30), omit “votes cast were”, substitute “total votes that were entitled to be cast were cast”.

Debate ensued.

Question—That the amendments be agreed to—put.

A division was called for.

Pursuant to the order of the Senate of 22 November 2010 consideration of the matter was postponed.

The Minister for Small Business (Senator Sherry) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator Trood) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bill, made progress and asked leave to sit again.

Ordered, on the motion of Senator Sherry, that the committee have leave to sit again at a later hour.
4 **HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Minister for Small Business (Senator Sherry), by leave, moved—That the order of the Senate agreed to on 16 June 2011 relating to the hours of meeting and routine of business for today, be amended as follows:

Paragraph (a), omit “3.30 pm”, substitute “from the ringing of the bells”.

Omit paragraph (b), substitute:

(b) on the resumption of the Senate, following the ringing of the bells, the routine of business shall be the items specified in standing order 57(1)(a)(iv) to (xi).

Question put and passed.

5 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Small Business (Senator Sherry) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Tax Laws Amendment (2010 Measures No. 5) Bill 2010).

Question put and passed.

6 **TAX LAWS AMENDMENT (2010 MEASURES NO. 5) BILL 2010**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time.

Debate resumed.

At noon: Debate was interrupted while the Parliamentary Secretary for Disabilities and Carers (Senator McLucas) was speaking.

——

Suspension of sitting: Pursuant to order, the sitting of the Senate was suspended till the ringing of the bells to enable senators to attend a meeting of the House of Representatives for an address by the Prime Minister of New Zealand.

——

The sitting of the Senate resumed.

7 **PETITION**

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

From 2,527 petitioners, requesting that the Senate take action to ensure that Aboriginal workers employed through the Community Development Employment Program are remunerated at appropriate award rates.

8 **NOTICES**

The Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Macdonald): To move on the next day of sitting—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 23 June 2011, from 11 am to noon. (general business notice of motion no. 284)
Senator Pratt: To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 4 July 2011, from 10.30 am to noon. (general business notice of motion no. 285)

Senator Stephens: To move on the next day of sitting—That the Joint Standing Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 23 June 2011, from 11 am to 1.30 pm. (general business notice of motion no. 286)

The Chair of the Environment and Communications Legislation Committee (Senator Cameron): 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 2011-12 Budget estimates be extended to 23 June 2011. (general business notice of motion no. 287)

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) that it has been 4 years since the Northern Territory Emergency Response began,
   (ii) that investment in the program now exceeds $1.5 billion,
   (iii) that the Closing the Gap report indicated that incarceration rates have risen, and that school attendance and child nutrition have not improved, and
   (iv) the growing crisis in Alice Springs as many people move from community into Alice Springs;
(b) draws attention to:
   (i) the statement being launched in Darwin, ‘Rebuilding from the ground up – an alternative to the Northern Territory Intervention’ which calls for a new approach based on principles of self-determination, community control and a commitment to land rights, and
   (ii) the serious concern raised by the United Nations’ Universal Periodic Review and the United Nations’ Committee on the Elimination of Racial Discrimination over Australia’s failure to eliminate discrimination; and
(c) calls for:
   (i) the repeal of the Northern Territory Emergency Response legislation, and
   (ii) the development of a long-term plan in partnership with Aboriginal communities to equalise life opportunities and outcomes, backed up with a sustained investment of resources, particularly in community-based organisations. (general business notice of motion no. 288)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—
(a) notes there is multi-party agreement that the need for action on climate change is urgent;
(b) calls on the Parliament to join the Do Something! energy efficiency campaign, ‘The 10% Challenge’, and reduce energy use in Parliament House by 10 per cent; and
(c) that a message be sent to the House of Representatives informing it of this resolution and requesting its concurrence in the resolution. (general business notice of motion no. 289)

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

(a) notes that:

(i) the Government has so far failed to answer questions on notice and during Senate estimates about the long-term fiscal impact of the Budget measures related to the proposed introduction of the Minerals Resource Rent Tax (MRRT) and the expanded Petroleum Resource Rent Tax (PRRT), and

(ii) the Government has released under freedom of information Treasury modelling of the expected MRRT revenue between 2012-13 and 2020-21; and

(b) orders that there be laid on the table by noon on Wednesday, 22 June 2011, details of the fiscal impact for each financial year from 2011-12 to 2020-21 for each specific measure related to the imposition of the MRRT and expanded PRRT, including:

(i) the proposed increase in the Superannuation Guarantee levy from 9 per cent to 12 per cent,

(ii) the proposed Regional Infrastructure Fund,

(iii) the proposed reduction in the company tax rate,

(iv) the proposed new write-off measures for small business,

(v) the proposed standard income tax deduction, and

(vi) any other proposed Budget measures related to the MRRT/PRRT. (general business notice of motion no. 290)

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

(1) The Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010 and the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 each be considered under a limitation of time.

(2) On Thursday, 23 June 2011, these bills have precedence over all other private senators’ bills and all other business until determined, and that the order of business be:

No. 20 Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010

No. 57 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

(3) The time allotted for the remaining stages of the Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010 be for 1 hour and 10 minutes.

(4) The time allotted for the remaining stages of the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 be for 1 hour and 10 minutes.

(5) This order operate as an allocation of time under standing order 142. (general business notice of motion no. 291)

The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to require a plebiscite before Australia introduces a carbon tax, and for related purposes. Carbon Tax Plebiscite Bill 2011. (general business notice of motion no. 292)
Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Financial Management and Accountability Act 1997, and for related purposes. Government Advertising (Accountability) Bill 2011. (general business notice of motion no. 293)

9 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Nash for 20 June and 21 June 2011, for personal reasons. Question put and passed.

10 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT
Senator McEwen, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), moved—That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Family Assistance and Other Legislation Amendment Bill 2011 be extended to 21 June 2011. Question put and passed.

11 REFORM OF THE AUSTRALIAN FEDERATION—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT
Senator Parry, by leave and at the request of the Chair of the Select Committee on the Reform of the Australian Federation (Senator Trood), moved—That the time for the presentation of the report of the Select Committee on the Reform of the Australian Federation be extended to 30 June 2011. Question put and passed.

12 POSTPONEMENT
The following item of business was postponed:

General business notice of motion no. 227 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011, postponed till 5 July 2011.

13 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT
The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 281—That the time for the presentation of the report of the Community Affairs References Committee on planning options and services for people ageing with a disability be extended to 6 July 2011. Question put and passed.
14 **LIVE ANIMAL EXPORT RESTRICTION AND PROHIBITION BILL 2011 [NO. 2]**

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 266—That the following bill be introduced:

A Bill for an Act to restrict the export of live animals for slaughter pending its prohibition, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Xenophon, by leave, tabled an explanatory memorandum relating to the bill.

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

15 **INTERACTIVE GAMBLING AND BROADCASTING AMENDMENT (ONLINE TRANSACTIONS AND OTHER MEASURES) BILL 2011**

Senator Xenophon amended general business notice of motion no. 282 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following bill be introduced:

A Bill for an Act about online financial transactions connected with interactive gambling services, and other gambling matters including sports betting.

Question put and passed.

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

Explanatory memorandum: Senator Xenophon, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Xenophon in continuation.
16 **WORLD REFUGEE DAY 2011**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 270—That the Senate—

(a) notes that:
   (i) 20 June is World Refugee Day,
   (ii) the theme for 2011 is ‘1 refugee without hope is too many’, and
   (iii) events will be held across the country to engage Australians in this important day;

(b) recognises that:
   (i) 2011 is the 60th anniversary of the Refugee Convention, and
   (ii) there are more than 10 million refugees around the world; and

(c) calls on the Government to encourage other countries within our region to sign the Refugee Convention.

Question put and passed.

17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—PROPOSED CARBON TAX**

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

Prime Minister Gillard’s broken promise to the Australian people and her failure to seek an electoral mandate to introduce a carbon tax.

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

18 **FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—REMUNERATION AND OTHER LEGISLATION AMENDMENT BILL 2011**

The Acting Deputy President (Senator Hutchins) tabled the following report and documents received on 17 June 2011:


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

19 **CYBER SAFETY—JOINT SELECT COMMITTEE—INTERIM REPORT**

The Chair of the Joint Select Committee on Cyber Safety (Senator Wortley) tabled the following report:


Senator Wortley, by leave, moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.
20 **PARLIAMENTARY ADVISERS TO AUSTRALS’S PERMANENT MISSION TO THE UNITED NATIONS—65TH GENERAL ASSEMBLY—DOCUMENT**

Senator Eggleston, by leave, tabled the following document:


Senator Eggleston, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

21 **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.]

**Airspace Act**—Airspace Regulations—Instrument No. CASA OAR 090/11—Determination of airspace and controlled aerodromes etc Amendment Instrument (No. 1) 2011 [F2011L01054].

**Appropriation Act (No. 1) 2010-2011 and Appropriation Act (No. 2) 2010-2011**—Determination to Reduce Appropriations Upon Request (No. 18 of 2010-2011) [F2011L01050].

**Australian Bureau of Statistics Act**—Proposals Nos—

9 of 2011—Economic Activity Survey.

10 of 2011—Transport Industry Survey.


**Census and Statistics Act**—Statement No. 2 of 2011—Lists of Agricultural Farm Businesses for the Australian Bureau of Agricultural and Resource Economics and Sciences.

**Christmas Island Act**—List of applied Western Australian Acts for the period 24 September 2010 to 7 June 2011.

**Civil Aviation Act**—Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/DHC-1/3 Amdt 1—Fuel Line Cock to Filter — Replacement [F2011L01062].

AD/DHC-1/33 Amdt 2—Tailplane Support Struts [F2011L01061].

AD/V2500/7—In-flight Shutdown [F2011L01067].

AD/V2500/8—High Pressure Turbine Disks [F2011L01068].


**Cocos (Keeling) Islands Act**—List of applied Western Australian Acts for the period 24 September 2010 to 7 June 2011.

**Customs Act**—

Tariff Concession Orders—

0948746 [F2011L01063].

1041327 [F2011L01064].
Tariff Concession Revocation Instruments—
40/2011 [F2011L01041],
41/2011 [F2011L01042].


Financial Management and Accountability Act—
Financial Management and Accountability Determination 2011/07 – Section 32 (Transfer of Functions from the former DEWHA to DPMC) [F2011L01060].


Migration Act—
Direction under section 499—Direction No. 50—Order of consideration—certain skilled migration visas.

Migration Regulations—Instruments IMMII—
11/008—Places and currencies for paying of fees [F2011L01057].
11/045—Specified place [F2011L01056].

National Health Act—Instruments Nos PB—
43 of 2011—National Health (Price and Special Patient Contribution) Amendment Determination 2011 (No. 4) [F2011L01051].
44 of 2011—National Health (Listed drugs on F1 or F2) Amendment Determination 2011 (No. 7) [F2011L01065].

Governor-General’s Proclamation—Commencement of provisions on an Act

22 CARBON CREDITS (CARBON FARMING INITIATIVE) BILL 2011
CARBON CREDITS (CONSEQUENTIAL AMENDMENTS) BILL 2011
AUSTRALIAN NATIONAL REGISTRY OF EMISSIONS UNITS BILL 2011

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

Message no. 184, dated 16 June 2011—A Bill for an Act about projects to remove carbon dioxide from the atmosphere and projects to avoid emissions of greenhouse gases, and for other purposes.

Message no. 185, dated 16 June 2011—A Bill for an Act to deal with consequential matters arising from the enactment of the Carbon Credits (Carbon Farming Initiative) Act 2011 and the Australian National Registry of Emissions Units Act 2011, and for other purposes.

Message no. 186, dated 16 June 2011—A Bill for an Act about the Australian National Registry of Emissions Units, and for other purposes.

The Minister for Small Business (Senator Sherry) 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 Sherry moved—That these bills be now read a second time.

On the motion of Senator Sherry the debate was adjourned till the next day of sitting.
23 Legal and Constitutional Affairs Legislation Committee—Report—
Australian Transaction Reports and Analysis Centre Supervisory Cost
Recovery Levy Bill 2011 and Related Bills

Pursuant to order, Senator Carol Brown, at the request of the Chair of the Legal and
Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following
report and documents:

Legal and Constitutional Affairs Legislation Committee—Australian Transaction
Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011
[Provisions], Australian Transaction Reports and Analysis Centre Supervisory Cost
Recovery Levy (Collection) Bill 2011 [Provisions] and Australian Transaction
Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential

Report ordered to be printed on the motion of Senator Carol Brown.

24 Tax Laws Amendment (2010 Measures No. 5) Bill 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary
Secretary for School Education and Workplace Relations (Senator Collins)—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.

Senator Cormann moved the following amendments together by leave:

Schedule 2, item 7, page 7 (lines 12 to 15), omit subsection 247-20(5), substitute:

(5) The rate (the adjusted loan rate), at a particular time, is the midpoint
at that time between the Reserve Bank of Australia’s Indicator
Lending Rate for Standard Variable Housing Loans and Indicator
Lending Rate for Personal Unsecured Loans — Variable Rate.

Schedule 2, item 12, page 10 (lines 15 to 18), omit subsection 247-80(4), substitute:

(4) The rate (the adjusted loan rate), at a particular time, is the midpoint
at that time between the Reserve Bank of Australia’s Indicator
Lending Rate for Standard Variable Housing Loans and Indicator
Lending Rate for Personal Unsecured Loans — Variable Rate.

Debate ensued.

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

AYES, 31

Senators—

Abetz
Adams (Teller)
Back
Barnett
Bernardi
Birmingham
Boswell
Boyce
Bushby
Cormann
Eggleston
Ferguson
Fierravanti-Wells
Fifield
Fisher
Heffernan
Humphries
Joyce
Kroger
Macdonald
Mason
McGauran
Minchin
Payne
Ronaldson
Ryan
Scullion
Trood
Williams

NOES, 33

Arbib
Bilyk
Bishop
Brown, Bob
Brown, C (Teller)
Cameron
Collins
Crossin
Farrell
Faulkner
Feeney
Fielding
Forshaw
Furner
Hanson-Young
Hogg
Hurley
Hutchins
Ludlam
Marshall
McEwen
McLucas
Milne
Moore
O’Brien
Polley
Pratt
Sherry
Siewert
Stephens
Sterle
Worley
Xenophon

Question negatived.
Bill agreed to.
Bill to be reported without amendment.

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

On the motion of the Minister for Small Business (Senator Sherry) the report from the committee was adopted and the bill read a third time.

25 CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON DIRECTOR AND EXECUTIVE REMUNERATION) BILL 2011

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 questions postponed earlier today (see entry no. 3).

Question—That the amendment moved by the Leader of the Australian Greens (Senator Bob Brown) be agreed to—put.

The committee divided—

AYES, 5

Senators—

Brown, Bob
Hanson-Young
Ludlam
Milne
Siewert (Teller)
Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Small Business (Senator Sherry) the report from the committee was adopted and the bill read a third time.
26 **Taxation of Alternative Fuels Legislation Amendment Bill 2011**  
**Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**  
**Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**  
**Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011**

Order of the day read for the adjourned debate on the motion of the Minister for Small Business (Senator Sherry)—That these bills be now read a second time.

Debate resumed.

On the motion of Senator Sherry the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

27 **Order of Business—Rearrangement**

The Minister for Small Business (Senator Sherry) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Governance of Australian Government Superannuation Schemes Bill 2011 and two related bills).

Question put and passed.

28 **Governance of Australian Government Superannuation Schemes Bill 2011**  
**ComSuper Bill 2011**  
**Superannuation Legislation (Consequential Amendments and Transitional Provisions) Bill 2011**

Order of the day read for the adjourned debate on the motion of the Minister for Small Business (Senator Sherry)—That these bills be now read a second time.

Debate resumed.

On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

29 **Taxation of Alternative Fuels Legislation Amendment Bill 2011**  
**Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**  
**Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**  
**Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011**

Order of the day read for the adjourned debate on the motion of the Minister for Small Business (Senator Sherry)—That these bills be now read a second time.

Question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

Senator Brandis moved the following amendment in respect of the Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011:

Clause 2, page 1 (line 9) to page 2 (line 6), omit subclauses (1) and (2), substitute:
This Act commences, or is taken to have commenced, on 30 June 2011.

Debate ensued.

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

Bills agreed to.

The Taxation of Alternative Fuels Legislation Amendment Bill 2011 and the Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011 to be reported without amendments and the Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011 and the Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011 to be reported without requests for amendments.

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

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

30 **GOVERNANCE OF AUSTRALIAN GOVERNMENT SUPERANNUATION SCHEMES BILL 2011**

**COMSUPER BILL 2011**

**SUPERANNUATION LEGISLATION (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2011**

Order of the day read for the adjourned debate on the motion of the Minister for Small Business (Senator Sherry)—That these bills be now read a second time.

Debate resumed.

Question put.

The Senate divided—

**AYES, 33**

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**NOES, 31**

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Question agreed to.
Bills read a second time.
The Senate resolved itself into committee for the consideration of the bills.

In the committee

GOVERNANCE OF AUSTRALIAN GOVERNMENT SUPERANNUATION SCHEMES BILL 2011—

Bill taken as a whole by leave.

Senator Cormann moved the following amendments together by leave:

Clause 11, page 8 (lines 18 to 23), omit subclause (2), substitute:

(2) Subject to subsection (5), the Chief of the Defence Force may nominate, in writing, 2 of the 10 other directors.

Note: The Minister chooses the remaining 8 other directors.

Clause 11, page 9 (lines 1 to 3), omit subclause (4).

Clause 12, page 9 (lines 19 and 20), omit “the President of the Australian Council of Trade Unions or”.

Clause 16, page 10 (lines 27 and 28), omit “the President of the Australian Council of Trade Unions or”.

Clause 16, page 11 (line 1), omit “President or Chief, as appropriate”, substitute “Chief”.

Clause 17, page 11 (line 21), omit “(7),”.

Clause 17, page 11 (line 28), omit “(7),”.

Clause 17, page 12 (line 4), omit “(7) to”, substitute “(8) and”.

Clause 17, page 12 (lines 7 to 10), omit subclause (7).

Clause 17, page 12 (lines 15 and 16), omit “the President of the Australian Council of Trade Unions or”.

Clause 18, page 13 (lines 6 to 14), omit subclause (5).

Clause 38, page 29 (lines 26 and 27), omit “the President of the Australian Council of Trade Unions and”.

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

AYES, 31

Senators—

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**Question negatived.**

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*At 9.50 pm:* The President resumed the chair and the Chair of Committees (Senator Ferguson) reported progress.

### 31 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.29 pm till Tuesday, 21 June 2011 at 12.30 pm.

### 32 ATTENDANCE

Present, all senators except Senators Ludwig* and Nash* (* on leave).

*Rosemary Laing*  
Clerk of the Senate

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