THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 44

WEDNESDAY, 16 JULY 2014

Contents

1 Meeting of Senate ................................................................. 1197
2 Government Document .......................................................... 1197
3 Privileges—Standing Committee—Statement by President—Proposed Reference ................................................................. 1197
4 Corporations and Financial Services—Joint Statutory Committee—Leave to Meet During Sitting ........................................ 1198
5 Clean Energy Legislation (Carbon Tax Repeal) Bill 2014
   True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2014
   True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2014
   Customs Tariff Amendment (Carbon Tax Repeal) Bill 2014
   Excise Tariff Amendment (Carbon Tax Repeal) Bill 2014
   Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2014
   Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal) Bill 2014
6 Matters of Public Interest ....................................................... 1206
7 Questions .................................................................................. 1206
8 Motions to Take Note of Answers ............................................. 1206
9 Regional Australia—Torres Strait Region—Personal Explanation .................................................. 1206
10 Notices .................................................................................... 1206
11 Postponements ........................................................................ 1211
12 Leave of Absence ..................................................................... 1211
13 Postponement ......................................................................... 1211
14 National Security Legislation Amendment Bill (No. 1) 2014 ................................................................. 1212
15 Guardian for Unaccompanied Children Bill 2014 ...................... 1212
16 Rural and Regional Affairs and Transport References Committee—Extension of Time to Report ........................................ 1213
17 Foreign Affairs—China—Falun Gong Practitioners ..................... 1213
18 Immigration—Asylum Seekers—Missing Children .................... 1213
<table>
<thead>
<tr>
<th>No.</th>
<th>Committee</th>
<th>Reports</th>
<th>Document Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Education—Higher Education—Regional Australia</td>
<td></td>
<td></td>
<td>1213</td>
</tr>
<tr>
<td>20</td>
<td>Law and Justice—Wicked Campers</td>
<td></td>
<td></td>
<td>1214</td>
</tr>
<tr>
<td>21</td>
<td>Scrutiny of Bills—Standing Committee—9th Report and Alert Digest No. 9 of 2014</td>
<td></td>
<td></td>
<td>1214</td>
</tr>
<tr>
<td>22</td>
<td>Regulations and Ordinances—Standing Committee—Document</td>
<td></td>
<td></td>
<td>1214</td>
</tr>
<tr>
<td>23</td>
<td>Community Affairs Legislation Committee—Document—Australian National Preventive Health Agency (Abolition) Bill 2014 and Health Workforce Australia (Abolition) Bill 2014</td>
<td></td>
<td></td>
<td>1214</td>
</tr>
<tr>
<td>24</td>
<td>Rural and Regional Affairs and Transport References Committee— Report—Future of the Beekeeping and Pollination Service Industries in Australia</td>
<td></td>
<td></td>
<td>1215</td>
</tr>
<tr>
<td>25</td>
<td>Education and Employment References Committee—Reports—Delivery of Quality and Affordable Early Childhood Education and Care Services— Immediate Future of the Childcare Sector in Australia</td>
<td></td>
<td></td>
<td>1215</td>
</tr>
<tr>
<td>26</td>
<td>Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—Interim Report</td>
<td></td>
<td></td>
<td>1215</td>
</tr>
<tr>
<td>27</td>
<td>First Speeches</td>
<td></td>
<td></td>
<td>1216</td>
</tr>
<tr>
<td>28</td>
<td>Women—Second Action Plan of the National Plan to Reduce Violence Against Women and Their Children—Ministerial Statement— Document</td>
<td></td>
<td></td>
<td>1216</td>
</tr>
<tr>
<td>29</td>
<td>Parliamentary Committee Reports—President’s Report—Government Responses Outstanding</td>
<td></td>
<td></td>
<td>1216</td>
</tr>
<tr>
<td>30</td>
<td>Parliamentary Committee Reports—Government Response—President’s Report on Government Responses</td>
<td></td>
<td></td>
<td>1216</td>
</tr>
<tr>
<td>31</td>
<td>Documents</td>
<td></td>
<td></td>
<td>1216</td>
</tr>
<tr>
<td>32</td>
<td>Committee Membership</td>
<td></td>
<td></td>
<td>1217</td>
</tr>
<tr>
<td>33</td>
<td>Trade Support Loans Bill 2014</td>
<td></td>
<td></td>
<td>1217</td>
</tr>
<tr>
<td>34</td>
<td>Environment and Communications Legislation Committee—Report— National Broadband Network Companies Amendment (Tasmania) Bill 2014</td>
<td></td>
<td></td>
<td>1217</td>
</tr>
<tr>
<td>35</td>
<td>Migration Amendment (Offshore Resources Activity) Regulation— Disallowance</td>
<td></td>
<td></td>
<td>1218</td>
</tr>
<tr>
<td>36</td>
<td>Government Documents—Consideration</td>
<td></td>
<td></td>
<td>1219</td>
</tr>
<tr>
<td>37</td>
<td>Adjournment</td>
<td></td>
<td></td>
<td>1219</td>
</tr>
<tr>
<td>38</td>
<td>Attendance</td>
<td></td>
<td></td>
<td>1219</td>
</tr>
</tbody>
</table>
1 **MEETING OF SENATE**

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

2 **GOVERNMENT DOCUMENT**

The following document was tabled:


3 **PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE**

The President made a statement relating to a matter of privilege raised by the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) concerning the possible imposition of a penalty by the taking of disciplinary action, either on a witness before the Rural and Regional Affairs and Transport References Committee or on a person providing information to the committees, in connection with an inquiry into aviation accident investigations which reported in 2013 and in connection with questions asked at the 2013-14 Budget estimates hearings.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following documents:

Privileges—Standing Committee—Proposed reference—Letter from the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) to the President, dated 11 July 2014 and attachment.

Notice of motion: The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle), also on behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), gave a notice of motion as follows: To move on the next day of sitting—

(1) That the following matter be referred to the Committee of Privileges for inquiry and report:

In the context of an inquiry by the Rural and Regional Affairs and Transport References Committee into aviation accident investigations and Budget estimates hearings of the Rural and Regional Affairs and Transport Legislation Committee in May 2013:

(a) whether disciplinary action was taken against either a witness before the committee or a person providing information to the committee; and

(b) if so, whether any contempt was committed in respect of those matters.
(2) That, for the purpose of providing further information to the Committee of Privileges, the Standing Committees on Rural and Regional Affairs and Transport have access to the records of the committee in the previous Parliament.

4 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
LEAVE TO MEET DURING SITTING

Senator Bushby, by leave and on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, moved—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 4 pm.

Question put and passed.

5 CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2014

In the committee

Consideration resumed of the bills—and of the amendment moved by Senator Singh in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014:

Schedule 1, page 4 (line 1) to page 70 (line 21), omit the Schedule, substitute:

**Schedule 1—Amendments**

**Australian National Registry of Emissions Units Act 2011**

1 Subsection 66F(2) (paragraph (b) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

Omit “31 July 2014”, substitute “31 October 2014”.

2 Subsection 66F(2) (paragraph (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

Repeal the paragraph.

3 Subsection 66F(4) (paragraph (b) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

Omit “31 July 2014”, substitute “31 October 2014”.

4 Subsection 66F(4) (paragraph (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

Repeal the paragraph.

Clean Energy Act 2011

5 Section 4

Omit “, 1 July 2013 and 1 July 2014”, substitute “and 1 July 2013”.

6 Section 4

Before “1 July 2015”, insert “1 July 2014,”.

7 Section 5 (definition of fixed charge year)

Repeal the definition, substitute:

fixed charge year means:
(a) the eligible financial year beginning on 1 July 2012; or
(b) the eligible financial year beginning on 1 July 2013.

For the purposes of paragraph (b), the months of July, August and September 2014 are taken to be part of the financial year beginning on 1 July 2013.

8 Section 5 (definition of flexible charge year)

Repeal the definition, substitute:

flexible charge year means:
(a) the eligible financial year beginning on 1 July 2014; or
(b) a later eligible financial year.

For the purposes of paragraph (a), the months of October, November and December 2014, and January, February, March, April, May and June 2015, are taken to be the financial year beginning on 1 July 2014.

9 After paragraph 14(2)(b)

Insert:

(ba) if the regulations declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014—must have regard to any report that:
(i) was given to the Minister by the Climate Change Authority under section 60 of the Climate Change Authority Act 2011; and
(ii) dealt with the carbon pollution cap for that year; and

10 At the end of subsection 15(1)

Add “(other than regulations that declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014)”.
11 After section 15
Insert:

15A When regulations must be tabled—2014-15 flexible charge year

Scope
(1) This section applies to regulations that declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014.

When regulations must be tabled
(2) The Minister must take all reasonable steps to ensure that the regulations are tabled in each House of the Parliament under section 38 of the Legislative Instruments Act 2003 not later than 31 August 2014.

(3) The regulations must not be made, or tabled in a House of the Parliament, after 31 August 2014.

Reasons must be tabled
(4) If, on a particular day (the tabling day), a copy of the regulations is tabled in a House of the Parliament under section 38 of the Legislative Instruments Act 2003, the Minister must:
(a) cause to be tabled in that House a written statement setting out the Minister’s reasons for making the recommendation to the Governor-General about the regulations; and
(b) do so on, or as soon as practicable after, the tabling day.

12 Section 16 (at the end of the heading)
Add “—later flexible charge years”.

13 Subsections 16(1) and (2)
Omit “31 May 2014”, substitute “30 November 2014”.

14 Subsection 16(3)
Omit “of May that is 14 months before the start of a particular flexible charge year beginning on or after 1 July 2016, no regulations made for the purposes of section 14”, substitute “of November that is 8 months before the start of a particular flexible charge year beginning on or after 1 July 2016, no regulations to which section 15 applies”.

15 Subsection 16(3)
Omit “that May”, substitute “that November”.

16 Subsection 16(4)
Omit “the May”, substitute “the November”.

17 Section 17 (heading)

18 Subsection 17(1)
Omit “1 July 2015”, substitute “1 July 2014”.

19 Subsection 17(2) (formula)
Repeal the formula, substitute:
Total emissions numbers for the eligible financial year beginning on 1 July 2012 – 25,000,000
20 **Subsection 18(1)**

Omit “1 July 2016”, substitute “1 July 2015”.

21 **Section 93**

Before “1 July 2015”, insert “1 July 2014,”.

22 **Subsection 100(1)**

After “following table”, insert “(other than an exempt item)”.

23 **Subsection 100(1) (table items 5 and 6)**

Repeal the items.

24 **Subsection 100(1) (table items 7, 8 and 9)**

Repeal the items, substitute:

<table>
<thead>
<tr>
<th></th>
<th>The period:</th>
<th>the eligible financial year beginning on</th>
<th>the amount prescribed by the regulations for the purposes of this table item</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2014; and</td>
<td>1 July 2014</td>
<td></td>
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<td>(b) ending at the end of 1 February 2016.</td>
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<tr>
<td>8</td>
<td>(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2015; and</td>
<td>1 July 2015</td>
<td>the amount obtained by multiplying the per unit charge applicable under item 7 by:</td>
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<tr>
<td></td>
<td>(b) ending at the end of 1 February 2017.</td>
<td></td>
<td>(a) 1.07625; or</td>
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<td></td>
<td></td>
<td></td>
<td>(b) if another number is specified in the regulations— that other number</td>
</tr>
</tbody>
</table>
The period:
(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2016; and
(b) ending at the end of 1 February 2018.

The amount obtained by multiplying the per unit charge applicable under item 8 by:
(a) 1.07625; or
(b) if another number is specified in the regulations— that other number.

The period:
(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2017; and
(b) ending at the end of 1 February 2019.

The amount obtained by multiplying the per unit charge applicable under item 9 by:
(a) 1.07625; or
(b) if another number is specified in the regulations— that other number.

25 Subsection 100(1) (note)
Omit “Note”, substitute “Note 1”.

26 At the end of subsection 100(1) (after the note)
Add:

Note 2: For exempt item, see subsections (13A), (13B) and (13C).

27 Subsection 100(2)
Omit “item 7, 8 or 9”, substitute “item 7, 8, 9 or 10”.

28 Subsection 100(3) (heading)
Omit “items 1, 3 and 5”, substitute “items 1 and 3”.

29 Subsection 100(3)
Omit “item 1, 3 or 5”, substitute “item 1 or 3”.

30 Subsection 100(4) (heading)
Omit “6, 7, 8 and 9”, substitute “7, 8, 9 and 10”.

31 Subsection 100(4)
Omit “item 2, 4, 6, 7, 8 or 9”, substitute “item 2, 4, 7, 8, 9 or 10”.

32 Subsection 100(6)
   After “subsection (1)”, insert “(other than an exempt item)”.

33 At the end of subsection 100(6)
   Add:
   
   Note: For exempt item, see subsections (13A), (13B) and (13C).

34 Before paragraph 100(9)(a)
   Insert:
   
   (aa) the eligible financial year beginning on 1 July 2014;

35 After subsection 100(13)
   Insert:
   
   Exempt item
   
   (13A) The regulations may declare that item 8 of the table in subsection (1) is an exempt item for the purposes of this section.
   (13B) The regulations may declare that item 9 of the table in subsection (1) is an exempt item for the purposes of this section.
   (13C) The regulations may declare that item 10 of the table in subsection (1) is an exempt item for the purposes of this section.

36 Subsection 100(14)
   Omit “31 May 2014”, substitute “31 August 2014”.

37 Subsection 100(15)
   Repeal the subsection.

38 Before subsection 101(1A)
   Insert:
   
   (1AA) Subsection (1) does not apply to carbon units with the vintage year beginning on 1 July 2014 that are issued as a result of auctions that are conducted by the Regulator during the financial year beginning on 1 July 2013.
   (1AB) The Regulator must ensure that not more than 40 million carbon units with the vintage year beginning on 1 July 2014 are issued as a result of auctions that were conducted by the Regulator during the financial year beginning on 1 July 2013 if there are no regulations in effect that declare the carbon pollution cap, and the carbon pollution cap number, for the vintage year.

39 At the end of subsection 111(3)
   Add “However, for the eligible financial year beginning on 1 July 2014, the charge for the issue of a carbon unit may not be more than $25.40.”.

40 Subsection 121
   Omit “first 5 flexible charge years”, substitute “first 6 flexible charge years”.

41 Subsection 123A(3)
   Omit “1 July 2015”, substitute “1 July 2014”.

42 Subparagraph 123A(6)(a)(l)
   Omit “1 July 2015”, substitute “1 July 2014”.

43 Subparagraphs 123A(6)(b)(i) and (ii)
Repeal the subparagraphs, substitute:

(i) if the eligible financial year begins on 1 July 2014—6.25%; or
(ii) if the eligible financial year begins on 1 July 2015, 1 July 2016, 1 July 2017, 1 July 2018 or 1 July 2019—12.5%; or
(iii) if the eligible financial year begins on or after 1 July 2020, and the regulations do not specify a percentage for that year—12.5%; or
(iv) if the eligible financial year begins on or after 1 July 2020, and the regulations specify a percentage for that year—that percentage; and

44 Subsection 123A(7)
Omit “(6)(b)(ii)”, substitute “(6)(b)(iv)”.

45 Subparagraphs 133(7)(a)(i) and (7A)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

46 Subparagraph 133(7A)(a)(ii)
Omit “4”, substitute “5”.

47 Subparagraph 133(7E)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

48 Subparagraph 133(7E)(a)(ii)
Omit “4”, substitute “5”.

49 Subparagraph 133(7F)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

50 Section 160
Omit “each of the next 3 financial years”, substitute “the financial year beginning on 1 July 2014”.

51 Subsection 161(2)
Omit all the words from and including “On each” to and including “the following formula”, substitute “On 1 September in the eligible financial year beginning on 1 July 2013, the Regulator must issue a number of free carbon units equal to the number worked out using the following formula”.

52 Subsection 161(3) (formula)
Repeal the formula, substitute:

\[
\left( \frac{\text{Annual assistance factor specified in the certificate}}{\text{Total annual assistance factors for that eligible financial year}} \times 125,115,000 \right) - A - B
\]

53 Subsection 196(1AA) (heading)
Omit “11 months”, substitute “8 months”.
54 Subsection 196(1AA) (definition of number of units issued as the result of auctions)
Omit “11-month period”, substitute “8-month period”.

55 Subsection 196(1AA) (definition of total auction proceeds)
Omit “11-month period”, substitute “8-month period”.

56 Paragraph 196(1)(a)
Omit “May 2016”, substitute “May 2015”.

57 Paragraph 196(2)(a)
Omit “November 2015”, substitute “November 2014”.

58 Paragraph 196(3)(a)
Omit “1 July 2015”, substitute “1 July 2014”.

59 Subsection 196A(18) (paragraph (c) of the definition of designated 6-month period)
Omit “November 2015”, substitute “November 2014”.

60 Subsection 212(2) (paragraph (b) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)
Omit “31 July 2014”, substitute “31 October 2014”.

61 Subsection 212(2) (paragraph (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)
Repeal the paragraph.

62 Subsection 212(3) (paragraph (b) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)
Omit “31 July 2014”, substitute “31 October 2014”.

63 Subsection 212(3) (paragraph (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)
Repeal the paragraph.

64 Subsection 289(8)
Repeal the subsection, substitute:

Report

(8) The report of the first review must set out recommendations relating to the level of carbon pollution caps for each of the following flexible charge years:
(a) the eligible financial year beginning on 1 July 2015;
(b) the eligible financial year beginning on 1 July 2016;
(c) the eligible financial year beginning on 1 July 2017;
(d) the eligible financial year beginning on 1 July 2018;
(e) the eligible financial year beginning on 1 July 2019. 
Debate resumed.

At 12.45 pm: The Acting Deputy President (Senator O’Neill) resumed the chair and the Temporary Chair of Committees reported progress.

6 MATTERS OF PUBLIC INTEREST
Matters of public interest were discussed.

At 2 pm—

7 QUESTIONS
Questions without notice were answered.

8 MOTIONS TO TAKE NOTE OF ANSWERS
Senator O’Neill moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator O’Neill today relating to the regulation of financial advice services.
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 comments made by the co-chair of the Review of the Australian Curriculum (Dr Donnelly).
Question put and passed.

9 REGIONAL AUSTRALIA—TORRES STRAIT REGION—PERSONAL EXPLANATION
Senator McLucas, by leave, made a personal explanation relating to letters appearing in the Torres News written by the Member for Leichhardt (Mr Entsch) concerning Senator McLucas and the Torres Strait region.

10 NOTICES
The Chair of the Community Affairs Legislation Committee (Senator Seselja): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Legislation Committee on the Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014 be extended to 29 October 2014. (general business notice of motion no. 355)
The Leader of the Palmer United Party in the Senate (Senator Lazarus): To move on the next day of sitting—
(1) That a select committee, to be known as the Select Committee on Certain Aspects of Queensland Government Administration, be established to inquire into and report on:
   (a) the amount of Commonwealth funds allocated or paid to the State of Queensland since 26 March 2012, with particular reference to:
      (i) the purposes for which the funds were appropriated by the Parliament,
(ii) performance measures in place to enable the State of Queensland to account to the Commonwealth for its expenditure of Commonwealth funds,

(iii) the proportion of the Queensland State budget derived from Commonwealth funds,

(iv) whether any Commonwealth funds have been used by the State of Queensland for state government advertising or party political purposes,

(v) operation of courts and judicial system,

(vi) separation of powers, and

(vii) approval process for development of projects for the export of resources or services;

(b) the extent to which Queensland State Government policies and practices are consistent with Australia’s obligations under international human rights instruments, with particular reference to:

(i) the nature of medical (including psychological) assessments conducted on people appointed by the Queensland Cabinet to any government role,

(ii) the administration of prisons, and

(iii) detention without trial;

(c) the desirability of developing national integrity legislation, including by referral of state powers under section 51(xxxvii) of the Constitution, with particular reference to:

(i) conflict of interest procedures for senior government officials, including ministers, members of parliament and agency heads,

(ii) the powers, organisation and accountability mechanisms of anti-corruption bodies, and

(iii) appointment of agency heads and statutory officers;

(d) any related matters; and

(e) any other matter the committee considers relevant.

(2) That the committee present its final report on or before 31 March 2015.

(3) That the committee consist of 8 senators, 2 to be nominated by the Leader of the Government in the Senate, 3 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens, 1 to be nominated by the Leader of the Palmer United Party in the Senate, and 1 to be nominated by the Australian Motor Enthusiast Party.

(4) That:

(a) on the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;

(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; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
(5) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair a member nominated by the Leader of the Opposition in the Senate and, as deputy chair, a member elected by the committee.

(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 quorum of the committee be 3 members.

(10) That the committee and any subcommittee have power to send for and examine any person and any document, to move from place to place (including, but not limited to, major metropolitan and regional centres in Queensland and the committee shall conduct public hearings in Nambour, Ipswich, Mackay, Rockhampton, Kingaroy, Mt Isa, Bundaberg, Toowoomba, Townsville and Cairns) to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representative.

(11) That the committee shall report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee has power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(13) 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.

(14) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 356)

Senator Siewert: To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by the second sitting week in February 2015:

Out of home care, including:

(a) drivers of the increase in the number of children placed in out of home care, types of care that are increasing and demographics of the children in care;

(b) the outcomes for children in out of home care (including kinship care, foster care and residential care) versus staying in the home;

(c) current models for out of home care, including kinship care, foster care and residential care;

(d) current cost of Australia’s approach to care and protection;

(e) consistency of approach to out of home care around Australia;

(f) what are the supports available for relative/kinship care, foster care and residential care;

(g) best practice in out of home care in Australia and internationally;

(h) consultation with individuals, families and communities affected by removal of children from the home;

(i) extent of children in out of home care remaining connected to their family of origin; and
(j) best practice solutions for supporting children in vulnerable family situations including early intervention.

Senator Dastyari: To move on the next day of sitting—That items 1 to 27 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 102 and made under the Corporations Act 2001, be disallowed.

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams): To move 15 sitting days after today—That the Farm Household Support Secretary’s Rule 2014, made under the Farm Household Support Act 2014, be disallowed.

Senator Ludlam: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to defence to provide for parliamentary approval of overseas service by members of the Defence Force, and for related purposes. Defence Legislation Amendment (Parliamentary Approval of Overseas Service) Bill 2014. (general business notice of motion no. 357)

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

(a) the name of the successful tenderer for Australian Defence Force boots, Tender DMOLSD/RFT0129/2012; and

(b) the price differential of the winning tenderer compared to that of the closest Australian tenderer as per one of the following ranges:
   (i) less than 10 per cent,
   (ii) between 10 per cent and 20 per cent,
   (iii) between 20 per cent and 30 per cent,
   (iv) between 30 per cent and 40 per cent, and
   (v) 50 per cent and over. (general business notice of motion no. 358)

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

(a) notes that:
   (i) over the past 6 years electricity prices have more than doubled for average households, with the carbon tax being one of the elements of that price increase, and
   (ii) network charges have been responsible for approximately two-thirds of this rise in power prices; and

(b) calls on the Government to urgently review the National Electricity Rules governing the setting of network prices by taking a leadership role in the Council of Australian Governments to ensure a review of the rules by the Australian Energy Market Commission. (general business notice of motion no. 359)

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

(a) notes the findings of the Connetica Budget 2014 Policy Briefing Papers which outline:
   (i) the disproportionate burden the 2014-15 Budget cuts will place on young people,
(ii) the potential for an increase in suicides and mental ill-health among young Australians as a result of harsh budget measures, including changes to Newstart, increases to university fees, cutting the Tools For Your Trade program, and ending support programs like Youth Connections, and

(iii) that isolation, dislocation, loneliness, hopelessness and unemployment can increase anxiety, despair and depression;

(b) recognises that public policy has a direct impact on the mental health and wellbeing of the community; and

(c) urges the Government to reverse budget decisions which will adversely affect the mental health of young Australians. (general business notice of motion no. 360)

Senator Hanson-Young: To move on the next day of sitting—That the Senate calls on the Government to cease the current ‘on water’ screening and transfers of asylum seekers which the United Nations High Commissioner for Refugees has said fall well short of Australia’s international obligations and could mean that asylum seekers were returned, or refouled, to persecution. (general business notice of motion no. 361)

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

(1) That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 26 August 2014, any document in relation to the water quality offset imposed on the Abbot Point dredging and dumping approvals in December 2013 that discusses or assesses:

(a) the likely costs of offsetting 150 per cent of fine sediments ‘potentially available for resuspension’;

(b) the contributions of North Queensland Bulk Ports, Adani or GVK to accomplishing this offset; and

(c) contributions from the Queensland or Federal governments to accomplishing this offset.

(2) Documents previously released publicly pursuant to freedom of information or Senate orders for production of documents need not be included. (general business notice of motion no. 362)

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

(a) that the 20th International AIDS Conference is being held in Melbourne from 20 to 25 July 2014, and will be attended by about 12,000 delegates from nearly 200 countries representing science, civil society, politics and the private sector;

(b) that this biennial conference is the premier international gathering for those working in the field of HIV, policy makers and people living with HIV;

(c) Australia’s resolve to work with governments, the business community and civil society across the region to reach the goals that the international community has set – zero new infections, zero AIDS-related deaths and zero discrimination;

(d) that while HIV/AIDS in Australia is lower than in many comparable nations, around 5 million people in our region are living with HIV/AIDS;

(e) that Australia has spent A$1 billion combatting HIV/AIDS in our region over the past decade and has committed $200 million over 3 years to support the Global Fund to Fight AIDS, Tuberculosis and Malaria, and that the Global Fund has already invested around $US6.8 billion in the Indo-Pacific region delivering HIV treatment to over 700,000 people; and
(f) the Australian Government’s release on 7 July 2014 of the 7th National HIV Strategy and its commitment to reverse the increasing trend of new HIV diagnosis and work towards the virtual elimination of HIV transmission by 2020. (general business notice of motion no. 363)

Senator Ludlam: To move on the next day of sitting—That further consideration of the National Security Legislation Amendment Bill (No. 1) 2014 be postponed and made an order of the day for the later of:

(a) 8 September 2014; or

(b) the next day of sitting after the Government complies with Recommendation 41 of the report of the Parliamentary Joint Committee on Intelligence and Security, Report of the inquiry into potential reforms of Australia’s National Security Legislation, at least, by seeking the views of the Independent National Security Legislation Monitor and the Inspector-General of Intelligence and Security on the bill, and tabling a copy of those views in the Senate. (general business notice of motion no. 364)

Senators Siewert and Peris: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the launch of the Roadmap to Close the Gap for Vision by the University of Melbourne released in July 2014,

(ii) that Aboriginal adults are 6 times more likely to become blind than non-Aboriginal Australians, and

(iii) that 94 per cent of vision loss in Aboriginal adult Australians is preventable or treatable; and

(b) urges the Federal Government to:

(i) review the report and provide national leadership on eye health, and

(ii) address the gap between Aboriginal and non-Aboriginal eye health as a matter of priority. (general business notice of motion no. 365)

11 POSTPONEMENTS

Senator Bernardi, by leave, moved—That general business notices of motion nos 351 and 352 standing in his name for today, relating to the Select Committee on the National Broadband Network and to the proposed establishment of a joint select committee on the National Broadband Network, be postponed till the next day of sitting.

Question put and passed.

12 LEAVE OF ABSENCE

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

Question put and passed.

13 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 354 standing in the names of Senators Rhiannon and Xenophon for today, relating to the National Water Commission, postponed till 17 July 2014.
14 NATIONAL SECURITY LEGISLATION AMENDMENT BILL (NO. 1) 2014
The Attorney-General (Senator Brandis), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the law relating to national security and intelligence services, and for related purposes.

Question put and passed.
Senator Brandis 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 Brandis moved—That this bill be now read a second time.

Explanatory memorandum: Senator Brandis 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.

15 GUARDIAN FOR UNACCOMPANIED CHILDREN BILL 2014
Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 343—That the following bill be introduced:


Question put and passed.
Senator Hanson-Young 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 Hanson-Young moved—That this bill be now read a second time.

Explanatory memorandum: Senator Hanson-Young, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.
Statement by leave: Senator Hanson-Young, by leave, made a statement relating to the matter.
16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) amended general business notice of motion no. 349 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on its inquiry into the implications of the restrictions on the use of Fenthion on Australia’s horticultural industry be extended to 31 July 2014.

Question put and passed.

17 FOREIGN AFFAIRS—CHINA—FALUN GONG PRACTITIONERS

Motion determined as not formal: Senator Madigan requested that general business notice of motion no. 344 standing in his name for today, relating to China and Falun Gong practitioners, be taken as formal.

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

Statements by leave: Senator Madigan, the Assistant Minister for Social Services (Senator Fifield) and Senators Moore and Ludlam, by leave, made statements relating to the motion.

18 IMMIGRATION—ASYLUM SEEKERS—MISSING CHILDREN

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 350—That the Senate—

(a) expresses its concern for the asylum seeker children who are currently missing in South Australia;

(b) notes that the Minister for Immigration and Border Protection is the legal guardian of these unaccompanied minors; and

(c) urges the Government to act in their best interest and ensure their safety.

Question put and passed.

19 EDUCATION—HIGHER EDUCATION—REGIONAL AUSTRALIA

Senator Bushby, at the request of Senator McKenzie and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 346—That the Senate—

(a) congratulates Central Queensland University on its partnership with TAFE [technical and further education] and notes a number of universities have forged partnerships with regional TAFEs to develop:

(i) new courses,

(ii) new regional university centres,

(iii) pathway programs in areas relevant to local regional industry, and

(iv) pathways to higher education; and

(b) recognises that further expansion to higher education access for all students, whether studying at universities, TAFEs or private colleges, will provide a further boost to regional economies by ensuring:

(i) greater student accessibility to higher education,

(ii) a more skilled regional workforce, and
(iii) the opportunity for education institutions to expand and thereby employ more people and invest back into the local community.

Statement by leave: Senator Carr, by leave, made a statement relating to the motion. Question put and passed.

20 LAW AND JUSTICE—WICKED CAMPERS

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 353—that the Senate—

(a) notes the litany of sexist, misogynistic, and racist slogans which have been used by Wicked Campers on their hire vans, including:

‘In every princess, there’s a little slut who wants to try it just once’,
‘Fat chicks are harder to kidnap’,
‘Save a whale...harpoon a Jap’,
‘Women are like banks – once you withdraw you lose interest’, and
‘A wife: an attachment you screw on the bed to get the housework done’;

and

(b) condemns the use of such slogans and calls on Wicked Campers to remove slogans which are sexist, misogynistic, or racist from their vans.

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

21 SCRUTINY OF BILLS—STANDING COMMITTEE—9TH REPORT AND ALERT DIGEST NO. 9 OF 2014

Senator McEwen, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

9th report of 2014, dated 16 July 2014,
Alert Digest No. 9 of 2014, dated 16 July 2014.

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

22 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

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


23 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—DOCUMENT—AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY (ABOLITION) BILL 2014 AND HEALTH WORKFORCE AUSTRALIA (ABOLITION) BILL 2014

Senator Bushby, at the request of the Chair of the Community Affairs Legislation Committee (Senator Seselja), tabled the following document:


Document ordered to be printed on the motion of Senator Bushby.
24 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REPORT—FUTURE OF THE BEEKEEPING AND POLLINATION SERVICE INDUSTRIES IN AUSTRALIA**

Pursuant to order, 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—Future of the beekeeping and pollination service industries in Australia—Report, dated July 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

Question put and passed.

25 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REPORTS—DELIVERY OF QUALITY AND AFFORDABLE EARLY CHILDHOOD EDUCATION AND CARE SERVICES—IMMEDIATE FUTURE OF THE CHILDCARE SECTOR IN AUSTRALIA**

Pursuant to order, the Chair of the Education and Employment References Committee (Senator Lines) tabled the following reports and documents:

Education and Employment References Committee—Reports—

Delivery of quality and affordable early childhood education and care services, dated July 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Immediate future of the childcare sector in Australia, dated July 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Lines moved—That the Senate take note of the reports.

Debate ensued.

Question put and passed.

26 **CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES—JOINT SELECT COMMITTEE—INTERIM REPORT**

Pursuant to order, Senator Peris, on behalf of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, tabled the following report:

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—Interim report, dated July 2014.

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 Ruston in continuation.
27 First Speeches
Pursuant to order (see entry no. 22, 7 July 2014), Senators McGrath and Canavan made their first speeches.

28 Women—Second Action Plan of the National Plan to Reduce Violence Against Women and Their Children—Ministerial Statement—Document
The Assistant Minister for Social Services (Senator Fifield) tabled the following document:
Women—Launch of the Second Action Plan of the National Plan to Reduce Violence against Women and their Children 2010 to 2022—Ministerial statement by the Minister Assisting the Prime Minister for Women (Senator Cash), dated 16 July 2014.

29 Parliamentary Committee Reports—President’s Report—Government Responses Outstanding
The President tabled the following document:
President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 16 July 2014.

30 Parliamentary Committee Reports—Government Response—President’s Report on Government Responses
The Assistant Minister for Social Services (Senator Fifield) tabled the following document:
Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 12 December 2013, dated 16 July 2014.

31 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.


Migration Act 1958—
Statements under section 46A—1 January to 30 June 2014 [6].
Statements under section 91L—1 January to 30 June 2014 [9].
Statements under section 91Q—1 January to 30 June 2014 [7].
Statements under section 195A—1 January to 30 June 2014 [57].
Statements under section 197AB—1 January to 30 June 2014 [169].
Statements under section 198AE—1 January to 30 June 2014 [4].
Statements under section 351—1 January to 30 June 2014 [99].
Statements under section 417—1 January to 30 June 2014 [28].


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—
(a) Senator Ludwig be discharged from the Parliamentary Joint Committee on Intelligence and Security and Senators Bushby, Conroy and Wong be appointed as members of the committee, pursuant to the Intelligence Services Act 2001; and
(b) senators be discharged from and appointed to committees as follows:

Health—Select Committee—

Appointed—
Substitute members:
Senator Waters to replace Senator Di Natale for 21 and 22 August 2014
Senator Rhiannon to replace Senator Di Natale from 10 to 12 September 2014
Senator Whish-Wilson to replace Senator Di Natale from 3 to 5 November 2014
Participating member: Senator Di Natale

Legal and Constitutional Affairs Legislation Committee—

Appointed—
Substitute members: Senators Ketter and Peris to replace Senators Bilyk and Collins for the committee’s inquiry into the exposure draft of the Medical Services (Dying with Dignity) Bill 2014
Participating members: Senators Bilyk and Collins.

Question put and passed.

33 TRADE SUPPORT LOANS BILL 2014

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:


34 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—NATIONAL BROADBAND NETWORK COMPANIES AMENDMENT (TASMANIA) BILL 2014

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


Report ordered to be printed on the motion of Senator Ruston.
35 **Migration Amendment (Offshore Resources Activity) Regulation—Disallowance**

Senator Wright, pursuant to notice, moved business of the Senate notice of motion no.1—That the Migration Amendment (Offshore Resources Activity) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 64 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

_Closure:_ Senator Siewert moved—that the question be now put.

Question—that the question be now put—put.

The Senate divided—

**AYES, 35**

- Bilyk
- Brown
- Bullock
- Cameron
- Carr
- Dastyari
- Di Natale
- Gallagher
- Hanson-Young
- Ketter
- Lambie
- Lazarus
- Lines
- Ludlam
- Lundy
- Madigan
- Marshall

**NOES, 31**

- Abetz
- Back
- Bernardi
- Birmingham
- Brandis
- Bushby
- Cash
- Colbeck
- Day
- Edwards
- Fawcett (Teller)
- Fierravanti-Wells
- Fifield
- Heffernan
- Johnston
- Leyonhjelm
- Macdonald
- Mason
- McKenzie
- Nash
- O’ Sullivan
- Parry
- Payne
- Reynolds

Question agreed to.

Main question put.

The Senate divided—

**AYES, 35**

- Bilyk
- Brown
- Bullock
- Cameron
- Carr
- Dastyari
- Di Natale
- Gallagher
- Hanson-Young
- Ketter
- Lambie
- Lazarus
- Lines
- Ludlam
- Lundy
- Madigan
- Marshall

**NOES, 31**

- Abetz
- Back
- Bernardi
- Birmingham
- Brandis
- Bushby
- Cash
- Colbeck
- Day
- Edwards
- Fawcett (Teller)
- Fierravanti-Wells
- Fifield
- Heffernan
- Johnston
- Leyonhjelm
- Macdonald
- Mason
- McKenzie
- Nash
- O’ Sullivan
- Parry
- Payne
- Reynolds

Question agreed to.

Main question put.
NOES, 31

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Question agreed to.

After 6.50 pm—

36 GOVERNMENT DOCUMENTS—CONSIDERATION
The government documents tabled earlier today (see entry no. 2) and general business orders of the day nos 13 to 20 relating to government documents were called on but no motion was moved.

37 ADJOURNMENT
The President proposed the question—That the Senate do now adjourn. Debate ensued.
The Senate adjourned at 7.28 pm till Thursday, 17 July 2014 at 9.30 am.

38 ATTENDANCE
Present, all senators except Senators Ronaldson* and Xenophon* (*on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate