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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 CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013
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EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013
CLEAN ENERGY (INCOME TAX RATES AND OTHER AMENDMENTS) BILL 2013

Order of the day read for the adjourned debate on the motions of the Assistant Minister for Social Services (Senator Fifield)—That these bills be now read a second time—and on the amendment moved by Senator Di Natale in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013:

At the end of the motion, add “but the Senate:
(a) rejects this bill and the related bills;
(b) recognises that:
   (i) the world is on track for 4 degrees of warming, and
   (ii) warming of less than 1 degree is already intensifying extreme weather events in Australia and around the world with enormous costs to life and property; and
(c) calls on the Government to:
   (i) protect the Australian people and environment from climate change by approving no new coal mines or extensions of existing mines, or new coal export terminals, and
   (ii) adopt a trajectory of 40 to 60 per cent below 2000 levels by 2030 and net carbon zero by 2050 emissions reduction target in global negotiations for a 2015 treaty”.

Debate resumed.

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.

Senator Collins moved the following amendment in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013:

> At the end of the motion, add “but the Senate calls on the Government to recognise the scientific expert consensus regarding climate change and that the repeal of the carbon tax must be accompanied by the introduction of serious and comprehensive policies to address climate change”.

*Statement by leave: The Leader of the Australian Greens (Senator Milne), by leave, made a statement relating to the matter.*

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 36**

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**NOES, 30**

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Question agreed to.

Main question, as amended, put.
The Senate divided—

**AYES, 53**

- Abetz
- Back (Teller)
- Bernardi
- Bilyk
- Boswell
- Brandis
- Bushby
- Cameron
- Carr
- Cash
- Colbeck
- Collins
- Conroy
- Cormann
- Dastyari
- Edwards
- Eggleston
- Farrell
- Fawcett
- Fifield
- Furner
- Gallagher
- Hogg
- Johnston
- Kroger
- Lines
- Ludwig
- Lundy
- Macdonald
- Madigan
- Marshall
- Mason
- McKenzie
- Moore
- O’Neill
- O’Sullivan
- Payne
- Peris
- Policy
- Ronaldson
- Ruston
- Ryan
- Scullion
- Seselja
- Singh
- Simodinos
- Smith
- Sterle
- Tillem
- Urquhart
- Williams
- Wong
- Xenophon

**NOES, 9**

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

Question agreed to.

Bills read a second time.

3 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

The Deputy Chair of the Community Affairs Legislation Committee (Senator Siewert), by leave, moved—that the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3 pm.

Question put and passed.

____________

4 **QUESTIONS**

Questions without notice were answered.

5 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Carr moved—that the Senate take note of the answer given by the Minister for Veterans’ Affairs (Senator Ronaldson) to a question without notice asked by Senator Carr today relating to science policy.

Debate ensued.

Question put and passed.

Senator Ludlam moved—that the Senate take note of the answer given by the Assistant Minister for Social Services (Senator Fifield) to a question without notice asked by Senator Ludlam today relating to diversity in the Australian media market.

Question put and passed.
6 DEATH OF FORMER SENATOR THE HONOURABLE WARWICK RAYMOND PARER, AM

The President informed the Senate of the death, on 14 March 2014, of the Honourable Warwick Raymond Parer, AM, a senator for the state of Queensland from 1984 to 2000.

The Leader of the Government in the Senate (Senator Abetz), by leave, moved—That the Senate records its deep regret at the death, on 14 March 2014, of the Honourable Warwick Raymond Parer, AM, former senator for Queensland, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—
Question passed.

7 NOTICES

The Assistant Minister for Social Services (Senator Fifield) and Senators Boyce, Moore and Siewert: To move on 20 March 2014—That, on the first anniversary of the National Apology for Forced Adoptions on 21 March 2014, the Senate:

(a) acknowledges the ongoing pain and suffering of the mothers, children and fathers affected by the unethical, dishonest and sometimes illegal practices of the past;

(b) commends the National Archives of Australia, the Australian Institute of Family Studies, the Department of Social Services and members of the Forced Adoptions Implementation Working Group for their work in the past 12 months to realise the recommendations of the Community Affairs References Committee report; and

(c) resolves to continue to do all in its power to make sure these practices are never repeated. (general business notice of motion no. 168)

Senators McEwen and Moore: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the importance of the Australian aid program to sustainable economic and social development and poverty alleviation for Pacific nations,

(ii) the contribution of the Australian aid program to Australia’s national interests through support for regional stability, security and prosperity,

(iii) the verbal commitment by the Minister for Foreign Affairs to not cut Australian development assistance to Pacific nations, and

(iv) the announcement by the Minister on 18 January 2014 that $650 million will be cut from Australia’s development assistance in 2013-14, including $61.4 million to the following Pacific country and regional programs:

Papua New Guinea – $5.3 million,
Solomon Islands – $14.2 million,
Vanuatu – $6.2 million,
Samoa – $3.6 million,
Fiji – $2.8 million,
Tonga – $2.7 million,
Kiribati – $3 million,
Other small Pacific islands – $3.6 million, and
Pacific regional – $20 million;
(b) calls on the Minister to meet her commitment to not cut Australian
development assistance to Pacific nations; and

(c) calls on the Government to reverse its $4.5 billion in cuts to Australia’s aid
program and work to reinstate funding to levels published in the
2013-14 Budget. (general business notice of motion no. 169)

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
Australia Post be extended to 14 April 2014. (general business notice of motion
no. 170)

The Leader of the Australian Greens (Senator Milne): To move on the next day of
sitting—That the Senate—

(a) expresses concern:

(i) at the arrest and subsequent detention of Ms Balendra Jeyakumari, an
advocate for families of the disappeared, and the arrest of her
13 year old daughter Vidushika, by the Sri Lankan police on Thursday,
13 March 2014, and

(ii) that these arrests followed both Balendra and Vidushika Jeyakumari
being featured in media photographs and videos when British Prime
Minister Mr David Cameron visited northern Sri Lanka during
the Commonwealth Heads of Government Meeting in 2013;

(b) notes, with concern, reports that Australia is working to actively undermine the
United States (US) resolution, entitled ‘Promoting reconciliation,
accountability, and human rights in Sri Lanka’, to be voted on at the upcoming
meeting of the United Nations Human Rights Council (UNHRC); and

(c) calls on the Australian Government to:

(i) intervene and call for the release of Ms Balendra Jeyakumari and for her
to be reunited with her daughter, and

(ii) desist from watering down the resolution proposed by the US at the
upcoming meeting of the UNHRC. (general business notice of motion
no. 171)

Senator McEwen: To move on the next day of sitting—That the Environment and
Communications References Committee be authorised to hold a public meeting during
the sitting of the Senate on Tuesday, 18 March 2014, from 5 pm to 6 pm, to take
evidence for the committee’s inquiry into the Direct Action Plan. (general business
notice of motion no. 172)

Senator McEwen: To move on the next day of sitting—That the time for the
presentation of the report of the Environment and Communications References
Committee on the Direct Action Plan be extended to 26 March 2014. (general
business notice of motion no. 173)

The Assistant Minister for Social Services (Senator Fifield): To move on the next day
of sitting—That consideration of the business before the Senate on Wednesday,
19 March 2014, be interrupted at approximately 5 pm, but not so as to interrupt a
senator speaking, to enable Senator O’Sullivan to make his first speech without any
question before the chair.
Senator Carr, the Leader of the Australian Greens (Senator Milne) and Senator Madigan: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by the first sitting day in July 2015:

The challenges to Australian industries and jobs posed by increasing global competition in innovation, science, engineering, research and education, with particular reference to:

(a) the need to attract new investment in innovation to secure high skill, high wage jobs and industries in Australia, as well as the role of public policy in nurturing a culture of innovation and a healthy innovation ecosystem;
(b) the Australian Government’s approach to innovation, especially with respect to the funding of education and research, the allocation of investment in industries, and the maintenance of capabilities across the economy;
(c) the importance of translating research output into social and economic benefits for Australians, and mechanisms by which it can be promoted;
(d) the relationship between advanced manufacturing and a dynamic innovation culture;
(e) current policies, funding and procedures of Australia’s publicly-funded research agencies, universities, and other actors in the innovation system;
(f) potential governance and funding models for Australia’s research infrastructure and agencies, and policy options to diversify science and research financing;
(g) the effectiveness of mechanisms within Australian universities and industry for developing research pathways, particularly in regard to early and mid-career researchers;
(h) policy actions to attract, train and retain a healthy research and innovation workforce;
(i) policy actions to ensure strategic international engagement in science, research and innovation; and
(j) policy options to create a seamless innovation pipeline, including support for emerging industries, with a view to identifying key areas of future competitive advantage.

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Dastyari): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on overseas aid be extended to 27 March 2014. (general business notice of motion no. 174)

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

(a) acknowledges:
   (i) Ms Rose Anne Fulton has been held in custody in Kalgoorlie for 18 months without a trial or conviction, and
   (ii) that it is unacceptable for people to be held in custody indefinitely without conviction;

(b) notes:
   (i) the failure of the Northern Territory Government to provide suitable accommodation and treatment options in order for the Western Australian Government to safely and securely transfer Ms Fulton back to her home in Alice Springs, and
(ii) that Ms Fulton is directly under the guardianship of the Northern Territory Minister for Health, Ms Lambley, as she remains an adult guardian client of the Northern Territory Minister and Mr Ian McKinlay; and

(c) calls on the Federal Government to take leadership and negotiate a transfer of Ms Fulton to Alice Springs to enable her to be close to her family. (general business notice of motion no. 175)

Senator Waters: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 14 April 2014, the following departmental documents relating to, or addressing, the internal concerns of the Great Barrier Reef Marine Park Authority (GBRMPA) exhibited in documents released under the Freedom of Information Act 1982, including the file note dated 14 June 2013 (file number 17/2248(3)) and the draft GBRMPA Permit Assessment (undated), with the following applications by North Queensland Bulk Ports Corporation:

(a) application for an approval under the Environment Protection and Biodiversity Conservation Act 1999 for proposed capital dredging at Abbot Point (EPBC 2011/6213);

(b) application for a permit under the Great Barrier Reef Marine Park Regulations 1983 to dump Abbot Point dredge spoil in the Great Barrier Reef Marine Park (ref 34897, dated 6 January 2012); and

(c) application dated 4 March 2013 for a permit under the Environment Protection (Sea Dumping) Act 1981 to dump Abbot Point dredge spoil at sea;

and, in doing so:

(i) the documents sought to be laid on the table:

(A) include any departmental or ministerial briefings, including those on or around June 2013, and any document that establishes whether the Minister knew of the GBRMPA’s internal concerns,

(B) are for the period 1 June 2013 to 17 March 2014, and

(C) include any drafts; however

(ii) the following are not required:

(A) documents that relate only to the determination of alternative dredge spoil disposal sites to the site approved by the above permits and approval (although documents that relate to both an alternative site, and to GBRMPA’s concerns, are sought),

(B) documents that are publically available, and

(C) personal details within documents (names of staff are sought, but other personal details are not). (general business notice of motion no. 176)

Senator Waters: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 20 March 2014, the following documents:

(a) the independent review of offsets for the Maules Creek coal project submitted to the Minister in accordance with Condition 10 of the approval of the project (Ref: EPBC 2010/5566);

(b) any correspondence between the department and the following parties between 1 December 2013 and 17 March 2014:

(i) Whitehaven Coal,

(ii) Hansen Bailey,
(iii) Cumberland Ecology, and
(iv) Alison Martin;
(c) any ministerial briefing notes concerning any matters related to the Maules Creek coal project prepared between 1 December 2013 and 17 March 2014; and
(d) any internal departmental emails and memos regarding the independent review of the offset arrangements of the Maules Creek project between 1 December 2013 and 17 March 2014. (general business notice of motion no. 177)
The Assistant Minister for Immigration and Border Protection (Senator Cash): To move on the next day of sitting—That, for the purposes of paragraph 48(1)(a) of the Legislative Instruments Act 2003, the Senate rescinds its resolution of 2 December 2013 disallowing the Migration Amendment (Temporary Protection Visas) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 234 and made under the Migration Act 1958.
The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
- Appropriation Bill (No. 3) 2013-2014
- Appropriation Bill (No. 4) 2013-2014
- Appropriation (Parliamentary Departments) Bill (No. 2) 2013-2014.

Document: Senator Fifield tabled the following document:
Consideration of legislation—Statement of reasons for introduction and passage of the bills in the 2014 autumn sittings.

8 LEAVE OF ABSENCE
Senator Kroger, by leave, moved—That leave of absence be granted to the following senators:
(a) Senators Boyce and Parry from 17 to 20 March 2014, on account of parliamentary business;
(b) Senator Johnston for 19 and 20 March 2014, on account of ministerial business; and
(c) Senator Williams for 20 March 2014, for personal reasons.
Question put and passed.

Senator McEwen, by leave, moved—That leave of absence be granted to the following senators from 17 to 21 March 2014:
(a) Senator McLucas, for personal reasons;
(b) Senator Pratt, on account of electorate business; and
(c) Senators Stephens and Thorp, on account of parliamentary business.
Question put and passed.
9 **PRIVATE SENATORS’ BILLS—CONSIDERATION**

The Assistant Minister for Social Services (Senator Fifield) moved—That the following general business orders of the day be considered on Thursday, 20 March 2014 under the temporary order relating to the consideration of private senators’ bills:

- No. 17 Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013.
- No. 24 National Broadband Network Companies Amendment (Tasmania) Bill 2014.

Question put and passed.

10 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTINGS**

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, 18 March 2014, from 1.50 pm.

Question put and passed.

Senator Kroger, by leave and at the request of Senator Williams, moved—That the Environment and Communications Legislation Committee be authorised to meet during the sitting of the Senate today, as follows:

(a) to hold a private briefing, from 5.45 pm to 6.15 pm; and
(b) to hold a public meeting, from 6.15 pm to 8 pm, to take evidence for the committee’s inquiry into Australia Post.

Question put and passed.

11 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, by leave and at the request of the Chair of the Education and Employment References Committee (Senator Lines), moved—That the Education and Employment References Committee be authorised to meet during the sitting of the Senate today, from 7.30 pm, to take evidence for the committee’s inquiry into the Australian Building and Construction Commission.

Question put and passed.

12 **POSTPONEMENT**

The following item of business was postponed:

General business notice of motion no. 167 standing in the name of Senator Rhiannon for today, proposing the introduction of the Industrial Chemicals (Notification and Assessment) Amendment (Ban on Cruel Cosmetics) Bill 2014, postponed till 18 March 2014.
13 **ENVIRONMENT—MONTARA OIL SPILL**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 165—That the Senate—

(a) notes that:

(i) on 21 August 2009, the Montara wellhead platform drill rig owned by PTTEP Australasia suffered a wellhead accident, resulting in the uncontrolled discharge of oil and gas until 3 November 2009, a total of 74 days,

(ii) the resultant oil spill flowed into Indonesian waters to a ‘significant degree’, a fact acknowledged by the Montara Commission of Inquiry in 2010,

(iii) the impact of the spill outside of Australian waters was not assessed and no comprehensive study has been carried out to date,

(iv) there is a great deal of concern in communities in the Indonesian province of East Nusa Tenggara, particularly among fishers and seaweed farmers, that the spill has adversely affected fisheries and seaweed farms – there are credible preliminary reports available validating communities’ concerns,

(v) communities affected have yet to receive any compensation for their loss of livelihood, and

(vi) East Nusa Tenggara is already ranked among the top five priority provinces of the Australian aid program in Indonesia; and

(b) calls on the Government to:

(i) review the need for an independent study into reported damage in East Nusa Tenggara, and

(ii) liaise with the victims represented by East Nusa Tenggara provincial governments and their agents, the Indonesian Government and PTTEP, with the objective of setting up an effective working group to progress the matter, and to include representatives of these parties and the Commonwealth.

Question put and negatived.

14 **LAW AND JUSTICE—ANTI-DISCRIMINATION LAWS**

Senator Moore, also on behalf of Senators Pratt and Boyce, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 157—That the Senate—

(a) notes that:

(i) today, 81 countries worldwide have legislation criminalising consensual same-sex activities between adults, with over half of these countries being members of the Commonwealth (43 of 53 Commonwealth nations), and furthermore, 17 of these countries (of which 14 are members of the Commonwealth) are our near neighbours in the Asia Pacific region,

(ii) even in cases where discriminatory laws criminalising consensual same-sex relations are no longer enforced, the decriminalisation of homosexuality is essential if lesbian, gay, bisexual, transgender and intersex (LGBTI) people are to live lives of dignity and equality.
(iii) even where homosexuality is not a crime, LGBTI people still face violence, eviction from their homes, dismissal from their jobs and estrangement from their families – the enactment of anti-discrimination legislation would help to combat this,

(iv) international human rights law requires states to respect the freedom and dignity of all people regardless of their sexual orientation, intersex status, gender identity and gender expression, and

(v) the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (a bill introduced by Labor in 2013) contains measures to extend protection from discrimination on the grounds of sexual orientation, gender identity, and intersex status;

(b) recognises the efforts of activists and advocates internationally seeking to advance the human rights of LGBTI people, including the work of the Australian Kaleidoscope Human Rights Foundation in advancing the human rights of LGBTI people in the Asia Pacific region;

(c) calls on the Australian Government to take all available steps to:

(i) support the universal decriminalisation of homosexuality in accordance with the principles enshrined in the Universal Declaration of Human Rights,

(ii) support and defend the human rights of LGBTI people around the world, and

(iii) support a Commonwealth charter which defends LGBTI rights in accordance with international law in all Commonwealth countries; and

(d) calls on the Attorney-General to refer to the Parliamentary Joint Committee on Human Rights a future inquiry on issues affecting the human rights of LGBTI people.

Question put and passed.

15 EDUCATION—HEADS OF AGREEMENT ON NATIONAL EDUCATION REFORM—ORDER FOR PRODUCTION OF DOCUMENTS

Senator McEwen, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 163—That there be laid on the table by the Minister representing the Minister for Education, no later than Friday, 21 March 2014, a copy of the Heads of Agreement on National Education Reform, and associated bilateral agreements, between the Commonwealth and New South Wales, Victoria, Tasmania, South Australia and the Australian Capital Territory, including all schedules and attachments, letters, implementation plans submitted, whether or not agreed by the Commonwealth, along with other documents that outline Commonwealth-state/territory funding commitments, agreements with or letters to any state or territory outlining future Commonwealth school funding and related requirements, including letters the Minister has sent to Queensland, Western Australia and the Northern Territory.

Question put and passed.
16 **TRADE—KOREA–AUSTRALIA FREE TRADE AGREEMENT—MODELLING AND ASSOCIATED REPORTS—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 160—That there be laid on the table by the Minister representing the Minister for Trade and Investment, no later than noon on 18 March 2014, the modelling and associated reports referred to by the Prime Minister and the Minister for Trade and Investment in a media release of 5 December 2013 titled ‘Australia concludes FTA negotiations with the Republic of Korea’.

Question put and passed.

17 **NOTICE OF MOTION WITHDRAWN**

Senator Wright withdrew general business notice of motion no. 158 standing in her name for today, relating to the Adelaide Airport curfew.

18 **ADMINISTRATION—LOBBYISTS—REGULATION**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 166—That the Senate—

(a) notes:

(i) the public has a right to know who may benefit from the work of lobbyists,

(ii) the current regulation that covers lobbyists is deficient as it does not cover in-house lobbyists and lobbying of non-government and backbench members of Parliament (MPs),

(iii) in its submission to the inquiry into the operation of the Lobbying Code of Conduct, the Department of the Prime Minister and Cabinet estimated that around 5,000 lobbyists would be required to register if in-house lobbyists were covered by the scheme, compared to 934 entities and individuals currently on the register, and

(iv) the recent controversy about links between lobbying company Australian Public Affairs and the office of the Assistant Minister for Health (Senator Nash); and

(b) calls on the Government to:

(i) establish an Office of the Commissioner of Lobbying,

(ii) provide a legislative framework for the regulation of lobbying,

(iii) expand the scope of who is the subject of lobbying to include all MPs and senators, including cross-benchers and opposition MPs,

(iv) expand the scope of lobbying to include corporations and organisations employing in-house lobbyists, and

(v) ban the payment of success fees to lobbyists.

*Statement by leave*: The Parliamentary Secretary to the Minister for Education (Senator Ryan), by leave, made a statement relating to the motion.

Question put.
The Senate divided—

AYES, 9

Senators—

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

NOES, 41

Senators—

  Back  Edwards  Lundy  Ryan
  Bernardi  Eggleston  Madigan  Seselja
  Bilyk  Farrell  Marshall  Singh
  Birmingham  Fawcett  McKenzie  Smith
  Bishop  Fifield  Moore  Sterle
  Brown  Furner  O’Neill  Tillem
  Bushby  Gallacher  O’Sullivan  Urquhart (Teller)
  Cameron  Johnston  Peris  Wong
  Carr  Kroger  Polley
  Colbeck  Lines  Ronaldson
  Dustyari  Ludwig  Ruston

Question negatived.

19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FINANCE—NATIONAL COMMISSION OF AUDIT

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

  The failure of the Abbott Government to release the interim report of the Commission of Audit.

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

20 AUDITOR-GENERAL—AUDIT REPORT NO. 23 OF 2013-14—DOCUMENT

The Acting Deputy President (Senator Ruston) tabled the following document received on 13 March 2014:


21 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 30 May 1996, as amended, the Acting Deputy President (Senator Ruston) tabled the following documents received on the dates indicated:

  Indexed lists of departmental and agency files for the period 1 July to 31 December 2013—Statements of compliance—
    Commonwealth Ombudsman. [Received 13 March 2014]
    Defence portfolio. [Received 11 March 2014]
22 **DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 20 June 2001, as amended, the Acting Deputy President (Senator Ruston) tabled the following document received on 11 March 2014:


23 **EDUCATION—SCHOOLS—AUSTRALIAN CURRICULUM—DOCUMENT**

The Acting Deputy President (Senator Ruston) tabled the following document:

Education—Schools—Australian Curriculum—Letter to the President of the Senate from the Minister for Education (Mr Pyne) responding to the resolution of the Senate of 12 February 2014, dated 6 March 2014.

Senator Wright, by leave, moved—that the Senate take note of the document.

Question put and passed.

24 **FOREIGN AFFAIRS—SYRIAN CONFLICT—HUMANITARIAN AID—DOCUMENT**

The Acting Deputy President (Senator Ruston) tabled the following document:

Foreign affairs—Syrian conflict—Humanitarian aid—Letter to the President of the Senate from the Minister for Foreign Affairs (Ms Bishop) responding to the resolution of the Senate of 12 February 2014, dated 6 March 2014.

25 **ENVIRONMENT—TASMANIA—BELL BAY PULP MILL PROJECT—DOCUMENT**

The Acting Deputy President (Senator Ruston) tabled the following document:

Environment—Tasmania—Bell Bay Pulp Mill project—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt) responding to the resolution of the Senate of 13 February 2014, dated 6 March 2014.

Senator Whish-Wilson, by leave, moved—that the Senate take note of the document.

Debate ensued.

Question put and passed.

26 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—SOCIAL SECURITY LEGISLATION AMENDMENT (GREEN ARMY PROGRAMME) BILL 2014**

Senator Back, at the request of the Chair of the Community Affairs Legislation Committee (Senator Boyce), tabled the following report:


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

*Reference to committee:* Senator Back, by leave, moved—that the Senate adopt the recommendations contained in the report to refer the provisions of the Social Security Legislation Amendment (Green Army Programme) Bill 2014 to the Education and Employment Legislation Committee for inquiry and report by 13 May 2014.

Question put and passed.
27 **ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2013**

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


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

28 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—INFRASTRUCTURE AUSTRALIA AMENDMENT BILL 2013**

Pursuant to order, Senator Back, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report and documents:


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

29 **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.

- **Agricultural and Veterinary Chemicals Code Act 1994**—Agricultural and Veterinary Chemicals Code Instrument No. 4 (MRL Standard) Amendment Instrument 2014 (No. 3) [F2014L00236].
- **Australian Education Act 2013**—Australian Education (SES Scores) Amendment Determination 2014 (No. 1) [F2014L00252].
- **Australian Film, Television and Radio School Act 1973**—Determination of Degrees, Diplomas and Certificates No. 2014/1 [F2014L00228].
- **Australian Prudential Regulation Authority Act 1998**—Australian Prudential Regulation Authority (confidentiality) determination No. 2 of 2014 [F2014L00258].
- **Broadcasting Services Act 1992**—Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 2 of 2014) [F2014L00262].
- **Civil Aviation Act 1988**—
  - Civil Aviation Regulations 1988—Permission — flying over a public gathering at the 2014 Tyabb Air Show, Tyabb, Victoria; Permission — flying below minimum height at the 2014 Tyabb Air Show, Tyabb, Victoria—CASA 47/14 [F2014L00235].
  - Civil Aviation Safety Regulations 1998—Exemption — Requirements for conversion training to be in a Qualified Synthetic Training Device (QSTD)—CASA EX10/14 [F2014L00246].
Exemption — take-off with traces of frost—CASA EX13/14 [F2014L00247].

Commissioner of Taxation—Public Rulings—
Goods and Services Tax Advices—Notices of Withdrawals—GSTA TPP 005 and GSTA TPP 006.
Taxation Determination—Erratum—TD 2014/1.

Corporations Act 2001—
Accounting Standard AASB 1048 Interpretation of Standards [F2014L00238].
ASIC Market Integrity Rules (Competition in Exchange Markets) 2011—Class Rule Waiver—CW 14/6 [F2014L00239].
ASIC Market Integrity Rules (Competition in Exchange Markets) Amendment 2014 (No. 1) [F2014L00233].


Fisheries Management Act 1991—
Northern Prawn Fishery (Closures) Direction No. 166 [F2014L00253].
Northern Prawn Fishery (Closures) Direction No. 167 [F2014L00254].
Northern Prawn Fishery (Closures) Direction No. 168 [F2014L00255].
Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—
Southern and Eastern Scalefish and Shark Fishery Overcatch and Undercatch Determination 2014 [F2014L00234].
Southern and Eastern Scalefish and Shark Fishery Total Allowable Catch (Quota Species) Determination 2014 [F2014L00230].
Western Tuna and Billfish Fishery Management Plan 2005—Western Tuna and Billfish Fishery Overcatch and Undercatch Determination 2014 [F2014L00231].

Higher Education Support Act 2003—VET Provider Approvals—
No. 12 of 2014 [F2014L00248].
No. 14 of 2014 [F2014L00249].
No. 15 of 2014 [F2014L00250].
No. 16 of 2014 [F2014L00251].


Privacy Act 1988—
Approval of guidelines issued under Section 95A of the Privacy Act 1988 [F2014L00243].
Approval of guidelines issued under Section 95AA of the Privacy Act 1988 [F2014L00244].
Privacy (International Money Transfers) Generalising Determination 2014 (No. 1) [F2014L00242].
Privacy (International Money Transfers) Temporary Public Interest Determination 2014 (No. 1) [F2014L00241].
Privacy (Persons Reported as Missing) Rule 2014 [F2014L00229].


30 COMMITTEE MEMBERSHIP

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

The Minister for Veterans’ Affairs (Senator Ronaldson), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Education and Employment Legislation Committee**—

Appointed—

Substitute member: Senator Carr to replace Senator Tillem for the committee’s inquiry into the Tertiary Education Quality and Standards Agency Amendment Bill 2014

Participating member: Senator Tillem

**Environment and Communications References Committee**—

Appointed—

Substitute members:

- Senators Brown, Collins and Urquhart to replace Senators Pratt, Stephens and Thorp from 17 to 21 March 2014
- Senator Milne to replace Senator Waters for the committee’s inquiry into the Tasmanian Wilderness World Heritage Area

Participating members: Senators Pratt, Stephens, Thorp and Waters

**Foreign Affairs, Defence and Trade References Committee**—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Whish-Wilson for the committee’s inquiry into Operation Sovereign Borders

Participating member: Senator Whish-Wilson.

Question put and passed.
31 **GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAWS**

A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following laws:

13 March 2014—Message No. 3—

*National Health Amendment (Simplified Price Disclosure) Act 2014* (Act No. 6, 2014)


32 **HIGHER EDUCATION SUPPORT ACT—DISALLOWANCES**

Senator Carr, pursuant to notice, moved the following business of the Senate notices of motion together by leave—

No. 1—That the Commonwealth Scholarships Guidelines (Education) 2013, made under section 238-10 of the *Higher Education Support Act 2003*, be disallowed.

No. 2—That Amendment No. 1 to the Commonwealth Grant Scheme Guidelines 2012, made under section 238-10 of the *Higher Education Support Act 2003*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

**AYES, 34**

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**NOES, 27**

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<th>Kroger (Teller)</th>
<th>Ronaldson</th>
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Question agreed to.
Order read for the consideration of the bills in committee of the whole.

In the committee

**CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013**—

Bill taken as a whole by leave.

Senator Collins moved the following amendments together by leave:

Title, page 1 (line 1), omit “repeal”, substitute “amend”.

Clause 2, page 1 (line 7) to page 2 (line 6), omit the clause, substitute:

2 **Commencement**

This Act commences on the day after this Act receives the Royal Assent.

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 (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)**

Repeal the paragraph.

2 **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**

3 **Section 4**

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

4 **Section 4**

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

5 **Section 5 (paragraph (b) of the definition of fixed charge year)**

Omit “2013; or”, substitute “2013.”.
6 Section 5 (paragraph (c) of the definition of fixed charge year)
   Repeal the paragraph.

7 Section 5 (paragraph (a) of the definition of flexible charge year)
   Omit “1 July 2015”, substitute “1 July 2014”.

8 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

9 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)”.

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

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

12 Subsection 16(3)
   Omit “made for the purposes of section 14”, substitute “to which section 15 applies”.

13 **Section 17 (heading)**

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

15 **Subsection 17(2) (formula)**
   Repeal the formula, substitute:
   \[
   \text{Total emissions numbers for the eligible financial year beginning on 1 July 2012} - 25,000,000
   \]

16 **Subsection 18(1)**
   Omit “1 July 2016”, substitute “1 July 2015”.

17 **Section 93**
   Before “1 July 2015”, insert “1 July 2014,”.

18 **Subsection 100(1)**
   After “following table”, insert “(other than an exempt item)”.

19 **Subsection 100(1) (table items 5 and 6)**
   Repeal the items.

20 **Subsection 100(1) (table items 7, 8 and 9)**
   Repeal the items, substitute:

<table>
<thead>
<tr>
<th>Item</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>
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<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 (b) ending at the end of 1 February 2016.</td>
<td>1 July 2014</td>
<td>—</td>
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<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 (b) ending at the end of 1 February 2017.</td>
<td>1 July 2015</td>
<td>the amount obtained by multiplying the per unit charge applicable under item 7 by: (a) 1.07625; or (b) if another number is specified in the regulations—that other number</td>
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<td>The period:</td>
<td>the eligible financial year beginning on 1 July 2016</td>
<td>the amount obtained by multiplying the per unit charge applicable under item 8 by:</td>
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<td>9</td>
<td>(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.</td>
<td></td>
<td>(a) 1.07625; or (b) if another number is specified in the regulations—that other number</td>
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<tr>
<td>10</td>
<td>(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.</td>
<td></td>
<td>(a) 1.07625; or (b) if another number is specified in the regulations—that other number</td>
</tr>
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21 **Subsection 100(1) (note)**
Omit “Note”, substitute “Note 1”.

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

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

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

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

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

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

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

28 **Subsection 100(6)**
After “subsection (1)”, insert “(other than an exempt item)”. 
29 At the end of subsection 100(6)
Add:

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

30 Before paragraph 100(9)(a)
Insert:

(aa) the eligible financial year beginning on 1 July 2014;

31 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.

32 Subsection 100(14)
Omit “31 May 2014”, substitute “1 July 2014”.

33 Subsection 100(15)
Repeal the subsection.

34 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.

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

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

37 Subparagraph 123A(6)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.
38 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

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

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

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

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

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

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

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

46 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”.  

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

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

48 Subsection 196(1AA) (heading)
Omit “31 May 2015”, substitute “31 May 2014”.  

49 Subsection 196(1AA)
Omit “end of 31 May 2015”, substitute “end of 31 May 2014”.  

50 Subsection 196(1AA) (definition of number of units issued as the result of auctions)
Omit “May 2015”, substitute “May 2014”.

51 Subsection 196(1AA) (definition of total auction proceeds)
Omit “May 2015”, substitute “May 2014”.

52 Subsection 196(1AB)
Omit “May 2015”, substitute “May 2014”.

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

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

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

56 Subsection 196A(18) (paragraph (a) of the definition of designated 6-month period)
Omit “May 2015”, substitute “May 2014”.

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

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

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

60 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 ensued.

At 9.50 pm: The Acting Deputy President (Senator Edwards) resumed the chair and the Temporary Chair of Committees reported progress.
34 ADJOURNMENT
The Acting Deputy President (Senator Edwards) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.28 pm till Tuesday, 18 March 2014 at 12.30 pm.

35 ATTENDANCE

ROSEMARY LAING
Clerk of the Senate