## JOURNALS OF THE SENATE

No. 39

TUESDAY, 8 JULY 2014

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1 **MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2 **DEATH OF GOVERNOR OF TASMANIA HIS EXCELLENCY THE HONOURABLE PETER GEORGE UNDERWOOD, AC**

The President informed the Senate of the death, on 7 July 2014, of His Excellency the Honourable Peter George Underwood, AC, Governor of Tasmania from 2008.

All senators present stood in silence as a mark of respect.

3 **CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Bushby, by leave and on behalf of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, moved—That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1 pm.

Question put and passed.

4 **CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013 [NO. 2]**

**TRUE-UP SHORTFALL LEVY (GENERAL) (CARBON TAX REPEAL) BILL 2013 [NO. 2]**

**TRUE-UP SHORTFALL LEVY (EXCISE) (CARBON TAX REPEAL) BILL 2013 [NO. 2]**

**CUSTOMS TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]**

**EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]**

**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]**

**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (MANUFACTURE LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]**

**CLEAN ENERGY (INCOME TAX RATES AND OTHER AMENDMENTS) BILL 2013 [NO. 2]**

Order of the day read for the adjourned debate on the motion 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 Singh in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2]:

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

(a) the scientific and expert consensus regarding climate change;

(b) that, in its first year, the clean energy future package:

(i) drove a 7 per cent reduction in carbon pollution from electricity generation in the national electricity market,

(ii) saw renewable energy increase its share of the national electricity market by 25 per cent,

(iii) delivered the household assistance package to compensate families and individuals for any impact of carbon pricing, and

(iv) supported continued economic growth, with over 160 000 jobs created in 2012-13 across the economy, including clean energy jobs;
(c) that since the 2013 election Australia’s international reputation on climate change action has been damaged by becoming the first nation to move backwards on climate change, while the rest of the world, including China and the United States of America, is moving forward; and

(d) the need for the Government to pass an emissions trading scheme to place a cap on carbon pollution and drive a clean energy future for Australia”.

Debate resumed.
At 2 pm: Debate was interrupted while Senator Cameron was speaking.

5 QUESTIONS
Questions without notice were answered.

Document: The Minister for Employment (Senator Abetz) tabled the following document:

A further question without notice was answered.

6 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Dastyari moved—that the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.
Leave refused: Senator Dastyari sought leave to table a document. An objection was raised and leave was not granted.

Statement by leave: The Leader of the Opposition in the Senate (Senator Wong), by leave, made a statement relating to the matter.
Debate ensued.
Question put and passed.

Senator Whish-Wilson 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 Whish-Wilson today relating to the Financial System Inquiry.
Question put and passed.

7 PETITION
The following petition, lodged with the Clerk by Senator Moore, was received:
From 569 petitioners, requesting that the Senate oppose the 2014-15 Budget or measures contained within.

8 NOTICES
Senator Wright: To move on 14 July 2014—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.
Senator Faulkner: To move on the next day of sitting—That standing order 17 be amended as follows in relation to the Chair of the Procedure Committee:

Omit paragraph (4), substitute:

(4) The President shall be the chair of the committee and the Deputy President shall be the deputy chair. (general business notice of motion no. 320)

The Chair of the Legal and Constitutional Affairs References Committee (Senator Wright): To move on the next day of sitting—That the Legal and Constitutional Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 July 2014, from 3.50 pm, in relation to its inquiry on the Manus Island Detention Centre. (general business notice of motion no. 321)

The Deputy Chair of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (Senator Peris): To move on the next day of sitting—That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 16 July 2014, from 10.30 am. (general business notice of motion no. 322)

The Chair of the Finance and Public Administration References Committee (Senator Lundy): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on Commonwealth procurement procedures be extended to 17 July 2014. (general business notice of motion no. 323)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald): To move on the next day of sitting—That the Legal and Constitutional 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 on Thursday, 10 July 2014, from 3.45 pm, in relation to its inquiry on the exposure draft of the Medical Services (Dying with Dignity) Bill 2014. (general business notice of motion no. 324)

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

(a) notes that:

(i) the Global Fund to Fight AIDS, TB and Malaria (the Global Fund) is working to eventually eradicate deaths from these diseases,

(ii) the Global Fund has raised from national governments and private donors $12.2 billion of the $15 billion it is seeking for the period 2014 to 2016,

(iii) from 2004 to 2013 Australia contributed a total of $400 million to the Global Fund, and in this period the Global Fund invested a total of $4 billion in the Asia-Pacific region, and

(iv) an appropriate contribution to the Global Fund by the Australian Government would be $125 million, which would take Australia’s total contribution over three years to $325 million; and

(b) calls on the Australian Government to consider providing replenishment to the Global Fund. (general business notice of motion no. 325)
Senator Wright: To move on the next day of sitting—That the Senate—
(a) notes the importance of protecting valuable agricultural, residential and conservation land from unconventional gas activities;
(b) supports the right of landholders and local residents to say ‘no’ to unconventional gas exploration and mining in their communities;
(c) recognises the concerns expressed by communities in the south east of South Australia over potential groundwater contamination from unconventional gas activities; and
(d) congratulates the South East Local Government Association in South Australia for standing up for their local communities and voting for a moratorium on unconventional gas. (general business notice of motion no. 326)

Senator Xenophon: To move on the next day of sitting—That there be laid on the table by the Minister for Defence, no later than 4 pm on Thursday, 10 July 2014:
(a) the report of the review of the Air Warfare Destroyer project conducted by Professor Don Winter and Mr John White; and
(b) a statement of reasons as to why any information is commercial in confidence and the possible harm it might cause and where that information has been redacted from the report. (general business notice of motion no. 327)

Notice of motion withdrawn: The Assistant Minister for Social Services (Senator Fifield) withdrew government business notice of motion no. 1 standing in his name for today, relating to the consideration of legislation.

9 LEAVE OF ABSENCE
Senator Bushby, by leave, moved—That leave of absence be granted to Senator Brandis from 8 to 10 July 2014, on account of ministerial business.
Question put and passed.

10 POSTPONEMENT
The following item of business was postponed:
Business of the Senate notice of motion no. 1 standing in the name of Senator Hanson-Young for today, proposing the disallowance of the Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013, postponed till 14 July 2014.

11 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING Sittings
Senator Bushby, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 314—That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, as follows:
(a) Monday, 14 July 2014, from 3.30 pm;
(b) Thursday, 17 July 2014, from 10.30 am, followed by a public meeting;
(c) Thursday, 28 August 2014, from 10.30 am, followed by a public meeting; and
(d) Thursday, 4 September 2014, from 10.30 am, followed by a public meeting.
Question put and passed.
12 **TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Bushby, at the request of the Senator Fawcett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 315—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 14 July 2014, from 11 am to 1 pm.

Question put and passed.

13 **NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Bushby, at the request of the Deputy Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Brown) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 316—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a private meeting otherwise than in accordance with standing order 33(1), followed by a public meeting, during the sitting of the Senate on Thursday, 17 July 2014.

Question put and passed.

14 **ENVIRONMENT—WESTERN AUSTRALIA—SHARK CULL**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 319—That the Senate—

(a) notes that 305 senior scientists and experts have submitted their concerns about the shark cull to the Western Australian Environmental Protection Authority in a letter of expert concern which clearly demonstrates the lack of any scientific basis for the Western Australian shark cull; and

(b) calls on the Federal Government to reject the Western Australian shark cull.

*Statements by leave:* The Assistant Minister for Social Services (Senator Fifield) and Senator Siewert, by leave, made statements relating to the motion.

Question put and passed.

15 **FOREIGN AFFAIRS—JAPAN—WHALING**

*Motion determined as not formal:* Senator Whish-Wilson requested that general business notice of motion no. 318 standing in his name for today, relating to whaling programs conducted by Japan, be taken as formal.

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

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

16 **URGENCY MOTION—IMMIGRATION—ASYLUM SEEKERS**

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

The Abbott Government’s continued secrecy over the interception and transfer of asylum seekers on the Indian Ocean, and the fate of the 153 asylum seekers who remain unaccounted for.

The proposal was supported by four senators.
Senator Hanson-Young, at the request of Senator Siewert, moved the motion. Debate ensued. Question put and passed.

17 **QUESTION ON NOTICE—ANSWER AND EXPLANATION—DOCUMENT**

The Minister for Human Services (Senator Payne) tabled the following document:

*Question on notice—Answer and explanation—Letter from the Minister for Finance (Senator Cormann) to Senator Ludlam, dated 7 July 2014, providing an explanation of an answer not being provided to question on notice no. 621 (notice given 5 May 2014) relating to the export of native timber (see entry no. 17, 7 July 2014).*

18 **TRANSPORT—EAST WEST LINK—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Minister for Human Services (Senator Payne) tabled the following documents:

*Transport—East West Link—Letter from the Minister for Infrastructure and Regional Development (Mr Truss) to the Clerk of the Senate (Dr Laing), dated 7 July 2014, responding to the order of the Senate of 16 June 2014 and attachments.*

19 **TRANSPORT—WESTERN AUSTRALIA—PERTH FREIGHT LINK—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Minister for Human Services (Senator Payne) tabled the following documents:

*Transport—Western Australia—Perth Freight Link—Letter from the Minister for Infrastructure and Regional Development (Mr Truss) to the Clerk of the Senate (Dr Laing), dated 7 July 2014, responding to the order of the Senate of 25 June 2014 and attachments.*

20 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013 [NO. 2] AND RELATED BILLS**

The Chair of the Environment and Communications Legislation Committee (Senator Ruston) tabled the following report:


Report ordered to be printed on the motion of Senator Ruston.
21 Environment and Communications Legislation Committee—Report—Climate Change Authority (Abolition) Bill 2013 [No. 2]

The Chair of the Environment and Communications Legislation Committee (Senator Ruston) tabled the following report:


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

22 Documents

The following documents were tabled by the Clerk:


23 Committee Membership

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

The Minister for Human Services (Senator Payne), by leave, moved—that senators be discharged from and appointed to committees as follows:

- Community Affairs References Committee—
  - Appointed—Substitute member: Senator Smith to replace Senator Reynolds for the committee’s inquiry into grandparents raising grandchildren
  - Participating member: Senator Reynolds

- Publications—Standing Committee—
  - Discharged—Senator Sterle
  - Appointed—Senator Bilyk.

Question put and passed.


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


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

25 Transport—East West Link—Order for Production of Documents—Consideration

Senator Carr, by leave, moved—that the Senate take note of the documents tabled earlier today (see entry no. 18).

Question put and passed.
26 **TRANSPORT—WESTERN AUSTRALIA—PERTH FREIGHT LINK—ORDER FOR PRODUCTION OF DOCUMENTS—CONSIDERATION**

Senator Ludlam, by leave, moved—That the Senate take note of the documents tabled earlier today (see entry no. 19).

Question put and passed.

27 **CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013 [No. 2]**
**TRUE-UP SHORTFALL LEVY (GENERAL) (CARBON TAX REPEAL) BILL 2013 [No. 2]**
**TRUE-UP SHORTFALL LEVY (EXCISE) (CARBON TAX REPEAL) BILL 2013 [No. 2]**
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**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) (TRANSITIONAL PROVISIONS) BILL 2013 [No. 2]**
**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (MANUFACTURE LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [No. 2]**
**CLEAN ENERGY (INCOME TAX RATES AND OTHER AMENDMENTS) BILL 2013 [No. 2]**

Order of the day read for the adjourned debate on the motion 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 Singh in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2] (see entry no. 4).*

Debate resumed.

**Document:** Senator Back, by leave, tabled the following document:

Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2] and related bills—Record of meeting between Senator Back and a member of the United Nations Secretary-General’s Climate Change Support Team (Mr Christensen), dated 1 November 2013.

Debate continued.

At 6.50 pm: Debate was interrupted while Senator Seselja was speaking.

28 **GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following order of the day relating to government documents was considered:


Order of the day no. 21 relating to government documents was called on but no motion was moved.
29 ADJOURNMENT
The Acting Deputy President (Senator Sterle) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 9.40 pm till Wednesday, 9 July 2014 at 9.30 am.

30 ATTENDANCE
Present, all senators except Senators Bilyk* and Brandis* (*on leave).

ROSEMARY LAING
Clerk of the Senate