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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.

DOCUMENTS

The following documents were tabled pursuant to standing order 61(1)(b):

Auditor-General—Audit report no. 21 of 2014-15—Performance audit—Delivery of Australia’s consular services: Department of Foreign Affairs and Trade.

Odgers’ Australian Senate Practice—13th edition (Supplement)—Updates to 31 December 2014.

Questions on notice summary—12 November 2013 to 31 December 2014.

Treaties—

  Bilateral—Agreement between Australia and the Republic of India on Social Security done at Canberra on 18 November 2014—Text, together with national interest analysis.

  Multilateral—

    Amendments to Appendices I and II to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979) done at Quito on 9 November 2014—Text, together with national interest analysis.


Work of Committees—Year statistics: 1 January to 31 December 2014; and half-year statistics: 1 July to 31 December 2014.

The following documents were tabled by the Clerk pursuant to statute:

[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.]


  Environment Protection and Biodiversity Conservation Act 1999—Amendment to List of CITES Species (3 February 2015) [F2015L00123].


  Navigation Act 2012—

    Marine Order 31 (Vessel surveys and certification) 2015—AMSA MO 2015/1 [F2015L00122].

    Marine Order 49 (High-speed craft) 2015—AMSA MO 2015/2 [F2015L00124].
The following documents were tabled by the Clerk pursuant to order:

Departmental and agency appointments and vacancies—Additional estimates—Letters of advice pursuant to the order of the Senate of 24 June 2008—Department of Human Services.

Industry and Science portfolio.

Departmental and agency contracts for 2014—Letter of advice pursuant to the order of the Senate of 20 June 2001, as amended—Industry and Science portfolio.

Departmental and agency grants—Additional estimates—Letters of advice pursuant to the order of the Senate of 24 June 2008—Department of Human Services.

Industry and Science portfolio.

Estimates hearings—Unanswered questions on notice—Budget (supplementary) estimates 2014-15—Statement pursuant to the order of the Senate of 25 June 2014—Department of Defence.

3 COMMITTEES—LEAVE TO MEET DURING SITTING

Committees were authorised to meet during the sitting of the Senate on Wednesday, 11 February 2015, as follows:

Economics References Committee—public meeting, from 9.30 pm, to take evidence for the committee’s inquiry into affordable housing.

Legal and Constitutional Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1), from 1.50 pm, for the committee’s inquiry into a comprehensive revision of the Telecommunications (Interception and Access) Act 1979.

4 TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2013

Order of the day read for the further consideration of the bill in committee of the whole.
In the committee

Consideration resumed of the bill— and of the amendments moved by Senator Wang, also on behalf of Senator Xenophon:

No. 1—Schedule 1, page 3 (line 1) to page 4 (line 13), omit the Schedule, substitute:

Schedule 1—Reduced tax offset rate for expenditure above $100 million

Part 1—Main amendments

Income Tax Assessment Act 1997

1 Subsection 67-30(1)
Before “the amount”, insert “all or part of”.

2 Section 67-30 (note 2)
Repeal the note, substitute:

Note 2: This subsection can apply to an entitlement under any subsection of section 355-100.

3 Subsection 355-100(1) (heading)
Repeal the heading, substitute:

If notional deductions are between $20,000 and $100 million

4 At the end of section 355-100
Add:

If notional deductions exceed $100 million

(3) Despite subsection (1), if the total of those amounts exceeds $100 million, the *R&D entity is instead entitled to a *tax offset for the income year equal to the sum of:
(a) that percentage of $100 million; and
(b) the product of the excess and the *corporate tax rate.

Note: The R&D entity may be able to reduce related amounts that would otherwise be:
(a) included in its assessable income because of a balancing, or feedstock, adjustment; or
(b) payable as extra income tax because of an R&D recoupment; (see section 355-720).

5 At the end of section 355-525
Add:

Amount to be included in assessable income may be reduced if notional deductions exceeded $100 million

(4) For the purposes of subsection (3), the partner may choose to reduce the adjusted section 40-285 amount in that subsection if:
(a) subsection 355-100(3) applied to the partner for an earlier income year or the event year (the excess year); and
(b) the partner’s deductions for the excess year included deductions covered by paragraph (1)(c) of this section for the asset.
(5) Subsection 355-720(3) applies to the partner as if a reduction under subsection (2) of that section for the present year included a reduction under subsection (4) of this section for the event year.

(6) The way the partner prepares its income tax returns is sufficient evidence of the making of a choice under subsection (4).

(7) A choice under subsection (4) is irrevocable.

6 At the end of Subdivision 355-W

Add:

355-720 Certain related amounts may be reduced if notional deductions exceeded $100 million

(1) The object of this section is to prevent the portion of a *tax offset worked out using the *corporate tax rate being clawed back in later income years.

Note: This applies when the R&D entity’s notional deductions exceed $100 million (see subsection 355-100(3)).

(2) For the purposes of working out a matter referred to in column 1 of an item of this table for an income year (the present year), the *R&D entity may choose to reduce the amount referred to in column 3 of that item if:

(a) subsection 355-100(3) applied to the R&D entity for an earlier income year or the present year (the excess year); and

(b) the R&D entity’s deductions for the excess year included deductions covered by a provision referred to in column 2 of that item.

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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<tbody>
<tr>
<td></td>
<td>For the purposes of working out this matter:</td>
<td>If its excess year deductions included those covered by:</td>
<td>This can be reduced:</td>
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<tr>
<td>1</td>
<td>any amount to include in the *R&amp;D entity’s assessable income for the present year because of a *balancing adjustment event happening for an asset it *held</td>
<td>(a) paragraph 40-292(1)(b); or (b) paragraph 355-315(1)(c); for the asset</td>
<td>its adjusted section 40-285 amount (see subsection 40-292(5) or 355-315(3)) for the present year, the asset and the *balancing adjustment event</td>
</tr>
<tr>
<td>2</td>
<td>any amount of extra income tax payable by the *R&amp;D entity under section 355-435 for the present year</td>
<td>subsection 355-450(1)</td>
<td>those excess year deductions</td>
</tr>
<tr>
<td></td>
<td>any amount to include in the &quot;R&amp;D entity's assessable income for the present year under section 355-465 paragraph 355-465(1)(b) those excess year deductions</td>
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Note 1: Item 2 is about R&D recoupments and item 3 is about feedstock adjustments.

Note 2: Reducing the amount in column 3 will reduce the amount in column 1.

(3) The "R&D entity's circumstances may allow it to choose multiple reductions under subsection (2) for the present year. The total of any reductions cannot be more than the amount of its excess under subsection 355-100(3) for the excess year.

(4) The way an "R&D entity prepares its income tax returns is sufficient evidence of the making of a choice under this section.

(5) A choice under this section is irrevocable.

355-750 Review of rate when notional deductions exceed $100 million

(1) The Minister must cause a review of the operation of subsection 355-100(3) (about the rate of tax offset when notional deductions exceed $100 million) to be undertaken as soon as possible after the fifth anniversary of the commencement of that subsection.

(2) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of receiving it.


7 After subsection 355-325(4)

Insert:

Amount to be included in assessable income may be reduced if notional deductions exceeded $100 million

(4A) For the purposes of subsection (4), the partner may choose to reduce the adjusted section 40-285 amount in that subsection if:

(a) subsection 355-100(3) of the Income Tax Assessment Act 1997 applied to the partner for an earlier income year or the event year (the excess year); and

(b) the partner’s deductions for the excess year included deductions covered by paragraph (1)(c) of this section for the asset.

(4B) Subsection 355-720(3) of the Income Tax Assessment Act 1997 applies to the partner as if a reduction under subsection (2) of that section for the present year included a reduction under subsection (4A) of this section for the event year.

(4C) The way the partner prepares its income tax returns is sufficient evidence of the making of a choice under subsection (4A).

(4D) A choice under subsection (4A) is irrevocable.
8 At the end of Division 355

Add:

Subdivision 355-W—Other matters

Table of sections

355-720 Certain related amounts may be reduced if notional deductions exceeded $100 million

355-720 Certain related amounts may be reduced if notional deductions exceeded $100 million

Section 355-720 of the *Income Tax Assessment Act 1997* also applies as if the table in subsection (1) of that section included the following item:

1A any amount to include in the *R&D entity’s* assessable income for the present year because of a *balancing adjustment event* happening for an asset it *held*

(a) paragraph 40-292(1)(b) of the *Income Tax (Transitional Provisions) Act 1997*; or

(b) paragraph 355-320(1)(c) of that Act

its adjusted section 40-285 amount (see subsection 40-292(3) or 355-320(4) of that Act) for the present year, the asset and the *balancing adjustment event*

9 Application of amendments

The amendments made by this Part apply relation to an R&D entity’s assessments for income years commencing on or after 1 July 2014.

Part 2—Amendments commencing on 1 July 2024

*Income Tax Assessment Act 1997*

10 Subsection 67-30(1)

Omit “all or part of”.

11 Subsection 355-100(1) (heading)

Repeal the heading, substitute:

If notional deductions are at least $20,000

12 Subsection 355-100(3)

Repeal the subsection.

13 Subsections 355-525(4) to (7)

Repeal the subsections.

14 Sections 355-720 and 355-750

Repeal the sections.

*Income Tax (Transitional Provisions) Act 1997*

15 Subsections 355-325(4A) to (4D)

Repeal the subsections.

16 Subdivision 355-W

Repeal the Subdivision.
17 Application of amendments

The amendments made by this Part apply in relation to an R&D entity’s assessments for income years commencing on or after 1 July 2024.

No. 2—Clause 2, page 1 (lines 7 to 9), omit the clause, substitute:

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions</td>
<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Schedule 1, Part 1</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>3. Schedule 1, Part 2</td>
<td>1 July 2024.</td>
<td>1 July 2024</td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

—and of the amendment moved by Senator Carr to Senator Wang’s proposed amendment no. 1:

Item 9, omit “1 July 2014”, substitute “1 July 2016”.

Debate resumed.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Bernardi) reported progress.

5 QUESTIONS

Questions without notice were answered.
6 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Cameron moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) to questions without notice asked today.
Debate ensued.
Question put and passed.
Senator Di Natale moved—That the Senate take note of the answer given by the Assistant Minister for Health (Senator Nash) to a question without notice asked by Senator Di Natale today relating to proposed changes to Medicare.
Question put and passed.

7 NOTICES
Senator Fawcett: To move on the next day of sitting—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:
(a) Monday, 2 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;
(b) Tuesday, 3 March 2015, from 12.45 pm, to take evidence for the committee’s inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region;
(c) Tuesday, 3 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into government support for Australian defence industry exports;
(d) Wednesday, 4 March 2015, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationships with countries of the Middle East;
(e) Monday, 16 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;
(f) Tuesday, 17 March 2015, from 12.45 pm, to take evidence for the committee’s inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region;
(g) Tuesday, 17 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into government support for Australian defence industry exports;
(h) Wednesday, 18 March 2015, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationships with countries of the Middle East;
(i) Monday, 23 March 2015, from 5.30 pm, to take evidence for the committee’s inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;
(j) Tuesday, 24 March 2015, from 12.45 pm, to take evidence for the committee’s inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region; and
(k) Wednesday, 25 March 2015, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationships with countries of the Middle East. (general business notice of motion no. 600)
The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That, on Wednesday, 11 February 2015, on its presentation to the Senate, the Prime Minister’s annual report on Closing the Gap and accompanying ministerial statement be considered for not more than 2 hours.

The Leader of the Australian Greens (Senator Milne) and Senator Xenophon: To move on 12 February 2015—That the following bill be introduced: A Bill for an Act to amend the law relating to country of origin labelling of food, and for related purposes. *Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015.* *(general business notice of motion no. 601)*

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

(a) welcomes the Egyptian Government’s decision to unconditionally release and deport Australian journalist, Mr Peter Greste;

(b) recognises the tireless work of the Greste family, the Australian Government, the Ambassador and embassy staff in Cairo, and supporters of a free press in Australia and around the world in advocating for the release of Mr Greste; and

(c) calls on the Egyptian Government to uphold freedom of the press and ensure the just and timely release of Mr Greste’s Al Jazeera colleagues, Mr Mohamed Fahmy and Mr Baher Mohamed. *(general business notice of motion no. 602)*

Senator O’Sullivan: To move on the next day of sitting—That the Senate recognises Australia’s ability to develop and expand the kangaroo meat and hide industry, which can create jobs and build wealth for communities across rural and regional Australia. *(general business notice of motion no. 603)*

Senators Polley and Bilyk: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that February is Ovarian Cancer Awareness Month, which aims to raise awareness among Australian women of the symptoms of ovarian cancer,

(ii) that each year 1 400 Australian women are diagnosed with ovarian cancer, and more than 1 000 will die from the disease – that is one woman every 8 hours, and

(iii) with concern, that the prognosis for women diagnosed with ovarian cancer is generally poor due to the advanced stage of most ovarian cancers at the time of diagnosis;

(b) acknowledges that there is no screening program or detection test for ovarian cancer, and that the Pap smear will not detect the disease;

(c) recognises that:

(i) ovarian cancer is not a silent disease and that all women experience symptoms, even in the early stages of the cancer, and

(ii) the four most common symptoms are:

(A) abdominal or pelvic pain,

(B) increased abdominal size or persistent abdominal bloating,

(C) needing to urinate often or urgently, and

(D) difficulty eating or feeling full quickly;

(d) understands that every Australian woman needs to know the symptoms of ovarian cancer; and

(e) notes the need for greater focus on education and additional research funding to help Australian scientists find early detection markers and more effective treatments for this disease. *(general business notice of motion no. 604)*
The Chair of the Standing Committee of Privileges (Senator Collins): To move on the next day of sitting—That the Senate:

(a) adopt the recommendation in the 160th report of the Committee of Privileges, on the use of CCTV material in Parliament House, that no contempt be found in relation to the matter referred; and

(b) adopt the following further recommendations made by the committee:

• That the Presiding Officers instigate the development of a new Code of Practice which restores the focus on matters of security and safety, and emphasises accountability to the Presiding Officers and the Parliament, with appropriate regard for the primacy of the powers, and immunities of the Houses and their members.

• That the review process involve consultations with members and senators and other building occupants, and give consideration to the matters dealt with in this report.

• That senior officers in the Department of Parliamentary Services involved in the administration of the CCTV system and other systems managed on behalf of the Parliament undertake some structured training to acquaint themselves with the principles of privilege.

• That the attention of the Finance and Public Administration Legislation Committee be drawn to the matters set out from paragraph 2.2, under the heading Contradictory evidence, relating to the misleading evidence given at its estimates hearing on 26 May 2014.

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That—

(a) the Senate—

(i) notes the Abbott Government’s failure to keep Parliament and the public informed of the nature and progress of its trade negotiations,

(ii) expresses concern that the Abbott Government’s lack of transparency diminishes industry and community engagement and undermines support for trade liberalisation,

(iii) draws to the attention of the Minister representing the Minister for Trade and Investment the order of the Senate of 11 December 2013 requiring bilateral and plurilateral trade agreements to be tabled at least 14 days before signing, and

(iv) requires the Minister representing the Minister for Trade and Investment to make a statement in the Senate on the status of negotiations on the proposed Trans-Pacific Partnership no later than 4 pm on Thursday, 12 February 2015;

(b) at the conclusion of the statement a senator may move to take note of the statement; or

(c) if no statement has been made by the Minister representing the Minister for Trade and Investment by 4 pm on Thursday, 12 February 2015, the Leader of the Opposition in the Senate (Senator Wong) may immediately move a further motion relating to the Minister’s failure to comply. (general business notice of motion no. 605)
Senators Carr, Xenophon, Lambie, Muir and Rhiannon and the Leader of the Palmer United Party in the Senate (Senator Lazarus): To move on the next day of sitting—
That the following matters be referred to the Education and Employment References Committee for inquiry and report by 17 March 2015:

(a) the principles of the Higher Education and Research Reform Bill 2014;
(b) alternatives to deregulation in order to maintain a sustainable higher education system;
(c) the latest data and projections on student enrolments, targets, dropout rates and the Higher Education Loans Program;
(d) structural adjustment pressures, and the adequacy of proposed measures to sustain high quality delivery of higher education in Australia’s regions;
(e) the appropriateness and accuracy of government advertising in support of higher education measures, including those previously rejected by the Senate;
(f) research infrastructure; and
(g) any other related matters.

Senator Cash: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) February 2015 marks Ovarian Cancer Awareness Month,
   (ii) Ovarian Cancer Awareness Month is run every year by Ovarian Cancer Australia and its purpose is to raise awareness of the signs and symptoms of ovarian cancer and to offer support for the women, their families and friends affected by ovarian cancer, and
   (iii) Teal Ribbon Day is commemorated on Wednesday, 25 February 2015, and is a day when all Australians are invited to wear a teal ribbon to show support for ovarian cancer awareness, support and research;
(b) recognises that:
   (i) ovarian cancer is one of the most commonly diagnosed gynaecological cancers in Australia, with more than 1,300 Australian women diagnosed with ovarian cancer each year, which equates to almost four women each day,
   (ii) ovarian cancer has a low survival rate compared to other women’s cancers, with more than two-thirds of ovarian cancers being advanced at the time of diagnosis and therefore being difficult to treat,
   (iii) there are no screening tests for ovarian cancer that provide early detection and many Australian men and women remain unaware of the symptoms of this insidious disease, and
   (iv) from 2000 to 2014, the National Health and Medical Research Council allocated over $97 million in funding for research into ovarian cancer, and over $11 million is to be allocated from 2015 to 2018; and
(c) commends Ovarian Cancer Australia for its continuing efforts to raise awareness of the signs and symptoms of ovarian cancer, and to provide support to those Australians affected by ovarian cancer. (general business notice of motion no. 606)

8 LEAVE OF ABSENCE
Senator Leyonhjelm, by leave, moved—That leave of absence be granted to Senator Day from 10 to 12 February 2015, for personal reasons.

Question put and passed.
9 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the names of Senators Leyonhjelm and Day for 11 February 2015, proposing the disallowance of the provisions of subclauses 5(1), 5(4) and 5(5) of the Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation 2014, postponed till 4 March 2015.

Senator Xenophon, by leave, moved—that business of the Senate notice of motion no. 1 standing in the names of Senators Xenophon and McKenzie for today, proposing a reference to the Economics References Committee, be postponed till 2 March 2015. Question put and passed.

Senator Whish-Wilson, by leave, moved—that business of the Senate notice of motion no. 3 standing in his name for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, be postponed till the next day of sitting. Question put and passed.

10 COMMITTEE—EXTENSION OF TIME TO REPORT

The following committee was granted an extension of time to report:

Environment and Communications References Committee—National Landcare Program, extended to 25 March 2015.

11 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—

(1) That estimates hearings by legislation committees for 2015 be scheduled as follows:

2014-15 additional estimates:
- Monday, 23 February and Tuesday, 24 February (Group A)
- Wednesday, 25 February and Thursday, 26 February (Group B).

2015-16 Budget estimates:
- Monday, 25 May to Thursday, 28 May, and, if required, Friday, 29 May (Group A)
- Monday, 1 June to Thursday, 4 June, and, if required, Friday, 5 June (Group B)
- Monday, 19 October and Tuesday, 20 October (supplementary hearings—Group A)
- Wednesday, 21 October and Thursday, 22 October (supplementary hearings—Group B).

(2) That pursuant to the order of the Senate of 26 August 2008, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 27 February, Friday, 29 May and Friday, 23 October.

(3) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(4) That committees meet in the following groups:

Group A:
- Environment and Communications
Finance and Public Administration
Legal and Constitutional Affairs
Rural and Regional Affairs and Transport

Group B:
Community Affairs
Economics
Education and Employment
Foreign Affairs, Defence and Trade.

(5) That the committees report to the Senate on the following dates:
(a) Tuesday, 17 March 2015 in respect of the 2014-15 additional estimates; and
(b) Tuesday, 23 June 2015 in respect of the 2015-16 Budget estimates.

Question put and passed.

12 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—BUDGET ESTIMATES 2014-15 (SUPPLEMENTARY)—QUESTIONS ON NOTICE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Urquhart, at the request of Senator Cameron and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 589—That the Senate—
(a) notes that the Director of Fair Work Building and Construction has failed to provide information in his responses to Supplementary Budget Estimates 2014-15 questions on notice and has not made a claim of public interest immunity; and
(b) orders that there be laid on the table by the Minister for Employment, by the end of question time on Thursday, 12 February 2015, a copy of complete answers to Supplementary Budget Estimates 2014-15 questions on notice EM1529 15, EM1521 15 and EM1555 15.

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

Question put and passed.

13 ENVIRONMENT—NEW SOUTH WALES—GARDENS OF STONE

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 590—That the Senate—
(a) notes that:
(i) the Gardens of Stone in New South Wales and adjacent Ben Bullen, Newnes and Wolgan State Forests are spectacular landscapes that are habitats for many plants and wildlife, including national and state-listed threatened species,
(ii) in October 2014 the New South Wales Planning Assessment Commission found that the pagoda landforms in that area should be afforded special significance status and the highest possible level of protection, and
(iii) the Gardens of Stone and adjacent areas continue to be threatened by open cut and longwall mining proposals and will continue to be vulnerable to mining impacts until permanent protection is granted; and
calls on the Federal Government to support the call for the New South Wales State Government to extend national parks protection for the Gardens of Stone stage two reserve proposal.

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

Question put.

The Senate divided—

AYES, 10

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<th>Senators—</th>
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<td>Di Natale</td>
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Question negatived.

14 REGIONAL AUSTRALIA—SOUTH AUSTRALIAN COUNTRY FIRE SERVICE

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 591—That the Senate—

(a) thanks those who fought to protect homes, properties and wildlife during the devastating Sampson Flat bushfires in South Australia during January 2015;
(b) recognises the outstanding contribution of South Australia’s Country Fire Service personnel in keeping residents safe and bringing the fire under control in challenging conditions;
(c) commiserates with those who lost their homes, properties and pets as a result of the fire;
(d) celebrates the depth of the South Australian community’s response to the Sampson Flat bushfires, as demonstrated by the outpouring of support for those affected by the fires; and
(e) calls on the Federal and South Australian governments to ensure South Australia’s Country Fire Service has adequate funding for volunteer training, equipment and operations.

Question put and passed.

15 INDUSTRY—LIQUEFIED NATURAL GAS PROJECTS

Senator Bushby, at the request of Senator O’Sullivan and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 593—That the Senate—

(a) acknowledges the commencement of export activity of Queensland’s coal seam gas to liquefied natural gas (LNG) industry in January 2015; and
(b) recognises that, with two other LNG projects set to commence exporting from Curtis Island Port in the coming months, Australia is on the verge of being propelled to the top of the global LNG export ladder.

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

16 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Urquhart, 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. 594—that the Joint Standing Committee on the National Capital and External Territories be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Thursday, 12 February 2015;
(b) Thursday, 5 March 2015;
(c) Wednesday, 18 March 2015; and
(d) Thursday, 26 March 2015.

Question put and passed.

17 FOREIGN AFFAIRS—INDONESIA—MR MYURAN SUKUMARAN AND MR ANDREW CHAN

Senator Singh, also on behalf of the Leader of the Australian Greens (Senator Milne) and Senator Mason, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 599—that the Senate—

(a) notes:

(i) that two Australians, Mr Myuran Sukumaran and Mr Andrew Chan, are presently imprisoned in Kerobokan prison in Indonesia and are facing execution for the crime of drug trafficking,

(ii) the serious nature of Mr Sukumaran and Mr Chan’s crimes, befitting lengthy prison terms as just punishments for them,

(iii) Australia’s abolition of capital punishment, the international trend away from capital punishment, and the success of Indonesia’s efforts to save the lives of its own citizens sentenced to death in foreign jurisdictions,

(iv) the genuine remorse demonstrated by Mr Chan and Mr Sukumaran and their efforts at rehabilitation and reform in Kerobokan prison, not only for themselves but also for other prisoners, and

(v) the widespread support of the Australian people for the commutation of the death sentences of Mr Chan and Mr Sukumaran to lengthy prison sentences, as shown in the recent campaigns across the country calling for mercy to be shown to them; and

(b) calls on Indonesia to give consideration to the circumstances of Mr Chan and Mr Sukumaran and their rehabilitation in prison, their suffering and that of their families, and commute their sentences to an appropriate term of imprisonment.

Question put and passed.
18 **ECONOMICS—INTERGENERATIONAL REPORT—ORDER FOR PRODUCTION OF DOCUMENT**

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 595—That the Senate—

(a) notes that the latest Intergenerational Report was due to be publicly released on 1 February 2015 as required by section 20 of the *Charter of Budget Honesty Act 1998*; and

(b) orders that there be laid on the table by the Minister representing the Treasurer, Senator Cormann, no later than 2 pm on 11 February 2015, a copy of that Intergenerational Report.

Question put and passed.

19 **IMMIGRATION—ASYLUM SEEKERS—NAURU PROCESSING CENTRE—ORDER FOR PRODUCTION OF DOCUMENT**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 597—That there be laid on the table by the Assistant Minister for Immigration and Border Protection, no later than 3 pm on Wednesday, 11 February 2015, a copy of the completed ‘review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru’, conducted by Mr Phillip Moss.

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

Question put and passed.

20 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REFERENCE**

Senator Urquhart, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the Telecommunications Legislation Amendment (Deregulation) Bill 2014 and the Telecommunications (Industry Levy) Amendment Bill 2014 be again referred to the Environment and Communications Legislation Committee for inquiry and report by 1 May 2015, and that the bills be re-examined in the context of the December 2014 revisions to the Telecommunications Universal Service Management Agency Agreement between Telstra and the Commonwealth.

Question put.

The Senate divided—

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Colbeck

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Fierravanti-Wells
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Johnston
Leyonhjelm
Macdonald

Mason
McGrath
Nash
O’Sullivan
Parry
Reynolds
Ronaldson

Ruston
Ryan
Scullion
Seselja
Sinodinos
Smith
Williams

Question agreed to.

21 SOCIAL ISSUES—HOMELESSNESS AND AFFORDABLE HOUSING COMMITMENTS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Ludlam, also on behalf of Senator McLucas, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 598—

That the Senate—

(a) notes that:

(i) the Abbott Government’s 2014-15 Budget included cuts of $589.6 million from housing and homelessness initiatives, including axing the $44 million capital budget in the National Partnership for Homelessness (NPAH) used for shelters and housing for the homeless,

(ii) continued uncertainty over the future of the Government’s responsibility for housing places at least 3 400 highly specialised jobs across 180 initiatives providing services to 80 000 clients every year under the NPAH at risk, and

(iii) even at current levels of funding there are 100 000 people experiencing homelessness on any given night in Australia and another 225 000 Australian families on waiting lists for social housing; and

(b) orders that there be laid on the table by the Minister representing the Minister for Social Services, no later than 3 pm on Wednesday, 11 February 2015, a statement to the Senate clarifying the Government’s commitment to:

(i) homelessness beyond June 2015, including progress on review and negotiations of the NPAH,

(ii) affordable housing, including the future of the NPAH.

Question put and passed.

22 URGENCY MOTION—ENVIRONMENT—NEW SOUTH WALES—MAULES CREEK COAL MINE

The Acting Deputy President (Senator Lines) informed the Senate that the President 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 of urgency:

The need for Minister Hunt to suspend the approval for the Maules Creek coal mine on the New South Wales Liverpool Plains and to act immediately to prevent further land clearing, due to commence on 15 February 2015, of critically endangered vegetation in Leard State Forest.

The proposal was supported by four senators.

The Leader of the Australian Greens (Senator Milne), at the request of Senator Siewert, moved the motion.

Debate ensued.
Question put.
The Senate divided—

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Question negatived.

**23 DOCUMENTS—CONSIDERATION**

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

**24 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLED AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)**

The Chair of the Standing Committee on Publications (Senator O’Sullivan) tabled the following report:

**PUBLICATIONS COMMITTEE**

**11TH REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 30 October 2014, recommends that the following be printed:

- Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice and native title—Reports for 2013-14.
- Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2013-14.
Australian Human Rights Commission—Reports—
No. 77—Basikbasik v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 78—Ismail Mirza Jan v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 79—CB v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 80—KA, KB, KC and KD v Commonwealth of Australia (Department of the Prime Minister and Cabinet, Department of Social Services, Attorney-General’s Department).
No. 81—TM v Linfox Australia Pty Ltd.
No. 82—Alwy Fadhel v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 83—FA, FB, FC and FD v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 84—AQ v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 85—Jafar v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 86—MG v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 87—HA, HB, HC, HD and HE v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 88—AH v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 89—PJ v AMP Financial Planning Pty Limited.
No. 90—Charlie v Commonwealth of Australia (Department of Immigration and Border Protection).

Australian Institute of Aboriginal and Torres Strait Islanders Studies (AIATSIS)—Report for 2013-14.


Final report, dated August 2014.
Summary report, dated August 2014.


Australian Prudential Regulation Authority (APRA)—Report for 2013-14.


Clean Energy Regulator—
Report for 2013-14—Correction.


Defence Housing Australia (DHA)—Report for 2013-14.
Department of Education—Report for 2013-14, including the report of Tuition Protection Service.
Department of Infrastructure and Regional Development—Report for 2013-14.
Department of Parliamentary Services—Report for 2013-14.
Department of the Environment—Report for 2013-14, including reports on the operation of Acts administered by the department and financial statements for the National Heritage Trust of Australia.
Fair Work Commission—
  Report for 2013-14—Correction.
Foreign Affairs, Defence and Trade References Committee—Processes to support victims of abuse in Defence—Report, dated October 2014.
Grape and Wine Research and Development Corporation (GWRDC)—Report for 2013-14 [Final report].
High Court of Australia—Report for 2013-14.
Legal and Constitutional Affairs Legislation Committee—
  Exposure draft of the Medical Services (Dying with Dignity) Bill 2014—Report, dated November 2014.
National Health and Medical Research Council (NHMRC)—Report for 2013-14.
National Health Funding Pool—Report for 2013-14, including financial statements for state and territory State Pool Accounts.
Parliamentary Service Commissioner—Report for 2013-14, including report of the Parliamentary Service Merit Protection Commissioner.
Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Reports for 2013-14, including financial statements of the Defence Service Homes Insurance Scheme.
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)—Report for 2013-14.
Torres Strait Regional Authority (TSRA)—Report for 2013-14.
Wine Australia Corporation—Report for 2013-14 [Final report].

Senator O’Sullivan
Chair
4 December 2014.

Senator O’Sullivan moved—that the report be adopted.

Question put and passed.

Senator O’Sullivan, at the request of the Chair of the Parliamentary Joint Committee on Human Rights (Senator Smith), tabled the following report:

Human Rights—Joint Statutory Committee—18th report of 44th Parliament—
Human rights scrutiny report, dated 10 February 2015.

Report ordered to be printed on the motion of Senator O’Sullivan.
The Attorney-General (Senator Brandis) tabled the following document:


Senator Bilyk moved—That the Senate take note of the document.
Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

The Attorney-General (Senator Brandis) tabled the following document:


The Attorney-General (Senator Brandis) tabled the following document:


The Attorney-General (Senator Brandis) tabled the following document:


The following orders of the day relating to committee reports and government responses were considered:

Legal and Constitutional Affairs References Committee—Incident at the Manus Island Detention Centre from 16 February to 18 February 2014—Interim and final reports. Motion to take note of reports moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Rural and Regional Affairs and Transport References Committee—Current requirements for labelling of seafood and seafood products—Report. Motion to take note of report moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Corporations and Financial Services—Joint Statutory Committee—Proposals to lift the professional, ethical and education standards in the financial services industry—Report. Motion to take note of report moved by Senator Williams and debated. Debate adjourned till the next day of sitting, Senator O’Neill in continuation.

Abbott Government’s Budget Cuts—Select Committee—First interim report. Motion to take note of report moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Orders of the day nos 2 to 7, 9, 11 and 12 relating to committee reports and government responses were called on but no motion was moved.
25 **ECONOMICS—INTERGENERATIONAL REPORT—ORDER FOR PRODUCTION OF DOCUMENT**

The Attorney-General (Senator Brandis) tabled the following document:

Economics—Intergenerational Report—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 10 February 2015, responding to the order of the Senate agreed to earlier today (see entry no. 18).

26 **FAIR WORK AMENDMENT (BARGAINING PROCESSES) BILL 2014**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:


The Minister for Finance (Senator Cormann) 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 Cormann moved—That this bill be now read a second time.

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Education and Employment Legislation Committee to report on the bill, 25 March 2015.

27 **BIOSECURITY BILL 2014**

**BIOSECURITY (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2014**

**QUARANTINE CHARGES (IMPOSITION—GENERAL) AMENDMENT BILL 2014**

**QUARANTINE CHARGES (IMPOSITION—CUSTOMS) AMENDMENT BILL 2014**

**QUARANTINE CHARGES (IMPOSITION—EXCISE) AMENDMENT BILL 2014**

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

Message no. 291, dated 9 February 2015—A Bill for an Act relating to diseases and pests that may cause harm to human, animal or plant health or the environment, and for related purposes.


Message no. 293, dated 9 February 2015—A Bill for an Act to amend the *Quarantine Charges (Imposition—General) Act 2014*.

Message no. 294, dated 9 February 2015—A Bill for an Act to amend the *Quarantine Charges (Imposition—Customs) Act 2014*.


The Minister for Finance (Senator Cormann) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Cormann moved—That these bills be now read a second time.
Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Rural and Regional Affairs and Transport Legislation Committee to report on the bills, 17 March 2015.

28 Legal and Constitutional Affairs Legislation Committee—Report—Migration Amendment (Protecting Babies Born in Australia) Bill 2014

Pursuant to order, Senator O’Sullivan, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:


Report ordered to be printed on the motion of Senator O’Sullivan.

29 Tax Laws Amendment (Research and Development) Bill 2013

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill—and of the amendments moved by Senator Wang, also on behalf of Senator Xenophon—and of the amendment moved by Senator Carr to Senator Wang’s proposed amendment no. 1 (see entry no. 4).

Debate resumed.

Question—That Senator Carr’s amendment to Senator Wang’s proposed amendment no. 1 be agreed to—put.

The committee divided—

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Question negatived.
Debate continued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 34

Senators—

Back
Bernardi
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Edwards
Fierravanti-Wells
Fifield
Heffernan
Johnston
Lazarus
Macdonald
Madjian
Mason
McGrath
McKenzie
Muir
Nash
O’Sullivan
Parry
Reynolds
Ronaldson
Ruston (Teller)
Smith
Wang
Williams
Xenophon

NOES, 31

Senators—

Bilyk
Brown
Bullock
Cameron
Carr
Collins
Conroy
Di Natale
Gallacher
Hanson-Young
Ketter
Lambie
Lines
Ludlam
Ludwig
Lundy
Marshall
Milne
Moore
O’Neill
Peris
Polley
Rhiannon
Rice
Siewert
Singh
Sterle
Urquhart (Teller)
Waters
Whish-Wilson
Wright

Question agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Finance (Senator Cormann) the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 34

Senators—

Back
Bernardi
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Edwards
Fierravanti-Wells
Fifield
Heffernan
Johnston
Lazarus
Macdonald
Madjian
Mason
McGrath
McKenzie
Muir
Nash
O’Sullivan
Parry
Reynolds
Ronaldson
Ruston (Teller)
Smith
Wang
Williams
Xenophon
30 **TREASURY LEGISLATION AMENDMENT (REPEAL DAY) BILL 2014**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

_____

**In the committee**

Bill taken as a whole by leave.

Question—That the bill stand as printed—divided, at the request of Senator Rice, in respect of Schedule 1.

Schedule 1 debated and agreed to.

Bill agreed to.

Bill to be reported without amendment.

_____

The Deputy President (Senator Marshall) resumed the chair and the Temporary Chair of Committees (Senator Whish-Wilson) reported accordingly.

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

_____

**At 7.20 pm—**

31 **ADJOURNMENT**

The Deputy President (Senator Marshall) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 9.10 pm till Wednesday, 11 February 2015 at 9.30 am.
32 ATTENDANCE
   Present, all senators except Senators Day* and McEwen* (*on leave).

   ROSEMARY LAING
   Clerk of the Senate