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1 **MEETING OF SENATE**

The Senate met at 10 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2 **DOCUMENTS**

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

[Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated]

Aboriginal Land Commissioner—Report no. 72—Wangkangurru Land Claim no. 156.

Auditor-General—Audit reports for 2014-15—
No. 10—Performance audit—Administration of the Biodiversity Fund Program: Department of the Environment. [Received 9 December 2014]
No. 11—Performance audit—The award of grants under the clean technology program: Department of Industry. [Received 10 December 2014]
No. 12—Performance audit—Diagnostic imaging reforms: Department of Health. [Received 11 December 2014]
No. 13—Performance audit—Management of the Cape Class patrol boat program: Australian Customs and Border Protection Service. [Received 16 December 2014]
No. 14—2013-14 major projects report: Defence Materiel Organisation. [Received 17 December 2014]
No. 15—Performance audit—Administration of the Export Market Development Grants scheme: Australian Trade Commission. [Received 17 December 2014]
No. 16—Financial statement audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2014. [Received 18 December 2014]
No. 17—Performance audit—Recruitment and retention of specialist skills for Navy: Department of Defence. [Received 18 December 2014]
No. 18—Performance audit—The Ethanol Production Grants Program: Department of Industry and Science. [Received 28 January 2015]
No. 19—Performance audit—Management of the disposal of specialist military equipment: Department of Defence. [Received 5 February 2015]
No. 20—Performance audit—Administration of the tariff concession system: Australian Customs and Border Protection Service. [Received 5 February 2015]

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2014. [Received 15 January 2015]

Business of the Senate—1 January to 31 December 2014.
Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2013-14. [Received 15 January 2015]
Cotton Research and Development Corporation (CRDC)—Report for 2013-14. [Received 17 December 2014]
Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2014. [Received 12 December 2014]

Department of Finance—
Certificate of compliance—Report for 2013-14. [Received 28 January 2015]
Consolidated financial statements for the year ended 30 June 2014. [Received 12 December 2014]

Environment—
Climate change—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 15 January 2015, responding to the resolution of the Senate of 3 December 2014.
Western Australia—Carnaby’s Cockatoo—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 4 December 2014, responding to the resolution of the Senate of 2 September 2014.

Environment and Communications References Committee—Report—The koala – saving our national icon—Government response, dated November 2014. [Received 17 December 2014]

Estimates hearings—Unanswered questions on notice—Budget (Supplementary) estimates 2014-15—Statements pursuant to the order of the Senate of 25 June 2014—
Australian Centre for International Agricultural Research. [Received 28 January 2015]
Australian Public Service Commission. [Received 28 January 2015]
Commonwealth Ombudsman. [Received 7 January 2015]
Finance portfolio. [Received 5 February 2015]

Fisheries Research and Development Corporation (FRDC)—Report for 2013-14.
Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2014. [Received 15 January 2015]

Health—
Dementia—Letter to the President of the Senate from the Assistant Minister for Social Services (Senator Fifield), dated 18 December 2014, responding to the resolution of the Senate of 23 September 2014.
Mental health—Letter to the President of the Senate from the Minister for Health (Mr Dutton), dated 19 December 2014, responding to the resolution of the Senate of 18 November 2014.
Renal health—Western Desert Ngalampa Walytja Palyantja Tjutaku Aboriginal Corporation—Letter to the President of the Senate from the Minister for Health (Mr Dutton), dated 2 December 2014, responding to the resolution of the Senate of 25 September 2014.

Indigenous Australians—
Deaths in custody—Letters to the President of the Senate responding to the resolution of the Senate of 17 November 2014 from—
Director-General, Queensland Department of the Premier and Cabinet (Mr Grayson), dated 12 January 2015.
Victorian Minister for Aboriginal Affairs (Ms Hutchins), dated 27 January 2015.
Hearing loss—Letter to the President of the Senate from the Minister for Health (Mr Dutton), dated 2 December 2014, responding to the resolution of the Senate of 28 August 2014.

Institutional Responses to Child Sexual Abuse—Royal Commission—Reports of case studies—

No. 11—Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf; St Mary’s Agricultural School Tardun and Bindoon Farm School, dated December 2014. [Received 19 December 2014]

No. 14—The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese, dated December 2014. [Received 19 December 2014]


Murray-Darling Basin Authority—Report for 2013-14. [Received 16 December 2014]

National Capital Authority—Report for 2013-14. [Received 15 December 2014]

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 March to 31 August 2014. [Received 16 December 2014]

Rural Industries Research and Development Corporation (RIRDC)—Report for 2013-14.

Social Security Appeals Tribunal—Report for 2013-14. [Received 7 January 2015]

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—

Operation of the Government co-contribution scheme—

Report for 2011-12. [Received 5 December 2014]

Report for 2012-13. [Received 5 December 2014]

Report for 2013-14. [Received 5 December 2014]

Quarterly reports on the operation of the Government co-contribution scheme—

Section 12G(1)—

1 July to 30 September 2013. [Received 5 December 2014]
1 October to 31 December 2013. [Received 5 December 2014]
1 January to 31 March 2014. [Received 5 December 2014]

Section 54(1)—

1 January to 31 March 2012. [Received 5 December 2014]
1 April to 30 June 2012. [Received 5 December 2014]
1 July to 30 September 2012. [Received 5 December 2014]
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1 April to 30 June 2014. [Received 5 December 2014]

Tax expenditures statement 2014, dated January 2015. [Received 30 January 2015]

Trade Union Governance and Corruption—Royal Commission—Interim report—Volumes 1 and 2, dated 15 December 2014. [Received 19 December 2014]


Wet Tropics Management Authority—
  State of the Wet Tropics—Report for 2013-14. [Received 18 December 2014]

Workplace Gender Equality Agency—Report for 2013-14. [Received 18 December 2014]


Youth—Youth Connections Program—Letter to the President of the Senate from the Minister for Education (Mr Pyne), dated 9 January 2015, responding to the resolution of the Senate of 1 December 2014.

Orders for production of documents—Documents: The following documents received on 5 December 2014 were tabled:

  Defence—Air Warfare Destroyer Program—Letter to the President of the Senate from the Minister for Defence (Senator Johnston) and the Minister for Finance (Senator Cormann) responding to the order of the Senate of 2 December 2014 and raising a public interest immunity claim.

  Family and community services—Child care and early childhood learning—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 4 December 2014, responding to the order of the Senate of 3 December 2014.

  Law and justice—Data retention—Cost estimates—Letter to the President of the Senate from the Attorney-General (Senator Brandis), dated 4 December 2014, responding to the order of the Senate of 3 December 2014 and raising a public interest immunity claim.

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.]

  A New Tax System (Family Assistance) Act 1999—Schoolkids Bonus Amendment Determination 2014 (No. 2) [F2014L01828].

  A New Tax System (Family Assistance) (Administration) Act 1999—Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2015 (No. 1) [F2015L00098].

  A New Tax System (Goods and Services Tax) Act 1999—

Goods and Services Tax: Classes of Recipient Created Tax Invoice Amendment Determination (No. 1) 2014 [F2014L01661].

GST-free Supply (National Disability Insurance Scheme Supports) Amendment Determination 2015 [F2015L00112].


Aged Care Act 1997—
  Accountability Amendment Principle 2014 (No. 1) [F2015L00050].
  Fees and Payments Amendment Principle 2014 (No. 1) [F2015L00047].
  Quality of Care Amendment Principle 2014 (No. 1) [F2015L00021].


Antarctic Treaty (Environment Protection) Act 1980—

Anti-Money Laundering and Counter-Terrorism Financing Act 2006—
  Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2014 (No. 5) [F2014L01796].
  Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2014 (No. 6) [F2014L01797].
  Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2015 (No. 1) [F2015L00067].

Archives Act 1983—Archives (Discretionary Service Charges) Determination 2014 [F2015L00051].

Australian Aged Care Quality Agency Act 2013—Australian Aged Care Quality Agency (Other Functions) Specification 2014 [F2015L00044].


Australian National University Act 1991—
  Academic Board and Committees Statute 2014—Academic Board (Election of Members) Order 2014 (No. 3) [F2014L01687].
  Academic Misconduct Statute 2014 [F2014L01662].
Appeals Statute 2014 [F2014L01663].
Fees Statute 2006—
   Fees Rules 2014 [F2014L01771].
   Tuition Fees Order 2014 [F2014L01774].
   Tuition Fees Order 2015 [F2015L00066].
Pro-Chancellorship Statute 2014 [F2014L01664].
Programs and Awards Statute 2013—Assessment Rules 2014 (No. 3) [F2014L01688].

Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determinations—
   No. 18 of 2014 [F2014L01764].
   No. 1 of 2015 [F2015L00080].


Banking Act 1959—
Banking Amendment (Credit Card) Regulation 2014—Select Legislative Instrument 2014 No. 207 [F2014L01710].
Banking exemption No. 4 of 2014 [F2014L01639].
Banking (prudential standard) determination No. 3 of 2014—Prudential Standard APS 001—Definitions [F2014L01649].
Banking (prudential standard) determination No. 5 of 2014—Prudential Standard APS 221—Large Exposures [F2014L01655].
Banking (prudential standard) determination No. 6 of 2014—Prudential Standard APS 610—Prudential Requirements for Providers of Purchased Payment Facilities [F2014L01656].
Banking (prudential standard) determination No. 7 of 2014—Prudential Standard APS 120—Securitisation [F2014L01658].
Banking (prudential standard) determination No. 8 of 2014—Prudential Standard APS 220—Credit Quality [F2014L01652].


**Broadcasting Services Act 1992—**

Broadcasting Services (Events) Notice (No. 1) 2010—

Amendment No. 15 of 2014 [F2014L01801].

Amendment No. 16 of 2014 [F2014L01803].


Television Licence Area Plan (Brisbane) Variation 2014 [F2014L01766].

Television Licence Area Plan (Melbourne) Variation 2014 [F2014L01768].

Television Licence Area Plan (Regional Victoria) Variation 2014 [F2014L01761].

Television Licence Area Plan (Sydney) Variation 2014 [F2014L01770].

Variation to Licence Area Plan – Goulburn Radio—No. 1 of 2014 [F2015L00102].

Variation to Licence Area Plan – Hamilton Radio—No. 1 of 2014 [F2014L01787].


Variation to Licence Area Plan – Riverland (Television and Radio)—No. 1 of 2014 [F2014L01682].

**Carbon Credits (Carbon Farming Initiative) Act 2011—**


Carbon Credits (Carbon Farming Initiative) Amendment Regulation 2014 (No. 2)—Select Legislative Instrument 2014 No. 190 [F2014L01694].

Carbon Credits (Carbon Farming Initiative—Commercial Buildings) Methodology Determination 2015 [F2015L00058].

Carbon Credits (Carbon Farming Initiative—Interim Measures) Rule 2014 [F2014L01695].

Carbon Credits (Carbon Farming Initiative—Landfill Gas) Methodology Determination 2015 [F2015L00059].

**Carbon Farming Initiative Amendment Act 2014—**Carbon Farming Initiative Amendment Commencement Proclamation 2014 [F2014L01691].

**Charter of the United Nations Act 1945—**


Civil Aviation Act 1988—
Civil Aviation Order 82.0 Amendment Instrument 2014 (No. 3) [F2014L01793].
Civil Aviation Regulations 1988—
Civil Aviation Order 20.18 (Aircraft equipment — basic operational requirements) Instrument 2014 [F2014L01743].
Civil Aviation Order 82.0 Amendment Instrument 2014 (No. 1) [F2014L01693].
Civil Aviation Order 82.0 Amendment Instrument 2014 (No. 2) [F2014L01763].
Civil Aviation Order 82.0 Instrument 2014 [F2014L01689].
Civil Aviation Order 104.0 Amendment Order 2015 (No. 1) [F2015L00065].
Direction — to conduct right-hand circuits off Runway 12 (Brisbane West Wellcamp)—CASA 278/14 [F2014L01646].
Direction under regulation 209 — conduct of parachute training operations—
CASA 09/15 [F2015L00103].
CASA 10/15 [F2015L00105].
Permission and direction — helicopter operations by Northshore Holdings (NT) Pty Limited, trading as Remote Helicopters Australia—CASA 293/14 [F2015L00024].
Permission and direction — helicopter operations by Wellspring Rural Services Pty Ltd, trading as Northern Helicopter Charter—CASA 295/14 [F2014L01777].
Permissions under CAR 143 and 144 — to have firearms in an aircraft of the Western Australia Police Air Wing and discharge a firearm from the aircraft—CASA 06/15 [F2015L00077].

Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—
Approval and permission — use of Class A airspace by gliders; Exemption — from carriage of ADS-B equipment by gliders—CASA 07/15 [F2015L00093].
Civil Aviation Order 20.91 (Instructions and directions for performance-based navigation) Instrument 2014 [F2014L01703].

Civil Aviation Safety Amendment (Cape Town Convention) Regulation 2014—Select Legislative Instrument 2014 No. 204 [F2014L01717].

Civil Aviation Safety Regulations 1998—
Approval — for Approved Training Pilot approval holders under CAO 29.10 to conduct flight tests for a low-level rating, low-level endorsement and mustering endorsement—CASA 289/14 [F2014L01802].
Approval — for Approved Training Pilot approval holders under CAO 29.10 to conduct flight training for a low-level rating, low-level endorsement and mustering endorsement—CASA 290/14 [F2014L01798].
Conditions and direction concerning certain aircraft fitted with engines manufactured by Jabiru Aircraft Pty Ltd—CASA 292/14 [F2014L01806].
Conditions on authorisations — flight crew licences and aircraft endorsements (Edition 1) [F2015L00014].
Exemption — aerial application proficiency check and operator proficiency check (head of flight operations) — aeroplanes—CASA EX162/14 [F2014L01643].
Exemption — carriage of cockpit voice recorders and flight data recorders—CASA EX20/15 [F2015L00084].
Exemption — carriage of flight data recorder (Pel-Air Aviation)—CASA EX177/14 [F2014L01804].
Exemption — CASR Part 137 (incendiary dropping at or above 500 feet)—CASA EX24/15 [F2015L00088].
Exemption — display of markings and carriage of identification plates—CASA EX16/15 [F2015L00085].
Exemption — for cabin crew member to use passenger seat—CASA EX15/15 [F2015L00074].
Exemption from paragraph 5.1 of Civil Aviation Order 20.16.3 for Airbus 330 aircraft operated by Qantas Airways Limited—CASA EX168/14 [F2014L01644].
Exemption — operations by hang gliders in the Corryong Cup—CASA EX03/15 [F2015L00026].
Exemption — operations by paragliders in the Corryong Paragliding Open—CASA EX04/15 [F2015L00028].
Exemption — operations by sport and recreational aircraft in restricted area R979A (Avalon Air Show 2015)—CASA EX171/14 [F2015L00016].
Exemption — power-assisted glider at the Australian International Air Show, Avalon—CASA EX156/14 [F2014L01630].
Exemption — requirement to wear seat belt and safety harness—CASA EX09/15 [F2015L00096].
Exemption — turns after take-off at Australian International Air Show—CASA EX142/14 [F2014L01629].
Horizontal Stabiliser Attachment Pins and Bolts — Inspection—AD/B737/224 Amdt 4 [F2014L01683].
Inspection of Wooden Structure—
AD/DH 60/10 [F2015L00108].
AD/DH 83/6 [F2015L00109].
Maintenance on warbird and historic and replica aircraft (WHR) — directions and licence conditions—CASA 03/15 [F2015L00095].
Prescription of aircraft and ratings — CASR Part 61 (Edition 1) [F2015L00013].
Prescription — type ratings for CASR Part 142 flight training (Edition 1) [F2015L00031].
Primary Flight Control Cable Assembly Retirement—AD/GENERAL/87 [F2015L00045].
Repeal of Airworthiness Directives—
CASA ADCX 020/14 [F2014L01647].
CASA ADCX 021/14 [F2014L01698].
CASA ADCX 001/15 [F2015L00046].
CASA ADCX 002/15 [F2015L00062].
CASA ADCX 003/15 [F2015L00072].
Water Washing—AD/PT6A/28 Amdt 1 [F2015L00020].

Classification (Publications, Films and Computer Games) Act 1995—
Classification (Authorised Television Series Assessor Scheme) Amendment (Consumer Advice) Determination 2014 [F2014L01756].

Commissioner of Taxation—Public Rulings—
Class Rulings—
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  Addendum—GSTD 2012/4.
  GSTD 2015/1.
Goods and Services Tax Rulings—
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Miscellaneous Taxation Ruling—Addendum—MT 2008/2.
Product Rulings—
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  PR 2015/1.
Self Managed Superannuation Funds Product Ruling—Notice of Withdrawal—SMSFPR 2009/1.
Taxation Determinations—
  TD 2015/1.
Taxation Rulings—

Competition and Consumer Act 2010—
Competition and Consumer (Monitoring of Prices, Costs and Profits) Repeal Direction 2014 [F2014L01749].

Corporations Act 2001—
Amendments to Australian Accounting Standards – Agriculture: Bearer Plants—AASB 2014-6 [F2015L00106].
Amendments to Australian Accounting Standards arising from AASB 15—AASB 2014-5 [F2015L00107].
ASIC Class Orders—
  CO 14/885 [F2014L01778].
CO 14/1217 [F2014L01648].
CO 14/1249 [F2014L01690].
CO 14/1252 [F2014L01692].
CO 14/1262 [F2014L01773].
CO 14/1270 [F2015L00018].
CO 14/1276 [F2014L01735].


Corporations Amendment (Simple Corporate Bonds and Other Measures) Act 2014—Corporations Amendment (Simple Corporate Bonds and Other Measures) Commencement Proclamation 2014 [F2014L01726].


Currency Act 1965—Currency (Royal Australian Mint) Determination 2015 (No. 1) [F2015L00025].

Customs Act 1901—
CEO Directions No. 1 of 2015 [F2015L00099].
CEO Directions No. 2 of 2015 [F2015L00101].
Exercise of the Defence Minister’s Powers pursuant to Division 1AA—30 September 2014.

Defence Act 1903—

Section 58B—

Home port and district allowance – amendment—Defence Determination 2015/2.
Housing contributions – amendment—Defence Determination 2015/5.
Post indexes – price review—
Defence Determination 2015/1.
Rent allowance – amendment—Defence Determination 2014/70.
Review of housing contributions and allowances – amendment—Defence Determination 2014/68.
Travel costs and hardship allowance – amendment—Defence Determination 2014/66.
Woomera allowance, carer’s leave and housing – amendment—Defence Determination 2015/3.

Section 58H—
Salaries – Senior Officer Specialist Chaplain – Amendment—Defence Force Remuneration Determination No. 12 of 2014.
Salaries – Special Forces – Amendment—Defence Force Remuneration Determination No. 11 of 2014.
Special Air Service Trooper Grade 2 Transitional Salary—Defence Force Remuneration Determination No. 13 of 2014.

Woomera Prohibited Area Rule 2014—Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2014-2015 Amendment [F2015L00097].


Defence Service Homes Act 1918—Variation to the Statement of Conditions under subsection 38A(3) (8 February 2012) [F2015L00003].


Director of Public Prosecutions Act 1983—Ministerial Direction (Commonwealth Director of Public Prosecutions).

Education Services for Overseas Students (TPS Levies) Act 2012—Education Services for Overseas Students (TPS Levies) (Risk Rated Premium and Special Tuition Protection Components) Determination 2014 [F2014L01660].

Environment Protection and Biodiversity Conservation Act 1999—
Amendment – List of Specimens taken to be Suitable for Live Import (12 January 2015) [F2015L00079].
Amendment of List of Exempt Native Specimens – South Australian Marine Scalefish Fishery (23 January 2015) (deletion)—EPBC303DC/SFS/2015/01 [F2015L00069].
Amendment of List of Exempt Native Specimens – South Australian Marine Scalefish Fishery (23 January 2015) (inclusion)—EPBC303DC/SFS/2015/02 [F2015L00070].
Amendment to the list of migratory species under section 209 (26 November 2014) [F2014L01674].
Amendment to the list of threatened species, ecological communities and key threatening processes under sections 178, 181 and 183 (158) (3 December 2014) [F2014L01681].
Amendments to the list of threatened ecological communities under section 181 — Shale Sandstone Transition Forest of the Sydney Basin Bioregion (EC25R) (4 December 2014) [F2014L01702].

Inclusion of ecological communities in the list of threatened ecological communities under section 181 — Hunter Valley Weeping Myall (Acacia pendula) Woodland (EC 44) (3 December 2014) [F2014L01706].

Section 269A — Amendment — Instrument Adopting and Revoking Recovery Plans (3 December 2014) [F2014L01671].

Excise Act 1901—Excise (Concessional spirits – class of persons) Determination 2014 (No. 1) [F2014L01667].


Financial Framework (Supplementary Powers) Act 1997—


Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 28 of 2014 — GRS 440.0 – Claims Development Table [F2014L01811].

Financial Sector (Collection of Data) (reporting standard) determination No. 29 of 2014 — GRS 112.0 – Determination of Capital Base [F2014L01821].

Financial Sector (Collection of Data) (reporting standard) determination No. 30 of 2014 — GRS 116.1 – Probable Maximum Loss for LMIs [F2014L01824].

Fisheries Management Act 1991—


Food Standards Australia New Zealand Act 1991—
Australia New Zealand Food Standards Code – Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 10, 2014 [F2014L01708].

Australia New Zealand Food Standards Code – Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 1, 2015 [F2015L00071].

Food Standards (A1091 – Enzyme Nomenclature Change – Carboxyl Proteinase to Aspergillopepsin I & II) Variation [F2014L01624].
Food Standards (Application A1088 – Sodium Hydrosulphite as a Food Additive) Variation [F2014L01626].
Food Standards (Proposal P1029 – Maximum Level for Tutin in Honey) Variation [F2015L00037].


Health Insurance Act 1973—
Common Form of Undertaking for Participating Optometrists Amendment Instrument 2014 [F2014L01753].
Health Insurance (General Medical Services Table) Amendment (Duration of Attendance) Regulation 2014—Select Legislative Instrument 2014 No. 194 [F2014L01714].
Health Insurance (General Medical Services Table) Amendment (Duration of Attendance) Regulation 2014 (No. 2)—Select Legislative Instrument 2014 No. 214 [F2015L00029].
Health Insurance (General Medical Services Table) Repeal (Duration of Attendance) Regulation 2015—Select Legislative Instrument 2015 No. 1 [F2015L00049].
Health Insurance (Midwife and Nurse Practitioner) Amendment Determination 2015 [F2015L00035].
Health Insurance (Midwife and Nurse Practitioner) Revocation Determination 2015 [F2015L00048].
Health Insurance (Pharmacogenetic Testing – RAS (KRAS and NRAS)) Determination 2014 [F2014L01767].
Health Insurance (Section 19AB Exemptions) Guidelines 2015 [F2015L00038].

Higher Education Support Act 2003—
Amendment No. 3 to the Other Grants Guidelines (Education) 2012 [F2014L01633].
Higher Education Provider Approval—No. 6 of 2014 [F2014L01632].
Higher Education Support (Maximum Payments for Other Grants) Determination 2015 [F2015L00056].
List of grants under Division 41 for 2015 [F2015L00052].
List of grants under Division 41 for 2015 in relation to the Indigenous Support Programme [F2015L00034].
VET Provider Approvals—
No. 67 of 2014 [F2014L01635].
No. 68 of 2014 [F2014L01636].
No. 69 of 2014 [F2014L01637].
No. 71 of 2014 [F2014L01659].
No. 72 of 2014 [F2015L00033].
No. 73 of 2014 [F2014L01731].
No. 74 of 2014 [F2014L01685].
No. 75 of 2014 [F2015L00032].
Insurance Act 1973—
Insurance (prudential standard) determination No. 5 of 2014 – Prudential Standard GPS 310 – Audit and Related Matters [F2014L01678].

International Interests in Mobile Equipment (Cape Town Convention) Act 2013—
International Interests in Mobile Equipment (Cape Town Convention) Rules 2014 [F2015L00113].

Jervis Bay Territory Acceptance Act 1915—Administration Ordinance 1990—Amended Electricity Supply Fees Determination 2014 (Jervis Bay Territory) [F2015L00075].


Life Insurance Act 1995—

Major Sporting Events (Indicia and Images) Protection Act 2014—Major Sporting Events (Indicia and Images) Protection Amendment Rules 2014 (No. 1) [F2014L01727].


Migration Act 1958—
Determination of Protection (Class XA) and Refugee Humanitarian (Class XB) Visas 2014—IMMI 14/117 [F2014L01819].

Migration Regulations 1994—
Alternative English Language Proficiency Tests to the International English Language Testing System for Student Visa Purposes—IMMI 14/080 [F2014L01673].
Evidence of Functional English Language Proficiency 2015—IMMI 15/004 [F2014L01668].
Language Tests, Score and Passports 2015—IMMI 15/005 [F2014L01666].
Payment of Visa Application Charges and Fees in Foreign Currencies 2015 (Conversion Instrument)—IMMI 15/001 [F2014L01712].
Places and Currencies for Paying of Fees (Places and Currencies Instrument)—IMMI 15/002 [F2014L01711].
Statements under section 91L—1 July to 31 December 2014 [12].
Statements under section 91Q—1 July to 31 December 2014 [4].
Statements under section 195A—1 July to 31 December 2014 [135].
Statements under section 197AB—1 July to 31 December 2014 [94].
Statements under section 198AE—1 July to 31 December 2014 [1].
Statements under section 351—1 July to 31 December 2014 [85].

Migration Legislation Amendment Act (No. 1) 2014—Migration Legislation Amendment Commencement Proclamation 2014 [F2014L01722].
National Health Act 1953—
National Health Determination under paragraph 98C(1)(b) Amendment 2014 (No. 12)—PB 108 of 2014 [F2014L01772].
National Health Determination under paragraph 98C(1)(b) Amendment 2015 (No. 1)—PB 2 of 2015 [F2015L00039].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2014 (No. 12)—PB 104 of 2014 [F2014L01826].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2015 (No. 1)—PB 4 of 2015 [F2015L00083].
National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2014 (No. 10)—PB 102 of 2014 [F2014L01834].
National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2015 (No. 1)—PB 3 of 2015 [F2015L00087].
National Health (Immunisation Program – Designated Vaccines) Variation Determination 2014 (No. 1) [F2014L01822].
National Health (Listed drugs on F1 or F2) Amendment Determination 2014 (No. 12)—PB 105 of 2014 [F2014L01808].
National Health (Listed drugs on F1 or F2) Amendment Determination 2015 (No. 1)—PB 6 of 2015 [F2015L00082].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2015 (No. 1)—PB 1 of 2015 [F2015L00040].
National Health (Pharmaceutical Benefits (Application to supply pharmaceutical benefits following the death of approved pharmacist – documentary evidence) Determination 2015—PB 5 of 2015 [F2015L00094].
National Health (Prescriber bag supplies) Amendment Determination 2015 (No. 1)—PB 7 of 2015 [F2015L00042].
National Health (Prescriber bag supplies) Amendment Determination 2015 (No. 2)—PB 107 of 2014 [F2014L01789].
Variation to the Access Regimes for the MasterCard and Visa Credit Card Systems (December 2014) [F2014L01760].
Private Health Insurance Act 2007—Private Health Insurance (Benefit Requirements) Amendment Rules 2014 (No. 6) [F2014L01775].
Public Governance, Performance and Accountability Act 2013—Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2013-2014 (No. 1) [F2015L00092].
Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2014-2015 [F2015L00091].

Public Governance, Performance and Accountability Legislation Amendment Rule 2014 (No. 2) [F2015L00027].


Radiocommunications Act 1992—
Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014 [F2014L01794].
Radiocommunications (Cordless Communications Devices) Class Licence 2014 [F2014L01800].
Radiocommunications (Specified Radiocommunications Receivers and Types of Transmitter Licences and Receiver Licences) Determination 2014 [F2014L01790].

Remuneration Tribunal Act 1973—


Social Security Act 1991—
Social Security (Australian Government Disaster Recovery Payment) Determination 2015 (No. 1) [F2015L00023].
Social Security (Disaster Recovery Allowance) (Rate calculator) Determination 201 [F2015L00022].

Social Security (Administration) Act 1999—
Student Assistance Act 1973—Student Assistance (Education Institutions and Courses) Amendment Determination 2014 (No. 2) [F2014L01733].


Taxation Administration Act 1953—Pay as you withholding — Tax table for additional amounts to withhold as a result of an agreement to increase withholding [F2014L01665].

Telecommunications Act 1997—
Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 [F2014L01699].
Telecommunications (Agreements for Compliance with Structural Separation Undertaking) Determination 2014 [F2014L01700].
Telecommunications (Collection of Numbering Charges) Determination 2014 [F2014L01783].
Telecommunications (Service Provider — Identity Checks for Prepaid Mobile Carriage Services) Amendment Determination 2014 (No. 1) [F2014L01750].


Therapeutic Goods Act 1989—
Therapeutic Goods (Articles that are Medical Devices) Specification 2014 [F2014L01741].

Veterans’ Entitlements Act 1986—
Statements of Principles concerning albinism—
No. 19 of 2015 [F2014L01823].
No. 20 of 2015 [F2014L01825].

Statements of Principles concerning alpha-1 antitrypsin deficiency—
No. 29 of 2015 [F2014L01837].
No. 30 of 2015 [F2014L01840].

Statements of Principles concerning autosomal dominant polycystic kidney disease—
No. 39 of 2015 [F2015L00004].
No. 40 of 2015 [F2015L00005].
Statements of Principles concerning Charcot-Marie-Tooth disease—
No. 21 of 2015 [F2014L01827].
No. 22 of 2015 [F2014L01829].

Statements of Principles concerning decompression sickness—
No. 13 of 2015 [F2014L01830].
No. 14 of 2015 [F2014L01832].

Statements of Principles concerning dysbaric osteonecrosis—
No. 17 of 2015 [F2014L01841].
No. 18 of 2015 [F2014L01842].

Statements of Principles concerning epicondylitis—
No. 7 of 2015 [F2014L01784].
No. 8 of 2015 [F2014L01786].

Statements of Principles concerning Gaucher’s disease—
No. 27 of 2015 [F2014L01843].
No. 28 of 2015 [F2014L01846].

Statements of Principles concerning haemophilia—
No. 23 of 2015 [F2014L01831].
No. 24 of 2015 [F2014L01833].

Statements of Principles concerning horseshoe kidney—
No. 31 of 2015 [F2014L01844].
No. 32 of 2015 [F2014L01845].

Statements of Principles concerning Huntington’s chorea—
No. 37 of 2015 [F2014L01851].
No. 38 of 2015 [F2014L01852].

Statements of Principles concerning malignant neoplasm of the small intestine—
No. 1 of 2015 [F2014L01807].
No. 2 of 2015 [F2014L01810].

Statements of Principles concerning malignant neoplasm of the testis and paratesticular tissues—
No. 3 of 2015 [F2014L01813].
No. 4 of 2015 [F2014L01815].

Statements of Principles concerning Marfan syndrome—
No. 25 of 2015 [F2014L01835].
No. 26 of 2015 [F2014L01838].

Statements of Principles concerning multiple osteochondromatosis—
No. 43 of 2015 [F2015L00008].
No. 44 of 2015 [F2015L00009].

Statements of Principles concerning osteogenesis imperfecta—
No. 35 of 2015 [F2014L01848].
No. 36 of 2015 [F2014L01850].

Statements of Principles concerning pulmonary barotrauma—
No. 15 of 2015 [F2014L01836].
No. 16 of 2015 [F2014L01839].

Statements of Principles concerning shin splints—
No. 9 of 2015 [F2014L01805].
No. 10 of 2015 [F2014L01812].

Statements of Principles concerning soft tissue sarcoma—
No. 5 of 2015 [F2014L01817].
No. 6 of 2015 [F2014L01818].
Statements of Principles concerning tinea—
   No. 11 of 2015 [F2014L01814].
   No. 12 of 2015 [F2014L01816].

Statements of Principles concerning trochanteric bursitis and gluteal tendinopathy—
   No. 45 of 2015 [F2015L00010].
   No. 46 of 2015 [F2015L00011].

Statements of Principles concerning von Willebrand’s disease—
   No. 41 of 2015 [F2015L00006].
   No. 42 of 2015 [F2015L00007].

Statements of Principles concerning Wilson’s disease—
   No. 33 of 2015 [F2014L01847].
   No. 34 of 2015 [F2014L01849].


Water Efficiency Labelling and Standards Act 2005—Water Efficiency Labelling and Standards (No. 2) Amendment Determination 2015 (No. 1) [F2015L00064].

Water Efficiency Labelling and Standards (Registration Fees) Act 2013—Water Efficiency Labelling and Standards (Registration Fees) Amendment Determination 2015 (No. 1) [F2015L00063].

The following documents were tabled by the Clerk pursuant to order

Departmental and agency appointments and vacancies—Additional estimates—
Letter of advice pursuant to the order of the Senate of 24 June 2008, as amended—
Environment portfolio.

Estimates hearings—Unanswered questions on notice—Budget (Supplementary) estimates 2014-15—Statements pursuant to the order of the Senate of 25 June 2014—

   Employment portfolio.
   Environment portfolio.
3 **COMMITTEE REPORTS PRESENTED SINCE LAST SITTING OF SENATE**

The following reports and documents were presented and authorised for publication on the dates indicated pursuant to standing order 38(7)(a):

Abbott Government’s Budget Cuts—Select Committee—First interim report, dated February 2015. \[Received 4 February 2015\]

Corporations and Financial Services—Joint Statutory Committee—Proposals to lift the professional, ethical and education standards in the financial services industry—Report, dated December 2014, Hansard record of proceedings, document presented to the committee, additional information and submissions. \[Received 19 December 2014\]

Intelligence and Security—Joint Statutory Committee—

- Annual report of committee activities 2012-13—Report, dated December 2014. \[Received 16 December 2014\]
- Annual report of committee activities 2013-14—Report, dated December 2014. \[Received 16 December 2014\]
- Review of the listing of Al-Murabitun—Report, dated December 2014. \[Received 16 December 2014\]

Legal and Constitutional Affairs Legislation Committee—Guardian for Unaccompanied Children Bill 2014—Interim report, dated 5 February 2015. \[Received 5 February 2015\]

Legal and Constitutional Affairs References Committee—Incident at the Manus Island Detention Centre from 16 February to 18 February 2014—

- Interim report, dated 5 December 2014. \[Received 5 December 2014\]
- Report, dated December 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions. \[Received 11 December 2014\]

Rural and Regional Affairs and Transport Legislation Committee—Rural Research and Development Legislation Amendment Bill 2014 [Provisions]—Dissenting report. \[Received 5 December 2014\]

Rural and Regional Affairs and Transport References Committee—

- Current requirements for labelling of seafood and seafood products—Report, dated December 2014, Hansard record of proceedings, additional information and submissions. \[Received 18 December 2014\]
- Role of public transport in delivering productivity outcomes—Report, dated December 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions. \[Received 5 December 2014\]

Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations of interests lodged between 1 September and 2 December 2014, dated December 2014. \[Received 17 December 2014\]
4 **COMMITTEES—LEAVE TO MEET DURING Sittings**

Committees were authorised to hold public meetings during the sittings of the Senate, as follows:

Foreign Affairs, Defence and Trade—Joint Standing Committee—

today, 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.

Tuesday, 10 February 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.

from 5.30 pm, to take evidence for the committee’s inquiry into Government support for Australian defence industry exports.

Wednesday, 11 February 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.

Rural and Regional Affairs and Transport Legislation Committee—Wednesday, 11 February 2015, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Biosecurity Bill 2014 and related bills.

5 **VACANCY IN THE REPRESENTATION OF NEW SOUTH WALES**

The President announced the resignation, on 6 February 2015, of Senator Faulkner and advised the Senate that, pursuant to section 21 of the Constitution, he had notified the Governor of New South Wales that there was a vacancy in the representation of that state.

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*Documents:* The President tabled the following documents:

Vacancy in the representation of New South Wales—Copies of letters from—

Senator Faulkner to the President, dated 6 February 2015.

President of the Senate to the Governor of New South Wales (His Excellency General the Honourable David Hurley, AC, DSC), dated 9 February 2015.

6 **AUSTRALIAN CITIZENSHIP AMENDMENT (INTERCOUNTRY ADOPTION) 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—and on the amendment moved by Senator Siewert:

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

(a) the Hague intercountry adoption convention (Hague Convention) provides the best assurance of safeguards for children and a transparent adoptive process, and intercountry adoption should occur between Hague Convention signatories to ensure the safety and best interests of the child; and

(b) Australia should seek to encourage countries to sign the Hague Convention rather than sign ad hoc bilateral agreements”.

Debate resumed.

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

Main question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash) the bill was read a third time.

7 ORDER OF BUSINESS—REARRANGEMENT
The Assistant Minister for Immigration and Border Protection (Senator Cash) moved—That government business order of the day no. 2 (Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014) be postponed till a later hour.

Question put and passed.

8 CRIMES LEGISLATION AMENDMENT (UNEXPLAINED WEALTH AND OTHER MEASURES) BILL 2014
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of the Minister for Employment (Senator Abetz) consideration of the bill in committee of the whole was made an order of the day for a later hour.

9 MARTIN PLACE SIEGE—STATEMENT BY LEAVE
The Leader of the Government in the Senate (Senator Abetz), by leave, made a statement relating to the siege of the Lindt Cafe in Martin Place, Sydney on 15 and 16 December 2014.

Statements by leave: The Leader of the Opposition in the Senate (Senator Wong), the Leader of the Australian Greens (Senator Milne), the Deputy Leader of The Nationals in the Senate (Senator Nash) and Senators Xenophon and Leyonhjelm, by leave, made statements relating to the matter.

10 CRIMES LEGISLATION AMENDMENT (UNEXPLAINED WEALTH AND OTHER MEASURES) BILL 2014
Order of the day read for the consideration of the bill in committee of the whole.

In the committee

Bill, taken as a whole by leave, debated.

Question—That the bill stand as printed—divided, at the request of Senator Wright, in respect of Schedule 1, items 3 and 24.

Question—That Schedule 1, items 3 and 24 stand as printed—put.
The committee divided—

AYES, 38

Senators—

Back
Bernardi
Brandis
Bullock
Bushby (Teller)
Cameron
Canavan
Colbeck
Dastyari
Day
Gallacher
Ketter
Lazarus
Lines
Ludwig
Lundy
Macdonald
Marshall
Mason
McGrath
McKenzie
McLucas
Moore
Muir
O’Neill
O’Sullivan
Parry
Peris
Polley
Reynolds
Ryan
Singh
Smith
Sterle
Urquhart
Wang
Williams

NOES, 11

Senators—

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

Items agreed to.
Bill agreed to.
Bill to be reported without amendment.

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

On the motion of the Attorney-General (Senator Brandis) the report from the committee was adopted and the bill read a third time.

11 CRIMES LEGISLATION AMENDMENT (PSYCHOACTIVE SUBSTANCES AND OTHER MEASURES) BILL 2014

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

Debate resumed.

At 2 pm: Debate was interrupted while Senator Seselja was speaking.

12 MINISTRY AND MINISTERIAL ARRANGEMENTS—DOCUMENT

The Leader of the Government in the Senate (Senator Abetz) tabled a document showing all members of the Abbott Ministry and ministerial representation, dated 23 December 2014.

13 QUESTIONS

Questions without notice were answered.

14 MOTIONS TO TAKE NOTE OF ANSWERS

The Leader of the Opposition in the Senate (Senator Wong) moved — That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

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 homelessness initiatives.

Question put and passed.

15 **DEATH OF FORMER MEMBER THE HONOURABLE KEPPEL (KEP) EARL ENDERBY, QC**

The President informed the Senate of the death, on 7 January 2015, of the Honourable Keppel (Kep) Earl Enderby, QC, a former minister and member of the House of Representatives for the divisions of the Australian Capital Territory and Canberra from 1970 to 1975.

The Leader of the Government in the Senate (Senator Abetz), by leave, moved—that the Senate records its deep regret at the death, on 7 January 2015, of the Honourable Keppel (Kep) Earl Enderby, QC, former minister and member for the Australian Capital Territory and Canberra, 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.

16 **DEATH OF FORMER MEMBER THE HONOURABLE THOMAS (TOM) UREN, AC**

The President informed the Senate of the death, on 26 January 2015, of the Honourable Thomas (Tom) Uren, AC, a former minister and member of the House of Representatives for the division of Reid from 1958 to 1990.

The Leader of the Government in the Senate (Senator Abetz), by leave, moved—that the Senate records its deep regret at the death, on 26 January 2015, of the Honourable Thomas (Tom) Uren, AC, former minister and member for Reid, 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.

17 **DEATH OF FORMER MEMBERS ERIC JOHN FITZGIBBON AND KEITH WEBB WRIGHT**

The President informed the Senate of the death of the following former members of the House of Representatives:

- Eric John Fitzgibbon, on 24 January 2015, a member for the division of Hunter from 1984 to 1996.
- Keith Webb Wright, on 13 January 2015, a member for the division of Capricornia from 1984 to 1993.

18 **NOTICES**

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—

(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.


Senator Siewert: To move on 11 February 2015—That the Senate—

(a) notes that:

(i) the Western Australian Government has implemented a new catch and kill policy which applies to the International Union for Conservation of Nature red-listed and federally-protected white sharks, and

(ii) the new ‘Serious Threat Guidelines’ (the guidelines) enable a shark to be caught and killed simply for being detected in a location over a number of days, without requiring other preventative actions to be implemented first, such as closing beaches, and allow the continued use of indiscriminate capture measures such as baited drum lines;

(b) condemns the guidelines of the Western Australian Government; and

(c) calls on the Minister for the Environment (Mr Hunt) not to grant any further exemptions to the Western Australian Government under section 158 of the Environment Protection and Biodiversity Conservation Act 1999 that would allow Western Australia to instigate the guidelines. (general business notice of motion no. 588)
Senator Siewert: To move on 12 February 2015—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 26 March 2015:

The impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Security, with particular regard to:

(a) the extent of consultation with service providers concerning the size, scope and nature of services tendered, determination of outcomes and other elements of service and contract design;

(b) the effect of the tendering timeframe and lack of notice on service collaboration, consortia and the opportunity for innovative service design and delivery;

(c) the evidence base and analysis underlying program design;

(d) the clarity of information provided to prospective tenderers concerning service scope and outcomes;

(e) the opportunities created for innovative service design and delivery, including greater service integration or improved service wrap-around, and the extent to which this was reflected in the outcomes of the tender process;

(f) the extent to which tenders were restricted to not-for-profit services, the clarity of these terms, and whether they changed during the notification and tender process;

(g) the implementation and extent of compliance with Commonwealth Grant Guidelines;

(h) the potential and likely impacts on service users concerning service delivery, continuity, quality and reliability;

(i) the framework and measures in place (if any) to assess the impacts of these reforms on service user outcomes and service sustainability and effectiveness;

(j) the information provided to tenderers about how decisions are made, feedback mechanisms for unsuccessful tender applicants, and the participation of independent experts in tender review processes to ensure fairness and transparency;

(k) the impact on advocacy services across the sector;

(l) factors relating to the efficient and effective collection and sharing of data on outcomes within and across program streams to allow actuarial analysis of program, cohort and population outcomes to be measured and evaluated;

(m) the extent of contracts offered, and the associated conditions, to successful applicants; and

(n) any other related matters.

Senator Cameron: To move on the next day of sitting—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 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. (general business notice of motion no. 589)
Senator Rhiannon: To move on the next day of sitting—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
(b) 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. (general business notice of motion no. 590)

Senator Wright: To move on the next day of sitting—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. (general business notice of motion no. 591)

Senator Back: To move on 11 February 2015—That the following bill be
    introduced: A Bill for an Act to amend the Criminal Code Act 1995,
    (general business notice of motion no. 592)

Senator O’Sullivan: To move on the next day of sitting—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. (general business notice
    of motion no. 593)

Senators Xenophon and McKenzie: To move on the next day of sitting—That the
    following matters be referred to the Economics References Committee for inquiry
    and report by 14 May 2015:
(a) the role, importance and overall performance of cooperative, mutual and
    member-owned firms in the Australian economy;
(b) the operations of cooperatives and mutuals in the Australian economy, with particular reference to:
   (i) economic contribution,
   (ii) current barriers to innovation, growth, and free competition,
   (iii) the impact of current regulations, and
   (iv) comparisons between mutual ownership and private sale of publicly held assets and services; and

(c) any related matters.

The Deputy Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Brown): To move on the next day of sitting—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. (general business notice of motion no. 594)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—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. (general business notice of motion no. 595)

Senator Waters: To move on 11 February 2015—That the Senate—
   (a) notes recent media reporting which shows that Adani’s ownership and taxation arrangements in relation to the Abbot Point coal terminal and proposed Carmichael coal mine lack transparency; and
   (b) calls on the Federal Government to urgently establish which individuals or corporate entities control the Abbot Point coal terminal and the Carmichael mine and whether all relevant disclosures have been made to Australian regulators. (general business notice of motion no. 596)

Senator Hanson-Young: To move on the next day of sitting—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. (general business notice of motion no. 597)

Senator Ludlam: To move on the next day of sitting—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 noon on Tuesday, 10 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, and

(ii) affordable housing, including the future of the NPAH. (general business notice of motion no. 598)

Senator Conroy: To move on the next day of sitting—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 14 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.

Senator Whish-Wilson: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 June 2016:

The future role and contribution of regional capitals to Australia, including:

(a) current demographic trends and the role of regional capitals in this change;

(b) current Government funding provided to regional capitals;

(c) an analysis of the appropriate level of funding regional capitals should be receiving based on their population, demand for services and strategic importance;

(d) investment challenges and opportunities to maintain or grow regional capitals, including in areas such as telecommunications technology, transportation links, human services, energy and other infrastructure;

(e) incentives and policy measures required to sustainably grow regional capitals;

(f) the impact the changing environment and demand for water will have on regional capitals; and

(g) any other related matters.

Senator Singh: To move on the next day of sitting—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.

19 **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, 12 February
2015 under the temporary order relating to the consideration of private senators’ bills:

No. 23 Trade and Foreign Investment (Protecting the Public Interest) Bill 2014.
No. 41 Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014.

Question put and passed.

20 **COMMITTEES—EXTENSIONS OF TIME TO REPORT**

The following committees were granted extensions of time to report:

Community Affairs References Committee—Availability of cancer drugs in
Australia, extended to 22 May 2015.

Legal and Constitutional Affairs Legislation Committee—Guardian for

21 **LEAVE OF ABSENCE**

Senator Urquhart, by leave, moved—that leave of absence be granted to Senator
McEwen from 9 to 12 February 2015, for personal reasons.

Question put and passed.

22 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion,
moved business of the Senate notice of motion no. 3—that the following matter be
referred to the Community Affairs References Committee for inquiry and report by
28 April 2015:

The details of Australia’s bid to host the 2022 FIFA World Cup, and in particular:

(a) the use of public funds;
(b) the tactics adopted;
(c) the individuals involved;
(d) the allegations of corruption contained in Mr Michael Garcia’s report to the
   Fédération Internationale de Football Association (FIFA); and
(e) other matters pertaining to potentially inappropriate behaviour in relation to the
   bid.

Question put and negatived.
23 **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. 577—

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) Thursday, 12 February 2015, from 10.30 am;
(b) Thursday, 5 March 2015, from 10.30 am, followed by a public meeting;
(c) Thursday, 19 March 2015, from 10.30 am, followed by a public meeting; and
(d) Thursday, 26 March 2015, from 10.30 am, followed by a public meeting.

Question put and passed.

24 **INDIGENOUS AUSTRALIANS—PARTNERSHIPS WITH RESOURCE COMPANIES**

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 578—

That the Senate acknowledges and encourages the efforts of Indigenous groups across the nation working in partnership with resource companies to provide employment, training and educational opportunities to local Aboriginal populations, where mining activity is occurring on their traditional land.

Question put and passed.

25 **HEALTH—NATIONAL MENTAL HEALTH COMMISSION—MENTAL HEALTH REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator McLucas amended general business notice of motion no. 587 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

That—

(a) there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Wednesday, 11 February 2015, copies of the following National Mental Health Commission documents in relation to its Mental Health review, as referred to during the estimates hearing of the Community Affairs Legislation Committee on Wednesday, 22 October 2014:

(i) the preliminary report completed during February 2014, and
(ii) the interim report completed in June 2014; and

(b) the Senate not accept a public interest immunity claim by the Minister that tabling these documents would impact the Government’s ability to properly respond to the Mental Health Review because:

(i) the production of these documents is necessary to allow people living with mental illness, their representative organisations and service providers to have an open and honest conversation about the future of the mental health system in Australia,

(ii) the Mental Health Review must be transparent for the community to have faith in the review outcomes,

(iii) there has been significant demand from the mental health sector, including consumers, for the reports to be made available, and

(iv) the more than 1 800 organisations and individuals that made submissions to the review have the right to see these reports.

Question put and passed.
26 **POLITICS—BOYCOTT, DIVESTMENT AND SANCTIONS CAMPAIGN**

*Motion determined as not formal:* Senator Bushby, at the request of Senator McKenzie, asked that general business notice of motion no. 579 standing in the name of Senator McKenzie for today, relating to the Boycott, Divestment and Sanctions campaign, be taken as formal.

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

27 **AUSTRALIAN CENTRE FOR SOCIAL COHESION BILL 2015**

Senator Siewert, at the request of the Leader of the Australian Greens (Senator Milne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 585—That the following bill be introduced:

A Bill for an Act to establish the Australian Centre for Social Cohesion, and for related purposes.

Question put and passed.

Senator Siewert presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

28 **DEFENCE—ASC PTY LTD**

Senator Urquhart, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 586—That the Senate—

(a) notes the motion passed in the South Australian House of Assembly on Wednesday, 3 December 2014, with the support of Labor, Liberal and crossbench members, that:

(i) condemned the remarks of the Commonwealth Minister for Defence that he would not trust the Australian Submarine Corporation (ASC) to ‘build a canoe’,

(ii) reaffirmed its support for ASC workers and all other South Australians employed in the Defence industry,

(iii) demanded that the Abbott Liberal Government upholds its election commitment to build the 12 future submarines in Adelaide, and

(iv) noted that Australians should have the right to trust the word of its leaders when it comes to decisions that affect the national security of this country; and

(b) concurs with the sentiments expressed by the South Australian House of Assembly.

Question put and passed.
29 FOREIGN AFFAIRS—RECOGNITION OF PALESTINE

Motion determined as not formal: Senator Siewert, at the request of the Leader of the Australian Greens (Senator Milne), asked that general business notice of motion no. 581 standing in the name of the Senator Milne for today, relating to the recognition of Palestine as a state, be taken as formal.

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

30 TAXATION—CORPORATE TAX AVOIDANCE

Senator Siewert, at the request of the Leader of the Australian Greens (Senator Milne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 580—That the Senate—

(a) notes:

(i) the Abbott Government’s failure to propose and deliver revenue measures that target the big end of town, instead of the sick, the young and the poor, and

(ii) the billions in foregone revenue from corporate tax avoidance in Australia that could be recouped simply by enforcing current laws; and

(b) calls on the Treasurer (Mr Hockey) to do more to crack down on corporate tax avoidance in Australia instead of persisting with cruel budget measures that have been rejected by the Australian people.

Question put and passed.

31 TRADE—TRANS-PACIFIC PARTNERSHIP AGREEMENT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Siewert, at the request of Senator Whish-Wilson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 583—That there be laid on the table by the Minister representing the Minister for Trade and Investment, no later than 3.30 pm on Tuesday, 10 February 2015, a copy of:

(a) the draft investment chapter of the Trans-Pacific Partnership Agreement that refers to state-owned enterprises (SOEs); and

(b) the list of Australian SOEs that the Australian Government has requested be exempted from investment clauses in the Trans-Pacific Partnership Agreement.

Question put and negatived.

32 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—ABBOTT GOVERNMENT

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

The chaos, division, dysfunction and mistrust at the heart of the Coalition Government.

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

33 DOCUMENTS—CONSIDERATION

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.
34 **EDUCATION—SCHOOLS AND CROSS-BORDER EDUCATION—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) tabled the following document:

Education—Our achievements in schools and cross-border education—Ministerial statement by the Minister for Education (Mr Pyne), dated 4 December 2014.

35 **DEFENCE LEGISLATION AMENDMENT (MILITARY JUSTICE ENHANCEMENTS—INSPECTOR-GENERAL ADF) BILL 2014—EXPLANATORY MEMORANDUM**

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) tabled a correction to the explanatory memorandum relating to the Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014.

36 **MIGRATION AND MARITIME POWERS LEGISLATION AMENDMENT (RESOLVING THE ASYLUM LEGACY CASELOAD) BILL 2014**

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


37 **GOVERNOR-GENERAL’S MESSAGES—ASSENT TO LAWS**

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

4 December 2014—Messages Nos—

61—

Customs Amendment (Japan-Australia Economic Partnership Agreement Implementation) Act 2014 (Act No. 124, 2014)


62—

Aged Care and Other Legislation Amendment Act 2014 (Act No. 126, 2014)


12 December 2014—Messages Nos—

65—

Tertiary Education Quality and Standards Agency Amendment Act 2014 (Act No. 130, 2014)


66—

ACT Government Loan Act 2014 (Act No. 132, 2014)


38 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—GUARDIAN FOR UNACCOMPAINED CHILDREN BILL 2014**

Pursuant to order, Senator Ruston, 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 Ruston.

39 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—TELECOMMUNICATIONS LEGISLATION AMENDMENT (DEREGULATION) BILL 2014 AND RELATED BILL**

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


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

40 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—BROADCASTING AND OTHER LEGISLATION AMENDMENT (DEREGULATION) BILL 2014**

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


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

41 **CRIMES LEGISLATION AMENDMENT (PSYCHOACTIVE SUBSTANCES AND OTHER MEASURES) BILL 2014**

Order of the day read for the adjourned debate on the motion of the Minister for Finance (Senator Cormann)—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 McLucas, in respect of Schedule 2, item 14; and item 18, section 361.5.
Schedule 2, item 14; and item 18, section 361.5 debated.
Question—That Schedule 2, item 14; and item 18, section 361.5 stand as printed—put.
The committee divided—

AYES, 31

Senators—
Back
Bernardi
Birmingham
Bushby
Canavan
Cash
Colbeck
Day

Edwards
Fawcett
Fierravanti-Wells
 Fifield
 Heffernan
 Johnston
 Lazarus
 Macdonald

Mason
McGrath
McKenzie
Muir
Nash
O'Sullivan
 Parry
 Payne

Reynolds
Ruston (Teller)
Ryan
Seselja
Smith
Wang
Williams

NOES, 31

Senators—
Bilyk
Brown
Bullock
Cameron
Conroy
Dastyari
Dine Natale
Gallacher
 Hanson-Young
 Ketter
 Leyonhjelm
 Lines
 Ludlam
 Ludwig
 Marshall

McLucas
Milne
Moore
O'Neil
 Peris
Rhiannon
Rice
Siewert

Singh
Sterle
Urquhart (Teller)
Waters
Whish-Wilson
Wight
Xenophon

The ayes and noes were equal and so the item and section were negatived.
Bill, as amended, debated and agreed to.
Bill to be reported with amendments.

The Acting Deputy President (Senator Seselja) resumed the chair and the Temporary Chair of Committees reported accordingly.
On the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) the report from the committee was adopted and the bill read a third time.

42 INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 2014
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Scullion the bill was read a third time.

43 TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2013
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.
Debate resumed.
Question put.
The Senate divided—

AYES, 34

Senators—

Back
Bernardi
Birmingham
Busby
Cash
Colbeck
Cormann
Day
Edwards

Fawcett (Teller)
Ferravanti-Wells
Fifield
Heffernan
Johnston
Lazarus
Macdonald
Madjig
Mason

McGrath
Muir
Nash
O’Sullivan
Parry
Payne
Reynolds
Ronalson

Ruston
Ryan
Scullion
Seselja
Smith
Wang
Williams
Xenophon

NOES, 31

Senators—

Bilyk (Teller)
Brown
Bullock
Cameron
Carr
Collins
Conroy
Dastyari

Di Natale
Gallacher
Hanson-Young
Ketter
Lambie
Lines
Ludlam
Ludwig

Marshall
McLucas
Milne
Moore
Peris
Polley
Rhiannon
Rice

Siewert
Singh
Sterle
Urquhart
Waters
Whish-Wilson
Wright

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

In the committee

Bill taken as a whole by leave.
The Leader of the Australian Greens (Senator Milne) moved the following amendment:

Schedule 1, page 3 (line 1) to page 4 (line 13), omit the Schedule, substitute:

Schedule 1—Quarterly R&D credits

Part 1—Main amendment

Taxation Administration Act 1953

1 After Part 2-10 in Schedule 1

Insert:

Part 2-15—Quarterly credits of refundable tax offsets

Division 48—Quarterly credits

Table of Subdivisions

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Guide to Division 48

48-1 What this Division is about

You can apply to participate in the quarterly credits system for an income year if you expect to be entitled to refundable tax offsets for the income year that are covered by the system.

Participating gives you quarterly credits towards your likely refund from those tax offsets. These credits will either be based on your refund from a recent income year, or on a varied amount chosen by you after estimating your refund for the current year.

A reconciliation happens when the current year’s assessment is made. General interest charge may be payable if you chose to base your credits on a varied amount and they are excessively high.

Subdivision 48-A—Object

Table of sections

48-3 Object

48-3 Object

The object of this Division is to benefit the Australian economy by improving entities’ cash flow by enabling them to realise the benefit of certain expected refundable tax offsets on a quarterly basis during the income year.

Subdivision 48-B—Participating in the quarterly credits system

Table of sections

48-5 Participating in the quarterly credits system

48-10 Refusing participation

48-15 Applying to participate

48-5 Participating in the quarterly credits system

(1) The Commissioner may, on application, allow you to participate in the quarterly credits system for:

(a) each of the *instalment quarters in an income year, other than any excluded under subsection (3); and

(b) one or more specified *tax offsets covered by section 48-100.

Note: If you are dissatisfied with a decision under this subsection, you may object against it in the manner set out in Part IVC (see section 48-800).
2063

(2) The Commissioner must notify you in writing of:
(a) the Commissioner’s decision under subsection (1); and
(b) the reasons for the decision, if the decision refuses to allow you to participate as set out in your application.

(3) An *instalment quarter is excluded if the Commissioner receives your application after:
(a) if all or a part of a December falls within the last month of the instalment quarter—the next 14 February after the end of the instalment quarter; or
(b) otherwise—the 14th day after the end of the instalment quarter.

48-10 Refusing participation

(1) The Commissioner must, under subsection 48-5(1), refuse to allow you to participate for:
(a) any of the *instalment quarters, and a specified *tax offset, if the Commissioner is aware that you fail a test in Subdivision 48-C necessary for that participation; or
(b) a specified instalment quarter, and a specified tax offset, if during that instalment quarter you have already withdrawn under section 48-400 from participating in the *quarterly credits system for that tax offset.

Note 1: The Commissioner may allow you to participate to the extent that paragraph (a) or (b) does not prevent this.

Note 2: This subsection applies separately for each tax offset mentioned in your application.

(2) The Commissioner may, under subsection 48-5(1), refuse to allow you to participate for one or more specified *instalment quarters and *tax offsets if:
(a) you fail to give the Commissioner, in accordance with section 48-15, information requested under that section; or
(b) for a tax offset listed in table item 20 (about R&D) in section 48-100—at any time you failed to give *Innovation Australia, in accordance with section 28H of the Industry Research and Development Act 1986, information requested under that section of that Act.

48-15 Applying to participate

(1) An application to participate in the *quarterly credits system for one or more *instalment quarters in an income year, and one or more *tax offsets, must be given to the Commissioner in the *approved form before:
(a) if all or a part of a December falls within the last month of the income year—the next 15 February after the end of the income year; or
(b) otherwise—the 15th day after the end of the income year.

(2) The Commissioner may request you in writing to give specified information to the Commissioner about your application.
The request may be for the information to be given to the Commissioner in the *approved form within:

(a) 14 days after the request was made; or
(b) a further period allowed by the Commissioner.

Note: A failure to give the information in accordance with this subsection may result in the Commissioner refusing to allow you to participate (see subsection 48-10(2)).

Subdivision 48-C—Tests for participation

Table of sections

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<th>Complying taxpayer test</th>
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<tr>
<td>48-100</td>
<td>Tests for participation</td>
<td>Reasonable receipt test</td>
<td>Complying taxpayer test</td>
</tr>
</tbody>
</table>

48-100 Tests for participation

To participate in the *quarterly credits system for one or more *instalment quarters in an income year and a *tax offset listed in the table, you must pass each of the following tests:

(a) the reasonable receipt test in section 48-105;
(b) the complying taxpayer test in section 48-110;
(c) any extra test listed in the table for the tax offset.

Relevant tax offsets and any extra tests

<table>
<thead>
<tr>
<th>Item</th>
<th>Participating in the quarterly credits system for this tax offset:</th>
<th>requires you to pass these extra tests (if any):</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>the *tax offset to which entities become entitled under section 355-100 (about R&amp;D) of the Income Tax Assessment Act 1997</td>
<td>you must have been entitled to a tax offset under that section for at least one of the last 5 income years</td>
</tr>
</tbody>
</table>

48-105 Reasonable receipt test

It must be reasonable to expect that:

(a) you will become entitled to the *tax offset for the income year; and
(b) the tax offset will be subject to the refundable tax offset rules.

48-110 Complying taxpayer test

(1) You pass the complying taxpayer test if:

(a) no part of any of your *tax-related liabilities remains unpaid after the time by which that liability is due to be paid; and
(b) during the current income year, and the 5 most recent income years, you have not been convicted of an offence against:
   (i) a *taxation law; or
   (ii) a law relating to a taxation law; and
(c) you are complying with all of your obligations under taxation laws to provide documents or information to the Commissioner or another entity; and
(d) it is reasonable to expect that you will comply with your obligations under taxation laws in the future.
(2) However, if this table applies to you, the corresponding entities mentioned in the table (your managing entities) must also satisfy the paragraphs in subsection (1).

<table>
<thead>
<tr>
<th>Item</th>
<th>If you are:</th>
<th>these entities must also satisfy the paragraphs in subsection (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a partnership</td>
<td>each of your partners</td>
</tr>
<tr>
<td>2</td>
<td>a *corporate limited partnership</td>
<td>each of your *general partners</td>
</tr>
<tr>
<td>3</td>
<td>a trust</td>
<td>your trustee</td>
</tr>
<tr>
<td>4</td>
<td>an unincorporated association</td>
<td>each member of your committee of management</td>
</tr>
</tbody>
</table>

Note: This subsection only applies to each of your managing entities when it is in that capacity (see section 960-100 of the *Income Tax Assessment Act 1997*).

**Subdivision 48-D—Working out and paying quarterly credit amounts**

**Table of sections**

48-200 Quarterly credit amounts  
48-205 Standard amount  
48-210 Choosing a varied amount  
48-215 Disallowing proposed varied amounts  
48-220 Notifying the Commissioner of proposed varied amounts  
48-225 When quarterly credit amounts are payable to you  
48-230 When quarterly credit amounts are payable by you  
48-235 The amount’s quarterly credit due day

**48-200 Quarterly credit amounts**

If you are participating in the *quarterly credits system for an instalment quarter in an income year (the present year)* and one or more *tax offsets (the present tax offsets)*, your quarterly credit amount for the instalment quarter and the present tax offsets is:  
(a) any varied amount applying under section 48-210 for the instalment quarter and the present tax offsets; or  
(b) otherwise—the standard amount worked out under section 48-205.

Note: If you recommence participating in the quarterly credits system, paragraph (a) covers any varied amount applying for the instalment quarter under your earlier participation in the system.
48-205 Standard amount

(1) If:
   (a) for the most recent income year (the *reference year*) for which
       the Commissioner has made an assessment of your income tax,
       you were entitled to *tax offsets of the same kinds as each of the
       present tax offsets; and
   (b) those reference year tax offsets were subject to the refundable tax
       offset rules; and
   (c) the reference year is one of the last 2 income years immediately
       before the present year;

      the standard amount worked out under this section is \( \frac{1}{4} \) of the lesser
      of:
   (d) the total amount of those reference year tax offsets; and
   (e) the total of your *tax offset refunds (for tax offsets of any kind)
       for the reference year.

      Note: If the instalment quarter is the first in the present year, the reference
      year will usually be a different year to that for later instalment
      quarters.

(2) Otherwise, the standard amount worked out under this section is nil.

48-210 Choosing a varied amount

(1) You can choose to notify the Commissioner under section 48-220 of a
proposed varied amount for the *instalment quarter and the present tax
offsets.

      Note: If you do, your notice must include a proposed varied amount for
      each later instalment quarter in the income year (see paragraph 48-215(1)(a)). A later notice can propose a replacement
      varied amount for those later instalment quarters.

(2) An amount you so not notify for an *instalment quarter is the varied
amount applying under this section for that instalment quarter and the
present tax offsets if that amount is the most recent that:
   (a) has been so notified for that instalment quarter; and
   (b) has not been disallowed by the Commissioner.

      That amount may be a nil or negative amount.

(3) The Commissioner may disallow a proposed varied amount.

      Note: If you are dissatisfied with a decision under this subsection, you
      may object against it in the manner set out in Part IVC (see
      section 48-800).

(4) The Commissioner must notify you in writing of:
   (a) a decision under subsection (3) to disallow a proposed varied
       amount; and
   (b) the reasons for the decision.
48-215 Disallowing proposed varied amounts

(1) The Commissioner must, under subsection 48-210(3), disallow each proposed varied amount included in your notice given under section 48-220 if:

(a) that notice does not include a proposed varied amount for each of the following *instalment quarters in the present year for which you are participating in the *quarterly credits system:

(i) an instalment quarter that is yet to end when you gave that notice;
(ii) an instalment quarter for which the last month included all or a part of a December, if you gave that notice before the next 15 February;
(iii) an instalment quarter that ended less than 15 days before you gave that notice; or
(b) for any of the proposed varied amounts included in that notice (the *test amount), the sum of:

(i) the test amount; and
(ii) any of the other proposed varied amounts that are for earlier instalment quarters in the present year; and
(iii) your *quarterly credit amounts payable for any earlier instalment quarters in the present year;

is less than nil or exceeds the amount worked out under subsection (2).

(2) Work out the amount from the following formula:

\[
\frac{3}{2} \times \text{VET provider’s adjusted 2015 total loan amount}
\]

where:

*estimated end of year amount* means the lesser of:

(a) the likely total of the present tax offsets and any other *tax offsets for which you are participating in the *quarterly credits system for an earlier *instalment quarter in the present year; and
(b) the likely total of your *tax offset refunds (for tax offsets of any kind) for the present year.

*number of instalment quarters so far* means the number of *instalment quarters in the income year, up to (and including) the instalment quarter for which the test amount is proposed, for which you are participating in the *quarterly credits system.

(3) The Commissioner may, under subsection 48-210(3), disallow each proposed varied amount included in your notice under section 48-220 if you fail to give the Commissioner, in accordance with that section, information requested under that section.
(4) The Commissioner must not, under subsection 48-210(3), disallow the proposed varied amounts included in your notice under section 48-220 if:
   (a) none of the following provisions applies:
      (i) paragraph (1)(a) or subsection (3);
      (ii) paragraph (1)(b), if the sum in that paragraph is less than nil; and
   (b) each of those proposed varied amounts is less than or equal to the amount that would otherwise be your "quarterly credit amount for the relevant "instalment quarter and the present tax offsets.

48-220 Notifying the Commissioner of proposed varied amounts
(1) A notice of one or more proposed varied amounts must be given to the Commissioner in the "approved form before:
   (a) if all or a part of a December falls within the last month of the earliest of the "instalment quarters to which the amounts relate— the next 15 February after the end of that instalment quarter; or
   (b) otherwise—the 15th day after the end of the earliest of the instalment quarters to which the amounts relate.

Note: You must keep records in relation to the varied amount (see section 262A of the Income Tax Assessment Act 1936).

(2) The Commissioner may request you in writing to give specified information to the Commissioner about the notice.

(3) The request may be for the information to be given to the Commissioner in the "approved form within:
   (a) 14 days after the request was made; or
   (b) a further period allowed by the Commissioner.

Note: A failure by you to give the information in accordance with this subsection may result in the Commissioner refusing to allow the proposed varied amounts (see subsection 48-215(3)).

48-225 When quarterly credit amounts are payable to you

General rule
(1) The Commissioner must, on behalf of the Commonwealth, pay you your "quarterly credit amount for an "instalment quarter and the present tax offsets on or before this day:
   (a) the 28th day of the calendar month after the end of the instalment quarter; or
   (b) if all or a part of a December falls within the last month of the instalment quarter—the next 28 February.

Delayed payment—varied amount under examination
(2) Despite subsection (1), if:
   (a) your "quarterly credit amount is a varied amount applying under section 48-210 that exceeds the amount otherwise payable to you; and
   (b) the Commissioner is examining whether to disallow that varied amount;
the Commissioner may, until the examination ends, delay paying you so much of that varied amount as is equal to the excess.

Note 1: If you are dissatisfied with a decision under this subsection to delay payment of the excess, you may object against it in the manner set out in Part IVC (see section 48-800).

Note 2: Interest accrues under Part IIIAB of the Taxation (Interest on Overpayments and Early Payments) Act 1983 while the Commissioner delays payment of the excess.

Note 3: The excess (and the interest) is not payable if the examination results in the varied amount being disallowed.

Delayed payment—participation under examination

(3) Despite subsection (1), the Commissioner may delay paying you your quarterly credit amount if and while:

(a) the Commissioner is examining whether your participation should be revoked; or

(b) the Commissioner is aware that a regulator mentioned in the table is examining a matter relevant to whether your participation should be revoked.

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<th>Item</th>
<th>If the present tax offsets include:</th>
<th>the other regulator is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>the tax offset listed in table item 20 (about R&amp;D) in section 48-100</td>
<td></td>
</tr>
</tbody>
</table>

Note 1: If you are dissatisfied with a decision under this subsection to delay your payment, you may object against it in the manner set out in Part IVC (see section 48-800).

Note 2: Interest accrues under Part IIIAB of the Taxation (Interest on Overpayments and Early Payments) Act 1983 while the Commissioner delays your payment.

Note 3: Your payment (and the interest) is not payable if the examination results in your participation being revoked.

Delayed payment—you cannot receive electronic payments etc.

(4) Despite subsection (1), the Commissioner must delay paying you your quarterly credit amount if and while the Commissioner is aware that your circumstances do not enable payments to be made to you in accordance with subsection 48-820(1) (about electronic payments etc.).

Note: Interest accrues under Part IIIAB of the Taxation (Interest on Overpayments and Early Payments) Act 1983 if the Commissioner delays your payment more than 14 days after becoming aware that electronic payments can now be made to you.

Matters relevant to delayed payments

(5) The Commissioner must notify you in writing of:

(a) a decision under subsection (2), (3) or (4) to delay your payment; and

(b) the reasons for the decision.
Payments cannot be made on or after assessment

(6) Despite subsection (1), your quarterly credit amount for an instalment quarter and the present tax offsets must not be paid to you on or after the assessment day (see paragraph 48-300(1)(b)) for the present year.

48-230 When quarterly credit amounts are payable by you

(1) However, if your quarterly credit amount for the instalment quarter and the present tax offsets is a negative amount, you are liable to pay the Commonwealth that amount (expressed as a positive amount).

Note: The amount will only be a negative amount if you choose a varied amount that is a negative amount.

(2) That amount is due and payable on the quarterly credit amount’s quarterly credit due day.

Note: For provisions about collection and recovery of the amount, see Part 4-15.

(3) If any of that amount (the varied amount) remains unpaid after the quarterly credit amount’s quarterly credit due day, you are liable to pay the general interest charge on the unpaid amount for each day in the period that:

(a) starts on the day after that due day; and
(b) ends on the last day any of the following remains unpaid:
   (i) the varied amount;
   (ii) general interest charge on any of the varied amount.

(4) This section does not apply if the quarterly credit amount’s quarterly credit due day is on or after the assessment day (see paragraph 48-300(1)(b)) for the present year.

48-235 The amount’s quarterly credit due day

The quarterly credit due day for a quarterly credit amount is:

(a) if that amount is a positive amount—the day referred to in subsection 48-225(1); or
(b) if that amount is a nil or negative amount—the day that would have been the day referred to in subsection 48-225(1) were that amount a positive amount.

Subdivision 48-E—End of year reconciliation

Table of sections

48-300 Debit equal to the total quarterly credits paid
48-305 When the debit is due
48-350 Liability to GIC on excess quarterly credits worked out using varied amounts
48-355 Benchmark amount for the variation quarter

48-300 Debit equal to the total quarterly credits paid

(1) You are liable to pay the Commonwealth an amount (a debit) under this section if:
   (a) you are participating in the quarterly credits system for one or more instalment quarters in an income year and one or more tax offsets; and
(b) on a particular day (the assessment day), the Commissioner makes an assessment:

(i) of the total of your tax offset refunds for the income year; or

(ii) that you can get no such refunds for the income year.

Note: The debit will be offset by a credit equal to the total of your tax offset refunds.

(2) The debit is equal to the sum of your quarterly credit amounts for those instalment quarters and those tax offsets, disregarding so much of any of those amounts as:

(a) is a positive amount not paid before the assessment day; or
(b) is a negative amount with a quarterly credit due day that is on or after the assessment day.

Note: This debit only includes your quarterly credit amounts for those instalment quarters for which you are participating in the quarterly credits system. It does not include quarterly credit amounts for instalment quarters for which you (under Subdivision 48-F) have ceased to participate.

(3) The Commissioner must give you notice of the debit, unless subsection 166A(3) of the Income Tax Assessment Act 1936 applies to you for the income year.

Note 1: This could be done by including the debit in the notice of your assessment referred to in paragraph (1)(b).

Note 2: The debit is the debit as amended. So, if a previously notified debit is incorrect, notice of the debit (as amended) must also be given for this subsection to be satisfied.

48-305 When the debit is due

(1) Parts of the debit may be due on different days.

(2) So much of the debit as does not exceed the total of your tax offset refunds for the income year is due and payable on the assessment day.

Note: This part of the debit will be offset by the credit equal to the total of your tax offset refunds.

(3) So much of the debit (if any) as exceeds the total of your tax offset refunds for the income year is due and payable on the day your income tax for the income year:

(a) is due and payable; or
(b) would have been due and payable if you were liable to pay income tax for the income year.

Note 1: For the day income tax is due, see section 5-5 of the Income Tax Assessment Act 1997.

Note 2: For provisions about collection and recovery of this excess, see Part 4-15.

(4) If so much of the debit as is covered by subsection (3) (the excess) remains unpaid after the time by which it is due to be paid, you are liable to pay the general interest charge on the unpaid amount for each day in the period that:

(a) starts on the day after the excess was due to be paid; and
(b) ends on the last day any of the following remains unpaid:
   (i) the excess;
   (ii) general interest charge on any of the excess.

48-350 Liability to GIC on excess quarterly credits worked out using varied amounts

(1) You are liable to pay the "general interest charge under this section if:
   (a) you are participating in the "quarterly credits system for an 
      "instalment quarter (the variation quarter) in an income year and 
      one or more "tax offsets; and
   (b) this is the case:

      Benchmark amount < 85% of your total credits

      where:

      benchmark amount means the amount worked out under 
      section 48-355 for the variation quarter and those tax offsets.

      your total credits means the sum of your "quarterly credit 
      amounts for the variation quarter and any earlier instalment 
      quarters in the income year, disregarding so much of any of those 
      amounts as:

      (i) is a positive amount not paid before the assessment day 
          (see paragraph 48-300(1)(b)) for the income year; or
      (ii) is a negative amount with a "quarterly credit due day that 
           is on or after that assessment day.

      Note: You will not be liable for this charge if your quarterly credit 
           amounts have never been varied above the standard amounts, as 
           your total credits will never exceed the benchmark amount (see 
           section 48-355).

(2) You are liable to pay the "general interest charge on the difference 
    between your total credits and the benchmark amount.

(3) You are liable to pay the charge for each day in the period:
   (a) starting on the "quarterly credit due day for your "quarterly credit 
       amount for the variation quarter; and
   (b) ending on the earlier of:

      (i) if you have a quarterly credit amount for one or more later 
          "instalment quarters in the income year—the quarterly 
          credit due day for the first of those later quarterly credit 
          amounts; and
      (ii) the assessment day (see paragraph 48-300(1)(b)) for the 
           income year.

      Note: Subparagraph (b)(i) includes the case where you have a nil or 
           negative quarterly credit amount for a later instalment quarter.

(4) The Commissioner must give you written notice of the "general 
    interest charge to which you are liable under subsection (2). You must 
    pay the charge within 14 days after you are given that notice.

      Note: The Commissioner may remit the charge (see section 8AAG).
(5) If any of the *general interest charge to which you are liable under
subsection (2) (the original GIC) remains unpaid at the end of the
14 days referred to in subsection (4), you are also liable to pay the
general interest charge on the unpaid amount for each day in the period
that:
(a) starts on the day after those 14 days; and
(b) ends on the last day any of the following remains unpaid:
   (i) the original GIC;
   (ii) general interest charge on any of the original GIC.

48-355 Benchmark amount for the variation quarter

(1) The amount worked out under this section for the variation quarter and
those *tax offsets is the greater of:
   (a) the sum of the standard amounts worked out under
      section 48-205 for:
      (i) the variation quarter; and
      (ii) any earlier *instalment quarters in the income year for
      which you are participating in the *quarterly credits
      system; and
   (b) the amount applying under subsection (2).

(2) The amount applying under this subsection is as follows:

\[
\frac{\text{Number of instalment quarters so far}}{4} \times \text{End of year amount}
\]

where:

end of year amount means the lesser of:
(a) either:
   (i) the total amount of those *tax offsets and any other tax
       offsets for which you are participating in the *quarterly
       credits system for an earlier *instalment quarter in the
       income year; or
   (ii) nil, if you are not entitled to any of the tax offsets referred
       to in subparagraph (i) for the income year; and
(b) the total of your *tax offset refunds (for tax offsets of any kind)
    for the income year.

number of instalment quarters so far means the number of
*instalment quarters in the income year, up to (and including) the
variation quarter, for which you are participating in the *quarterly
credits system.

Subdivision 48-F—Ending participation

Table of sections

48-400 Withdrawing participation
48-405 You must withdraw if you later fail a test etc.
48-410 Excusing noncompliance after you start participating
48-415 Applying for noncompliance to be excused
48-420 Revoking participation
Collecting and recovering quarterly credits paid to you for quarters for which you no longer participate

Recovering quarterly credits paid by you for quarters for which you no longer participate

**48-400 Withdrawing participation**

(1) You may withdraw from participating in the *quarterly credits system for any or all of the *instalment quarters (whether past, current or future) in the income year and one or more *tax offsets.

Note: You will need to repay any quarterly credit amounts paid to you for instalment quarters that you later withdraw from (see section 48-425).

(2) A withdrawal must be by notice given to the Commissioner in the *approved form.

(3) The withdrawal takes effect, for the *instalment quarters and *tax offsets specified in it, when it is given to the Commissioner.

Note: You may apply to participate again in the quarterly credits system for later instalment quarters in the income year.

(4) A withdrawal is irrevocable.

**48-405 You must withdraw if you later fail a test etc.**

**Failing a test necessary for participation**

(1) You contravene this subsection if:

(a) you are participating in the *quarterly credits system for an *instalment quarter in an income year and a *tax offset; and

(b) during the instalment quarter, you (or any of your *managing entities) fail a test in Subdivision 48-C necessary for that participation, other than paragraph 48-110(1)(a) or (c); and

(c) that participation is not revoked under section 48-420; and

(d) you do not, within 28 days after that failure happened or started, withdraw from participating in the quarterly credits system for the instalment quarter and the tax offset in accordance with section 48-400.

Note 1: This subsection applies separately for each instalment quarter and tax offset for which you are participating in the quarterly credits system.

Note 2: Your managing entities may contravene this subsection if you are a partnership, trust or unincorporated association or body (see Division 444).

**Failing to comply with a taxation obligation**

(2) You contravene this subsection if:

(a) you are participating in the *quarterly credits system for an *instalment quarter in an income year and a *tax offset; and

(b) during the instalment quarter, you (or any of your *managing entities) fail to comply with an obligation under a *taxation law (whether the obligation arises before, at or after the start of the instalment quarter); and

(c) that participation is not revoked under section 48-420; and
(d) none of the following happen within 28 days after that failure happened or started:
   (i) that failure is excused under subsection 48-410(2);
   (ii) you apply for that failure to be excused under subsection 48-410(2);
   (iii) you withdraw from participating in the quarterly credits system for the instalment quarter and the tax offset in accordance with section 48-400.

Note 1: This subsection applies separately for each instalment quarter and tax offset for which you are participating in the quarterly credits system.

Note 2: Your managing entities may contravene this subsection if you are a partnership, trust or unincorporated association or body (see Division 444).

Strict liability offence
(3) You commit an offence of strict liability if you contravene subsection (1) or (2).
   Penalty: 60 penalty units.

Note 1: For strict liability, see section 6.1 of the Criminal Code.

Note 2: Section 4K of the Crimes Act 1914 applies to an offence against this subsection, so you commit an offence for each day after that 28 day period that you do not withdraw from the quarterly credits system.

Administrative penalty
(4) You are liable to pay to the Commissioner a penalty of 20 penalty units if you contravene subsection (1) or (2).

Note 1: Division 298 in this Schedule contains machinery provisions for administrative penalties.

Note 2: This administrative penalty is not payable if you are prosecuted under subsection (3) for the same contravention (see section 8ZE).

48-410 Excusing noncompliance after you start participating
(1) This section applies if:
   (a) you are participating in the quarterly credits system for one or more instalment quarters in an income year and a tax offset; and
   (b) after you start participating, you (or any of your managing entities) fail to comply with an obligation under a taxation law (whether the obligation arises before, at or after the time you start participating).

Note: This subsection applies separately for each tax offset for which you are participating in the quarterly credits system for those instalment quarters.

(2) For the purposes of this Division, the Commissioner may excuse that failure.

Note: If you are dissatisfied with a decision under this subsection, you may object against it in the manner set out in Part IVC (see section 48-800).
(3) In deciding whether to excuse that failure, the Commissioner must have regard to:
   (a) the consequences of that failure; and
   (b) the consequences of any other failure for which this section applies in relation to that participation; and
   (c) the likelihood of you (and your *managing entities (if any)) complying in the future with obligations under taxation laws; and
   (d) the likely consequences if you (or any of those managing entities) do not so comply.

(4) That failure may be excused, under subsection (2), on the Commissioner’s own initiative or on application.

(5) The Commissioner may, under subsection (2), refuse to excuse that failure if you fail to give the Commissioner, in accordance with section 48-415, information requested under that section.

(6) The Commissioner must notify you in writing of:
   (a) the Commissioner’s decision under subsection (2); and
   (b) if the decision refuses to excuse that failure—the reasons for the decision.

48-415 Applying for noncompliance to be excused

(1) An application for the Commissioner to excuse a failure must be given to the Commissioner in the *approved form within:
   (a) 28 days after the day that failure happened or started; or
   (b) a further period allowed by the Commissioner.

(2) The Commissioner may request you in writing to give specified information to the Commissioner about your application.

(3) The request may be for the information to be given to the Commissioner in the *approved form within:
   (a) 14 days after the request was made; or
   (b) a further period allowed by the Commissioner.

Note: A failure to give the information in accordance with this subsection may result in the Commissioner refusing to excuse that failure (see subsection 48-410(5)).

48-420 Revoking participation

*Mandatory revocation if fail a test when start participating*

(1) The Commissioner must, by notice in writing given to you, revoke your participation in the *quarterly credits system for:
   (a) all of the *instalment quarters (whether past, current or future) in an income year; and
   (b) one or more *tax offsets;

if the Commissioner is aware that, when you started participating, you (or any of your *managing entities) failed a test in Subdivision 48-C necessary for that participation.

Note: If you are dissatisfied with a decision under this subsection, you may object against it in the manner set out in Part IVC (see section 48-800).
Revocation if default event happens

(2) The Commissioner may, by notice in writing given to you, revoke your participation in the quarterly credits system for any or all of the instalment quarters (whether past, current or future) in an income year and one or more tax offsets if:

(a) at any time during the income year after you start participating, you (or any of your managing entities) fail a test in Subdivision 48-C necessary for that participation, other than paragraph 48-110(1)(a) or (c); or
(b) at any time during the income year after you start participating:
   (i) you (or any of your managing entities) fail to comply with an obligation under a taxation law (whether the obligation arises before, at or after the time you start participating); and
   (ii) the failure has not been excused under subsection 48-410(2); or
(c) you do not lodge your income tax return for the income year with the Commissioner on or before the required day.

Note: If you are dissatisfied with a decision under this subsection, you may object against it in the manner set out in Part IVC (see section 48-800).

Matters relevant to revocations

(3) A revocation takes effect for:

(a) the tax offsets specified in the notice; and
(b) for a revocation under subsection (2)—the instalment quarters specified in the notice.

(4) A notice under subsection (1) or (2) must include the reasons for the revocation.

48-425 Collecting and recovering quarterly credits paid to you for quarters for which you no longer participate

(1) If:

(a) on a particular day (the payment day), you are paid all or part of a quarterly credit amount for an instalment quarter in an income year and one or more tax offsets; and
(b) under this Subdivision, you cease to participate in the quarterly credits system for that instalment quarter and one or more of those tax offsets;

you are liable to repay the Commonwealth so much of that amount as you were paid (the repayable amount).

(2) The repayable amount is due and payable on the payment day.

Note: For provisions about collection and recovery of that amount, see Part 4-15.

(3) If any of the repayable amount remains unpaid after the payment day, you are liable to pay the general interest charge on the unpaid amount for each day in the period that:

(a) starts on the day after the payment day; and
(b) ends on the last day any of the following remains unpaid:

(i) the repayable amount;
(ii) general interest charge on any of the repayable amount.

48-430 Recovering quarterly credits paid by you for quarters for which you no longer participate

(1) If:

(a) on a particular day (the payment day), you pay an amount under section 48-230 for an *instalment quarter in an income year and one or more *tax offsets; and

(b) under this Subdivision, you cease to participate in the *quarterly credits system for that instalment quarter and those tax offsets;

the Commissioner must, on behalf of the Commonwealth, repay that amount to you on or before the 14th day after the day the notice is given that causes that cessation.

Note: See Division 3A of Part IIB for the rules about how the Commissioner must pay that amount. Division 3 of Part IIB allows the Commissioner to apply that amount as a credit against tax debts that you owe to the Commonwealth.

(2) However, the Commissioner must delay repaying you that amount if and while the Commissioner is aware that your circumstances do not enable payments to be made to you in accordance with subsection 48-820(1) (about electronic payments etc.).

Note: Interest accrues under Part IIIAB of the Taxation (Interest on Overpayments and Early Payments) Act 1983 if the Commissioner delays the repayment more than 14 days after becoming aware that electronic payments can now be made to you.

Subdivision 48-P—Special rules for consolidated groups etc.

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48-700 Single entity rule

For each *instalment quarter starting during the period an entity is a *subsidiary member of a *consolidated group or *MEC group:

(a) that entity; and

(b) any other subsidiary member of the group;
are taken for the purposes of this Division to be parts of the *head company or *provisional head company of the group (rather than separate entities).

Note 1: The entity will continue to have any quarterly credit amount payable for the instalment quarter in which it joins the group. However, the group will continue to have any quarterly credit amount payable for the instalment quarter in which the entity leaves the group.

Note 2: Each entity that continues to have that quarterly credit amount will also have an end-of-year debit under section 48-300 that takes account of that amount.

Note 3: Despite this single entity rule, a subsidiary member of the group is jointly and severally liable for a liability under this Division of the head company (see section 721-10 of the *Income Tax Assessment Act 1997).

**48-705 Entry rule**

(1) This section applies if an entity becomes a *subsidiary member of a *consolidated group or *MEC group during an *instalment quarter in an income year.

(2) Except as set out in the table, for the purposes of this Division and future *instalment quarters, everything that happened in relation to the entity before those future instalment quarters is taken to have happened instead in relation to the *head company or *provisional head company of the group.

### Things to which the entry rule does not apply

<table>
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<tr>
<th>Item</th>
<th>Any of these things that happened in relation to the entity before those future instalment quarters:</th>
<th>is not taken to have happened in relation to the head company or provisional head company of the group for these purposes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a failure to satisfy a paragraph in subsection 48-110(1)</td>
<td>whether the *head company or *provisional head company: (a)satisfies a paragraph in subsection 48-110(1); or (b)has failed to comply with an obligation under a *taxation law</td>
</tr>
<tr>
<td>2</td>
<td>participating in the *quarterly credits system for an *instalment quarter and a *tax offset</td>
<td>whether the *head company or *provisional head company is participating in the quarterly credits system for an instalment quarter and the tax offset</td>
</tr>
</tbody>
</table>
3 having *quarterly credit amounts whether the *head company or *provisional head company has quarterly credit amounts

4 becoming entitled to *tax offsets for a previous income year working out the *head company’s or *provisional head company’s standard amount under section 48-205

Note: Table item 1 does not prevent the entity’s personnel, past practices and culture etc. from being relevant for working out, during future instalment quarters, whether the head company or provisional head company satisfies paragraph 48-110(1)(d) (about complying with future tax obligations).

48-710 Exit rule

(1) This section applies if an entity ceases to be a *subsidiary member of a *consolidated group or *MEC group during an *instalment quarter in an income year.

(2) Except as set out in the table, for the purposes of this Division and future *instalment quarters, nothing that happened in relation to the *head company or *provisional head company of the group before those future instalment quarters, whether:

(a) while the entity was a *subsidiary member of the group; or

(b) because of the application of section 48-705 (about transferring the entity’s earlier history to the group);

is taken to have happened in relation to the entity.

Things to which the exit rule does not apply

<table>
<thead>
<tr>
<th>Item</th>
<th>If the group’s history includes:</th>
<th>then, for the purposes of this Division and those future instalment quarters:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>the *head company or *provisional head company becoming entitled to a *tax offset for an income year</td>
<td>the entity is also taken to be entitled to a tax offset of the same kind for the income year, but not for the purposes of working out the entity’s standard amount under section 48-205.</td>
</tr>
</tbody>
</table>

(3) For the *head company or *provisional head company:

(a) any varied amount applying under section 48-210 at the start of the next *instalment quarter (if any) in the income year; and

(b) the standard amount worked out under section 48-205;

are taken to be nil for that next instalment quarter and any later instalment quarters in the income year.

Note: The head company or provisional head company may, after the start of that next quarter, choose to notify the Commissioner of further proposed varied amounts for that quarter and later quarters.
**48-715 Effect of choice to continue group after shelf company becomes new head company**

(1) This section applies if:

   (a) immediately before a particular time (the **completion time**), a company (the **original company**) is the *head company of a consolidated group; and

   (b) another company (the **interposed company**) chooses under subsection 124-380(5) of the **Income Tax Assessment Act 1997** that the group is to continue in existence at and after the completion time.

(2) For the purposes of this Division:

   (a) the group is taken not to have ceased to exist under subsection 703-5(2) of that Act because the original company ceases to be the *head company of the group; and

   (b) the interposed company is taken to have become the head company of the group at the completion time; and

   (c) the original company is taken to have ceased to be the head company at that time.

(3) For the purposes of this Division at and after the completion time, everything that happened in relation to the original company before the completion time:

   (a) is taken to have happened in relation to the interposed company instead of in relation to the original company; and

   (b) is taken to have happened in relation to the interposed company instead of what would (apart from this section) be taken to have happened in relation to the interposed company before that time; just as if, at all times before the completion time, the interposed company had been the original company and the original company had been the interposed company.

**Note:** The original company and the interposed company have in effect exchanged identities throughout the period before the completion time for the purposes of the quarterly credits system.

**Example:** The original company is participating in the quarterly credits system for all 4 instalment quarters in an income year, but then the completion time happens during the third quarter. The interposed company will be paid the quarterly credit amounts for the third and fourth quarters, and will have a debit under section 48-300 for the amounts paid for all 4 quarters.

(4) However, while subsection (3) applies to a negative *quarterly credit amount having a *quarterly credit due day that is before the completion time, that subsection does not apply to:

   (a) the original company’s liability to pay that amount; or

   (b) any other *tax-related liability arising from this Division before the completion time.

**Example:** In the example from subsection (3), if the quarterly credit amount for the second quarter was a negative amount:

   (a) after the completion time, the original company will continue to be liable under section 48-230 to pay that amount; and
(b) the interposed company’s end-of-year debit under section 48-300 will take account of that amount.

48-720 Effect of change of provisional head company of a MEC group

(1) This section applies if:
(a) a company (the *old head company*) is the *provisional head company of a MEC group* just before a *cessation event* happens to the company; and
(b) a different company (the *new head company*) is the provisional head company of the group at the time (the *transition time*) just after that cessation event.

(2) For the purposes of this Division at and after the transition time, everything that happened in relation to the old head company before the transition time:
(a) is taken to have happened in relation to the new head company instead of in relation to the old head company; and
(b) is taken to have happened in relation to the new head company instead of what would (apart from this section) be taken to have happened in relation to the new head company before that time;

just as if, at all times before the transition time, the new head company had been the old head company and the old head company had been the new head company.

Note: The new head company and old head company have in effect exchanged identities throughout the period before the transition time for the purposes of the quarterly credits system.

(3) However, while subsection (2) applies to a negative *quarterly credit amount* having a *quarterly credit due day* that is before the transition time, that subsection does not apply to:
(a) the old head company’s liability to pay that amount; or
(b) any other *tax-related liability* arising from this Division before the transition time.

Note: The examples to subsections 48-715(3) and (4) apply in a similar way to subsections (2) and (3) of this section.

48-725 Conversions—MEC group to consolidated group

(1) This section applies if, at a particular time (the *conversion time*), a *consolidated group (the new group)* is *created from a MEC group (the old group).*

(2) For the purposes of this Division at and after the conversion time:
(a) the new group is taken to be a continuation of the old group; and
(b) everything that happened in relation to the *provisional head company of the old group* before the conversion time is taken instead to have happened in relation to that entity in its role as *head company of the new group.*

48-730 Conversions—consolidated group to MEC group

(1) This section applies if, at a particular time (the *conversion time*), a MEC group (the *new group*) is created from a consolidated group (the *old group*).
For the purposes of this Division at and after the conversion time:
(a) the new group is taken to be a continuation of the old group; and
(b) everything that happened in relation to the "head company of the old group before the conversion time is taken instead to have happened in relation to that entity in its role as "provisional head company of the new group.

48-735 Giving notice if new group comes into existence

(1) The "head company of a "consolidated group, or "provisional head company of a "MEC group, must notify the Commissioner if:
(a) the group comes into existence on a particular day in an income year; and
(b) just before that day, an entity that has become a "subsidiary member of the group was participating in the "quarterly credits system for one or more "installment quarters in the income year.

Note: The Commissioner must also be notified of other situations where the entity joins or leaves a group (see sections 703-60 and 719-80 of the Income Tax Assessment Act 1997).

(2) The notice must be given to the Commissioner in the "approved form within 28 days after the day the group comes into existence.

(3) This section does not limit section 703-58 or 719-76 (about giving notice of a new group) of the Income Tax Assessment Act 1997.

Subdivision 48-T—Other matters

Table of sections
48-800 Objecting to decisions
48-820 How amounts are to be paid
48-840 Alternative constitutional basis

48-800 Objecting to decisions

A person who is dissatisfied with a decision of the Commissioner under any of the following provisions may object against it in the manner set out in Part IVC:
(a) subsection 48-5(1);
(b) subsection 48-210(3);
(c) subsection 48-225(2);
(d) subsection 48-225(3);
(e) subsection 48-410(2);
(f) subsection 48-420(1);
(g) subsection 48-420(2).

48-820 How amounts are to be paid

(1) Payments under this Division to or by you must be by:
(a) a means of "electronic payment; or
(b) a method applying to you under subsection (2).

Note: You are liable to an administrative penalty if you fail to comply with paragraph (a) or (b) when making payments under this Division (see section 288-20).
(2) The Commissioner may, in writing, approve a method by which payments under this Division to or by an entity may be made.

Note: Different methods can be approved for different classes of entities, see subsection 33(3AB) of the Acts Interpretation Act 1901.

(3) An approval may be expressed to apply from a day before the approval is made.

48-840 Alternative constitutional basis

(1) Without limiting its effect apart from this subsection, this Division has the effect it would have if:
   (a) subsection (2) had not been enacted; and
   (b) a "quarterly credit amount could only be worked out for an entity that:
       (i) is a "constitutional corporation; or
       (ii) has its registered office (within the meaning of the Corporations Act 2001) or principal place of business (within the meaning of that Act) located in a Territory.

(2) Without limiting its effect apart from this subsection, this Division has the effect it would have if:
   (a) subsection (1) had not been enacted; and
   (b) "quarterly credit amounts could only be worked out in respect of activities, or parts of activities, conducted or to be conducted:
       (i) solely in a Territory; or
       (ii) solely outside of Australia; or
       (iii) solely in a Territory and outside of Australia; or
       (iv) for the dominant purpose of supporting "core R&D activities conducted, or to be conducted, solely in a Territory.

Part 2—Innovation Australia’s role

Industry Research and Development Act 1986

2 Section 26A

Omit “The R&D entity can seek an advance finding to get”, substitute “The Board may make an advance finding to give”.

3 Section 26A

Omit “The R&D entity can seek a”, substitute “The Board may make a”.

4 Paragraph 27L(2)(a)

Repeal the paragraph, substitute:
   (a) a finding in force under subsection 28A(1) (advance findings about activities) is about an activity conducted during an income year and is related to an R&D entity; and

5 Section 28

Omit “An R&D entity can seek” (wherever occurring), substitute “The Board may make”.
6 Section 28A
Repeal the section, substitute:

28A Advance findings about the nature of activities

(1) The Board may make one or more findings to the following effect about an activity that is related to an R&D entity:
   (a) that all or part of the activity is a core R&D activity;
   (b) that all or part of the activity is a supporting R&D activity in relation to one or more specified core R&D activities for which the entity has been or could be registered under section 27A for an income year;
   (c) that all or part of the activity is neither:
      (i) a core R&D activity; nor
      (ii) a supporting R&D activity of a kind covered by paragraph (b).

Note 1: A finding is reviewable (see Division 5).

Note 2: A finding binds the Commissioner for the purposes of income tax assessments and the provision of quarterly credits (see subsections 355-705(2) and (3) of the Income Tax Assessment Act 1997).

(2) The Board must not make a finding under subsection (1) about an activity unless the Board is satisfied that the activity:
   (a) is being conducted, or has been completed, during the income year applying under subsection (3); or
   (b) is yet to be conducted, but that it is reasonable to expect that the activity will be conducted in any or all of the following income years:
      (i) the income year applying under subsection (3);
      (ii) either of the next 2 income years.

(3) The income year applying under this subsection is either:
   (a) the income year in which the process of considering whether to make the finding starts; or
   (b) the previous income year, if this is preferred by the entity causing this process to start, and clearly stated as such:
      (i) in any application or request (see subsection 28AA(1)) causing this process to start; or
      (ii) in the Board’s reasons for making, or not making, the finding, if the Board causes this process to start on its own initiative.

However, paragraph (b) does not apply if this process starts after the R&D entity has applied to register activities under section 27A for that previous income year.

Note: The process of considering whether to make the finding starts when the application or request is made, or when the Board starts considering whether to make the finding on its own initiative.

(4) If the Board makes a finding under subsection (1) about an activity that is being conducted, or has been completed, during the income year applying under subsection (3), the Board may specify in the finding the times to which the finding relates.
(5) This section has effect subject to section 32B (findings cannot be inconsistent with any earlier findings).

7 After section 28A

Insert:

28AA Causing advance findings to be made

(1) If:

(a) an R&D entity applies for one or more findings under subsection 28A(1) about an activity; or

(b) the Commissioner:

(i) requests one or more findings under subsection 28A(1) about an activity that is related to an R&D entity; and

(ii) does not later withdraw the request;

the Board must:

(c) make one or more findings under that subsection about all or part of the activity; or

(d) if justified in accordance with the decision-making principles— refuse to make a finding under that subsection about all or part of the activity.

Note 1: For requirements of applications by R&D entities, see section 28G.

Note 2: Refusing to make a finding is reviewable (see Division 5).

Note 3: Section 32A deals with the decision-making principles.

(2) The Board may also make a finding under subsection 28A(1) on its own initiative in accordance with any applicable decision-making principles.

Note: Section 32A deals with the decision-making principles.

8 Subsection 28C(1)

Repeal the subsection, substitute:

(1) The Board may make one or more findings to the following effect about an activity that is related to an R&D entity:

(a) that all or part of the activity is an activity (the overseas activity) that meets the conditions in section 28D;

(b) that all or part of the activity is not an activity that meets the conditions in section 28D.

Note 1: A finding is reviewable (see Division 5).

Note 2: An effect of a finding under paragraph (a) is that a tax offset may be available for expenditure incurred on the overseas activity after the finding comes into force (see Division 355 of the Income Tax Assessment Act 1997, in particular paragraphs 355-210(1)(d) and (e) of that Act).

9 At the end of Subdivision C of Division 3 of Part III

Add:

28DA Causing overseas activity findings to be made

(1) If:

(a) an R&D entity applies for one or more findings under subsection 28C(1) about an activity; or
(b) the Commissioner:
   (i) requests one or more findings under subsection 28C(1) about an activity that is related to an R&D entity; and
   (ii) does not later withdraw the request;
the Board must:
(c) make one or more findings under that subsection about all or part of the activity; or
(d) if justified in accordance with the decision-making principles—refuse to make a finding under that subsection about all or part of the activity.

Note 1: For requirements of applications by R&D entities, see section 28G.
Note 2: Refusing to make a finding is reviewable (see Division 5).
Note 3: Section 32A deals with the decision-making principles.

(2) The Board may also make a finding under subsection 28C(1) on its own initiative in accordance with any applicable decision-making principles.

Note: Section 32A deals with the decision-making principles.

10 Subsection 28E(1)
Repeal the subsection, substitute:

(1) If an R&D entity has acquired, or has acquired the right to use, particular technology wholly or partly for the purposes of one or more R&D activities conducted, or to be conducted, during one or more income years, the Board may make a finding to the effect:
   (a) that the technology is core technology for the R&D activities; or
   (b) that the technology is not core technology for the R&D activities.

Note 1: A finding is reviewable (see Division 5).
Note 2: A finding under paragraph (a) means that a tax offset will not be available for expenditure incurred in acquiring, or in acquiring the right to use, the technology for the R&D activities (see subsection 355-225(2) of the Income Tax Assessment Act 1997).

11 Subsections 28E(3) and (4)
Repeal the subsections.

12 At the end of Subdivision D of Division 3 of Part III
Add:

28EA Causing core technology findings to be made

(1) If:
   (a) an R&D entity applies for a finding under subsection 28E(1) about the R&D entity, one or more R&D activities and particular technology; or
   (b) the Commissioner:
      (i) requests a finding under subsection 28E(1) about one or more R&D activities, and particular technology, that are related to an R&D entity; and
      (ii) does not later withdraw the request;
the Board must:
(c) make a finding under that subsection about the R&D activities and the technology; or
(d) if justified in accordance with the decision-making principles—refuse to make a finding under that subsection about the R&D activities and the technology.

Note 1: For requirements of applications by R&D entities, see section 28G.
Note 2: Refusing to make a finding is reviewable (see Division 5).
Note 3: Section 32A deals with the decision-making principles.

(2) The Board may also make a finding under subsection 28E(1) on its own initiative in accordance with any applicable decision-making principles.

Note: Section 32A deals with the decision-making principles.

13 Section 28F (heading)
Repeal the heading, substitute:
28F Notice of findings or of decisions refusing to make findings

14 Subsections 28F(1) and (2)
Repeal the subsections, substitute:
(1) The Board must notify an R&D entity in writing of any findings, and of any decisions refusing to make findings, under this Division that are related to the R&D entity.

15 Subsection 28F(3)
Omit “or (2)”,

16 Subsection 28F(3) (note)
Omit “applicant’s”, substitute “R&D entity’s”.

17 Subsection 28F(4)
Omit “the notice if the notice includes one or more certificates”, substitute “each notice under subsection (1) of a finding”.

18 Subsection 28G(1) (heading)
Repeal the heading, substitute:
Applications by R&D entities for findings

19 Subsection 28G(2)
Omit “An”, substitute “However, an”.

20 Subsection 28H(1)
Repeal the subsection, substitute:
(1) The Board may request an R&D entity in writing to give such specified information, or specified kinds of information, to the Board as the Board believes could be relevant to the making of a finding under this Division that is related to the R&D entity.

(1A) However, if as described in section 28B another entity applied for the finding on behalf of the R&D entity, the Board must first request in writing the information or kinds of information from that other entity.
21 Subsection 28H(2)
Omit “The request”, substitute “A request under subsection (1) or (1A)”.

22 Subsection 28H(2) (note 3)
Repeal the note, substitute:

   Note 3: A failure to give the information may result in a refusal to make a finding.

23 Subsection 28H(3)
Omit “The request”, substitute “A request under subsection (1) or (1A)”.

24 Subsection 28H(4)
After “subsection (1)”, insert “or (1A)”.

25 Section 30A (table items 11 to 13)
Repeal the items, substitute:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>An advance finding about the nature of an activity</td>
</tr>
<tr>
<td>11A</td>
<td>Refusing to make an advance finding about the nature of an activity</td>
</tr>
<tr>
<td>12</td>
<td>A finding about an activity to be conducted outside Australia</td>
</tr>
<tr>
<td>12A</td>
<td>Refusing to make a finding about an activity to be conducted outside Australia</td>
</tr>
<tr>
<td>13</td>
<td>A finding about particular technology</td>
</tr>
<tr>
<td>13A</td>
<td>Refusing to make a finding about particular technology</td>
</tr>
</tbody>
</table>

26 Subsection 30B(2) (note)
Omit “or 11”, substitute “, 11, 12 or 13”.

27 At the end of section 32A
Add:

   ; (d) whether making a finding under Division 3 on its own initiative is justified.

28 Paragraph 47(2A)(c)
Omit “or the Income Tax Assessment Act 1997”, substitute “, the Income Tax Assessment Act 1997 or Division 48 in Schedule 1 to the Taxation Administration Act 1953”.

29 At the end of subsection 47(2A)
Add:

   Note: Division 48 in Schedule 1 to the Taxation Administration Act 1953 is about crediting the R&D tax offset on a quarterly basis.
Part 3—Other amendments

Income Tax Assessment Act 1936

30 After subsection 262A(2AAE)

Insert:

(2AAF) Subsection (1) applies to an entity for whom a varied amount applies under section 48-210 in Schedule 1 to the Taxation Administration Act 1953 even if the entity is not carrying on a business.

Income Tax Assessment Act 1997

31 Subparagraph 355-705(1)(a)(iii)

Omit “about”, substitute “relating to”.

32 Subsection 355-705(1)

Omit all the words after “the finding binds the Commissioner”, substitute:

for the purposes of:

(c) assessments of the R&D entity for the income year or years (as appropriate); and

(d) for a finding under section 28E of that Act—the R&D entity’s participation in the quarterly credits system for the instalment quarters in the income years.

33 Subsections 355-705(2) and (3)

Repeal the subsections, substitute:

Advance findings about activities yet to be completed

(2) If:

(a) Innovation Australia makes a finding under subsection 28A(1) of the Industry Research and Development Act 1986 relating to an R&D entity and all or part of an activity; and

(b) Innovation Australia gives the Commissioner a certificate under that Act setting out the finding; and

(c) the activity is being conducted, or is yet to be conducted, during the income year applying under subsection 28A(3) of that Act for the finding;

the finding binds the Commissioner for the purposes of:

(d) assessments of the R&D entity for the income year and the next 2 income years; and

(e) the R&D entity’s participation in the quarterly credits system for the instalment quarters in the income year or in the next 2 income years.

Advance findings about completed activities

(3) However, if that activity is completed during the income year applying under subsection 28A(3) of that Act for that finding, that finding binds the Commissioner for the purposes of:

(a) assessments of the R&D entity for the income year; and

(b) the R&D entity’s participation in the quarterly credits system for the instalment quarters in the income year.
34 Subparagraph 355-710(1)(a)(iii)
Repeal the subparagraph, substitute:
   (iii) a finding under section 28A or 28C of that Act relating to
   an R&D entity and all or part of an activity conducted or
   to be conducted during one or more income years; or

35 Subparagraph 355-710(1)(a)(iv)
Omit “about”, substitute “relating to”.

36 Subsection 721-10(2) (after table item 60)
Insert:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>62</td>
<td>section 48-230 in Schedule 1 to the</td>
</tr>
<tr>
<td></td>
<td><em>Taxation Administration Act 1953</em></td>
</tr>
<tr>
<td></td>
<td>(negative quarterly credit amounts)</td>
</tr>
<tr>
<td>62A</td>
<td>section 48-300 in Schedule 1 to the</td>
</tr>
<tr>
<td></td>
<td><em>Taxation Administration Act 1953</em></td>
</tr>
<tr>
<td></td>
<td>(debit equal to total quarterly credit amounts paid)</td>
</tr>
<tr>
<td>62B</td>
<td>section 48-350 in Schedule 1 to the</td>
</tr>
<tr>
<td></td>
<td><em>Taxation Administration Act 1953</em></td>
</tr>
<tr>
<td></td>
<td>(general interest charge on excess quarterly credits)</td>
</tr>
<tr>
<td>62C</td>
<td>section 48-425 in Schedule 1 to the</td>
</tr>
<tr>
<td></td>
<td><em>Taxation Administration Act 1953</em></td>
</tr>
<tr>
<td></td>
<td>(quarterly credit amounts for quarters for which you no longer participate)</td>
</tr>
</tbody>
</table>

37 Subsection 995-1(1)
Insert:

   managing entity, in relation to you, is an entity set out in a table item
   in subsection 48-110(2) in Schedule 1 to the *Taxation Administration
   Act 1953* that applies to you.

38 Subsection 995-1(1)
Insert:

   quarterly credit amount has the meaning given by section 48-200 in
   Schedule 1 to the *Taxation Administration Act 1953*.

39 Subsection 995-1(1)
Insert:

   quarterly credit due day has the meaning given by section 48-235 in
   Schedule 1 to the *Taxation Administration Act 1953*. 
40 Subsection 995-1(1)
Insert:

*quarterly credits system* means the system described in Division 48 in Schedule 1 to the *Taxation Administration Act 1953* for providing quarterly credits during an income year for certain *tax offsets to which entities expect to be entitled for the income year.*

*Taxation Administration Act 1953*

41 Subsection 8AAB(4) (after table item 44)
Insert:

<table>
<thead>
<tr>
<th>44A</th>
<th>48-230 in Schedule 1</th>
<th><em>Taxation Administration Act 1953</em></th>
<th>negative quarterly credit amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>44B</td>
<td>48-305 in Schedule 1</td>
<td><em>Taxation Administration Act 1953</em></td>
<td>part of debit exceeding total tax offset refunds</td>
</tr>
<tr>
<td>44C</td>
<td>48-350 in Schedule 1</td>
<td><em>Taxation Administration Act 1953</em></td>
<td>excess quarterly credit amount worked out using varied amounts</td>
</tr>
<tr>
<td>44D</td>
<td>48-425 in Schedule 1</td>
<td><em>Taxation Administration Act 1953</em></td>
<td>quarterly credit amounts for quarters for which you no longer participate</td>
</tr>
</tbody>
</table>

42 Subsection 250-10(2) in Schedule 1 (after table item 135)
Insert:

<table>
<thead>
<tr>
<th>135A</th>
<th>negative quarterly credit amounts</th>
<th>48-230 in Schedule 1</th>
<th><em>Taxation Administration Act 1953</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>135B</td>
<td>debit equal to total quarterly credit amounts paid</td>
<td>48-300 in Schedule 1</td>
<td><em>Taxation Administration Act 1953</em></td>
</tr>
<tr>
<td>135C</td>
<td>quarterly credit amounts for quarters for which you no longer participate</td>
<td>48-425 in Schedule 1</td>
<td><em>Taxation Administration Act 1953</em></td>
</tr>
</tbody>
</table>

43 Subsection 286-75(2) in Schedule 1
After “these Acts”, insert “or provisions”.

44 At the end of subsection 286-75(2) in Schedule 1
Add:

; or (d) subsection 48-405(1) in this Schedule.

45 Paragraph 288-20(b) in Schedule 1
Omit “electronically;”, substitute “electronically; or”.
46 After paragraph 288-20(b) in Schedule 1

Insert:

(c) under subsection 48-820(1) in this Schedule is required to pay an amount electronically or by an approved method;

47 Paragraph 298-5(c) in Schedule 1

After “Division 16”, insert “or 48”.

48 Subsection 355-65(4) in Schedule 1 (table item 6)

Repeal the item, substitute:

6 Innovation Australia is for the purpose of administering any Commonwealth law relating to:

(a) venture capital; or
(b) research and development (including related tax incentives).

49 Subsections 444-120(1) and (6) in Schedule 1

Before “the MRRT law”, insert “Division 48 or”.

Taxation (Interest on Overpayments and Early Payments) Act 1983

50 After Part IIIAA

Insert:

Part IIIAB—Interest on delayed payments under quarterly credits system

12BA Definitions

In this Part:

assessment day means the day the Commissioner makes an assessment (within the meaning of the Income Tax Assessment Act 1997):

(a) of the total of the entity’s tax offset refunds (within the meaning of the Income Tax Assessment Act 1997) for the year of income for which the quarterly credits system amount is payable; or
(b) that the entity can get no such refunds for that year of income.

instalment quarter has the same meaning as in the Income Tax Assessment Act 1997.

interest start day has the meaning given by section 12BB.

quarterly credits system amount means:

(a) a quarterly credit amount (within the meaning of the Income Tax Assessment Act 1997); or
(b) an amount repayable under subsection 48-430(1) in Schedule 1 to the Taxation Administration Act 1953.

RBA has the same meaning as in section 8AAZA of the Taxation Administration Act 1953.

RBA surplus has the same meaning as in section 8AAZA of the Taxation Administration Act 1953.
12BB Meaning of interest start day

(1) The interest start day, for a quarterly credits system amount, is:
   (a) if the amount is a quarterly credit amount (within the meaning of the Income Tax Assessment Act 1997)—the amount’s quarterly credit due day (within the meaning of that Act); or
   (b) if the amount is an amount repayable under subsection 48-430(1) in Schedule 1 to the Taxation Administration Act 1953—the last day the amount is repayable under that subsection.

(2) However, if on that day your circumstances do not enable the amount to be paid to you in accordance with subsection 48-820(1) in Schedule 1 to the Taxation Administration Act 1953, the amount’s interest start day is the 14th day after the day the Commissioner becomes aware that your circumstances have changed to enable the amount to be paid to you in accordance with that subsection.

Note: Subsection 48-820(1) in Schedule 1 to the Taxation Administration Act 1953 is about electronic payments etc.

12BC Interest for late refunds of RBA surpluses after amounts become payable

(1) If:
   (a) disregarding subsections 48-225(2) and (3) in Schedule 1 to the Taxation Administration Act 1953:
      (i) a quarterly credits system amount is payable to an entity; and
      (ii) that amount is to be allocated to an RBA of the entity; and
      (iii) on that amount’s interest start day, the Commissioner is required under subsection 8AAZLF(1) of the Taxation Administration Act 1953 to refund to the entity an RBA surplus for that RBA; and
   (b) all or part of the refund takes place after that interest start day;
then interest is payable by the Commissioner to the entity on so much of the refund as takes place after that interest start day.

(2) Interest under this Part is payable for the period:
   (a) starting on the day after that interest start day; and
   (b) ending at the earlier of:
      (i) the day the refund finishes taking place; and
      (ii) the assessment day.

12BD Interest for late payments of amounts

(1) If:
   (a) disregarding subsections 48-225(2) and (3) in Schedule 1 to the Taxation Administration Act 1953:
      (i) a quarterly credits system amount is payable to an entity; and
      (ii) that amount is not allocated to an RBA of the entity; and
   (b) the Commissioner pays all or part of that amount to the entity after that amount’s interest start day;
then interest is payable by the Commissioner to the entity on so much of that amount as is paid after that interest start day.
(2) Interest under this Part is payable for the period:
   (a) starting on the day after that interest start day; and
   (b) ending at the earlier of:
      (i) the day that amount is completely paid to the entity; and
      (ii) the assessment day.

12BE Rate of interest

Interest under this Part is payable at the base interest rate (within the meaning of the *Income Tax Assessment Act 1997*).

**Tax Laws Amendment (Research and Development) Act 2011**

51 Subsection 2(1) (table item 7)

Omit “Schedules 3A and 4”, substitute “Schedule 4”.

52 Schedule 3A

Repeal the Schedule.

**Part 4—Application and transitional provisions**

53 Application of amendments

(1) The amendments made by Parts 1 and 3 of this Schedule apply in relation to instalment quarters starting on or after 1 January 2014.

(2) The amendments made by Part 2 of this Schedule apply in relation to processes for making findings that start on or after the commencement of that Part.

Note: Part 2 relates to findings under Division 3 of Part III of the *Industry Research and Development Act 1986*.

54 Transitional—current findings of Innovation Australia

(1) This item applies to a finding of the Board if:
   (a) the finding was made under subsection 28A(1), 28C(1) or 28E(1) of the *Industry Research and Development Act 1986*; and
   (b) the finding was in force immediately before the commencement of this item.

(2) The finding has effect, after the commencement of this item, as if it had been made under that subsection as amended by this Schedule.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

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Question negatived.

Senator Wang, also on behalf of Senator Xenophon, moved the following amendments together by leave:

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.
Reducing extra income tax or amounts included in assessable income

<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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<td>1</td>
<td>any amount to include in the &quot;R&amp;D entity’s&quot; assessable income for the present year because of a &quot;balancing adjustment event happening for an asset it &quot;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 &quot;balancing adjustment event</td>
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<td>2</td>
<td>any amount of extra income tax payable by the &quot;R&amp;D entity&quot; under section 355-435 for the present year</td>
<td>subsection 355-450(1)</td>
<td>those excess year deductions</td>
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<td>3</td>
<td>any amount to include in the &quot;R&amp;D entity’s&quot; assessable income for the present year under section 355-465</td>
<td>paragraph 355-465(1)(b)</td>
<td>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.


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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<th>Commencement information</th>
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<tr>
<td>Column 1</td>
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<td>Provisions</td>
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<td>Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
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<td>Schedule 1, Part 1</td>
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3. Schedule 1, Part 2

<table>
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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.

Senator Carr moved the following amendment to amendment no. 1:

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

Debate ensued.

At 9.50 pm: The Acting Deputy President (Senator Lines) resumed the chair and the Temporary Chair of Committees reported progress.

44 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.26 pm till Tuesday, 10 February 2015 at 12.30 pm.

45 ATTENDANCE

Present, all senators except Senator McEwen (on leave).

ROSEMARY LAING
Clerk of the Senate