THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 43

TUESDAY, 15 JULY 2014

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1 **MEETING OF SENATE**

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

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

- Airservices Australia—Corporate plan 1 July 2014 to 30 June 2019.
- Productivity Commission—Report No. 71—Public infrastructure—
  - Volume 1, dated 27 May 2014.
  - Volume 2, dated 27 May 2014.
- Treaties—Bilateral—Text, together with national interest analyses and annexures—
  - Agreement between Australia and Japan for an Economic Partnership (Canberra, 8 July 2014) and regulation impact statement.

3 **ORDER OF BUSINESS—REARRANGEMENT**

The Assistant Minister for Social Services (Senator Fifield), by leave, moved—that consideration of government business orders of the day no. 1 (Climate Change Authority (Abolition) Bill 2013 [No. 2]) and no. 2 (Asset Recycling Fund Bill 2014 and related bill) be postponed till after consideration of government business order of the day no. 3 (Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2]).

Question put and passed.

4 **SENATE—PHOTOGRAPHY DURING DIVISIONS—STATEMENT BY PRESIDENT**

The President made a statement relating to photography in the Senate during divisions this week.
5 MINERALS RESOURCE RENT TAX REPEAL AND OTHER MEASURES
BILL 2013 [NO. 2]

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time—and on the amendment moved by Senator Waters:

At the end of the motion, add “but the Senate is of the opinion that the repeal of the Low Income Superannuation Contribution should not be concealed in this legislation as it will:

(a) diminish, by around $27 000, the retirement savings of one in three Australians;
(b) negatively impact on almost one in two working women and 80 per cent of women who work part time; and
(c) place further pressures on future governments due to increased costs to the aged pension”.

Debate resumed.

At 2 pm: Debate was interrupted while Senator O’Neill was speaking.

6 QUESTIONS

Questions without notice were answered.

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Document: Senator Whish-Wilson, by leave, tabled the following document:

Finance—Regulation of financial advice services—Extract from Economics Legislation Committee Hansard of 22 May 2014, pp. 75-81.

________

Further questions without notice were answered.

Leave refused: Senator Cameron sought leave to table a document.

An objection was raised and leave was not granted.

7 MOTION TO TAKE NOTE OF ANSWER

Senator Peris moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Peris today relating to the North Australian Aboriginal Justice Agency.

Debate ensued.

Question put and passed.
8 **Industrial Relations—Commonwealth Cleaning Services Guidelines Repeal Instrument 2014—Documents**

Senator Cameron, by leave, tabled the following documents:

Industrial relations—Commonwealth Cleaning Services Guidelines Repeal Instrument 2014—Letter from the Deputy Executive Director, Office of Best Practice Regulation (Mr Porter) to the Deputy Secretary, Department of Employment (Ms Parker), dated 26 June 2014, relating to the draft regulation impact statement for the Commonwealth Cleaning Services Guidelines Repeal Instrument 2014 and attachment.

Statement by leave: Senator Cameron, by leave, made a statement relating to the matter.

9 **Petitions**

The following 2 petitions, lodged with the Clerk by Senator Nash, were received:

From 112 petitioners, requesting that the Senate support legislation to establish an Australian reconstruction and development board.

From 222 petitioners, requesting that the Senate take action to repeal the carbon tax.

10 **Notices**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on its inquiry into the implications of the restrictions on the use of Fenthion on Australia’s horticultural industry be extended to 25 July 2014. (*general business notice of motion no. 349*)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

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

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

(c) urges the Government to act in their best interest and ensure their safety. (*general business notice of motion no. 350*)

Senator Hanson-Young: To move on 2 September 2014—That the Migration Amendment (Repeal of Certain Visa Classes) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 65 and made under the *Migration Act 1958*, be disallowed.

Senator Bernardi: To move on the next day of sitting—That the Select Committee on the National Broadband Network cease to exist on Thursday, 17 July 2014. (*general business notice of motion no. 351*)

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

(1) A Joint Select Committee on the National Broadband Network be established to inquire into the National Broadband Network, examine and report on the rollout, end user take-up and NBN Co’s financial and operational performance.
The committee consist of 9 members, 3 members of the House of Representatives to be nominated by the Government Whip or Whips, 2 members of the House of Representatives to be nominated by the Opposition Whip or Whips, 2 senators to be nominated by the Leader of the Government in the Senate, 1 senator to be nominated by the Leader of the Opposition in the Senate, and 1 senator to be nominated by minor party or independent senators.

Every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

The committee shall elect a government member as its chair.

The committee shall elect a non-government member as its deputy chair.

The deputy chair shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

In the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

Three members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include one government member of either House and one non-government member of either House.

The committee shall have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

The committee have power to adjourn from time to time and to sit during any adjournment of the House of Representatives and the Senate.

The committee may report from time to time its proceedings and evidence and any recommendations, and that it present its final report by no later than 30 June 2016.

The committee have access to relevant records and evidence of the current Senate Select Committee on the National Broadband Network. (general business notice of motion no. 352)

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

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

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

(b) condemns the use of such slogans and calls on Wicked Campers to remove slogans which are sexist, misogynistic, or racist from their vans. (general business notice of motion no. 353)
Senators Rhiannon and Xenophon: To move on the next day of sitting—That the Senate—

(a) notes:

(i) water is one of our most important resources,

(ii) the National Water Commission (the Commission) plays a crucial role in monitoring, auditing and assessing water policy,

(iii) the independence of the Commission is vital to its effectiveness, and

(iv) the 2011 Council of Australian Governments review of the Commission stated that it should continue ‘for the lifetime of the NWI’ and ‘without sunset provision until the NWI is substantially replaced’; and

(b) calls on the Government to reverse its position on the closure of the Commission. (general business notice of motion no. 354)

The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to national security and intelligence services, and for related purposes. National Security Legislation Amendment Bill (No. 1) 2014.

11 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Hanson-Young for 16 July 2014, proposing the disallowance of the Migration Amendment (2014 Measures No. 1) Regulation 2014, postponed till three sitting days after today.

General business notice of motion no. 344 standing in the name of Senator Madigan for today, relating to China and Falun Gong practitioners, postponed till 16 July 2014.

12 EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator McEwen, by leave and at the request of the Chair of the Education and Employment References Committee (Senator Lines), moved—That the time for the presentation of reports of the Education and Employment References Committee on the delivery of quality and affordable early childhood education and care services, and on the immediate future of the childcare sector in Australia be extended to 16 July 2014.

Question put and passed.

13 PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2014

The Chair of the Procedure Committee (Senator Marshall) tabled the following report:


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

Senator Marshall, by leave, moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.
14 Finance and Public Administration Legislation Committee—Leave to Meet during Sitting

Senator Bushby, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 339—That the Finance and Public Administration Legislation Committee be authorised to hold a private briefing during the sitting of the Senate on Wednesday, 27 August 2014, from 3.30 pm.

Question put and passed.

15 Foreign Affairs, Defence and Trade References Committee—Extension of Time to Report

Senator Bushby, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 340—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into illegal fishing be extended to 29 October 2014.

Question put and passed.

16 Economics Legislation Committee—Extensions of Time to Report

Senator Bushby, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 341—That the time for the presentation of reports of the Economics Legislation Committee be extended, as follows:

(a) Competition and Consumer Amendment (Misuse of Market Power) Bill 2014—to 4 December 2014; and

(b) Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013—to 4 December 2014.

Question put and passed.

17 Scrutiny of Bills—Standing Committee—Standing Orders 24 and 25—Amendment

The Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 345—That the amendments to standing orders set out in Attachment B of the Procedure Committee’s First report of 2014 be adopted, with effect from the next day of sitting.

Question put and passed.

Accordingly, standing orders 24 and 25 were amended, as follows, with effect from the next day of sitting:

Standing order 24(1)(a), after “Senate”, insert “or the provisions of bills not yet before the Senate”.

Question put and passed.
Omit standing order 24(1)(b), substitute:

(b) The committee, for the purpose of reporting on its terms of reference, may consider any proposed law or other document or information available to it, including an exposure draft of proposed legislation, notwithstanding that such proposed law, document or information has not been presented to the Senate.

At the end of standing order 24(1), add:

(c) The committee, for the purpose of reporting on term of reference (a)(iv), shall take into account the extent to which a proposed law relies on delegated legislation and whether a draft of that legislation is available to the Senate at the time the bill is considered.

Omit standing order 24(5), substitute:

(5) The committee shall elect as deputy chair a member appointed to the committee on the nomination of the Leader of the Government in the Senate, and the member so elected shall act as chair of the committee when there is no chair or the chair is not present at a meeting of the committee.

Standing order 24(7), omit “in private session”, substitute “and transact business in public or private session”.

After standing order 24(8), insert:

(8A) The committee shall be empowered to print from day to day any of its documents and evidence. A daily Hansard shall be published of public proceedings of the committee.

After standing order 25(2), insert:

(2A) The legislation committees, when examining bills or draft bills, shall take into account any comments on the bills published by the Standing Committee for the Scrutiny of Bills.

18 POSTPONEMENT

Senator McKenzie, by leave, moved—That general business notice of motion no. 346 standing in her name for today, relating to higher education in regional Australia, be postponed till the next day of sitting.

Question put and passed.

19 FAMILY AND COMMUNITY SERVICES—PUBLIC HOUSING

Senator Riannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 347—That the Senate—

(a) notes that:

(i) the New South Wales Coalition Government has:

(A) announced the sale of 293 public housing properties at Millers Point and The Rocks in Sydney, with the move expected to displace more than 400 public housing tenants,

(B) made the announcement without notifying the tenants first,

(C) left residents without answers about the disruption to their community and their lives,

(D) failed to undertake a complete assessment of the housing stock in question, and
(E) failed to require provision of any serious amounts of affordable housing units in the state’s largest construction site at Barangaroo, adjacent to The Rocks,

(ii) the 1970s Green Bans organised by local residents and the Builders Labourers Federation won protection for the low cost and public housing in the Millers Point and The Rocks area, and

(iii) affordable and appropriate housing is a basic human right and there is already too little social housing stock within Sydney’s CBD and surrounds; and

(b) calls on:

(a) the New South Wales Government to cease selling public housing in Millers Point, and

(b) the Federal Government to increase funding for affordable public housing.

Question put.
The Senate divided—

AYES, 32

Senators—

Bilyk Gallacher McLucas Rice
Brown Ketter Milne Siewert
Bullock Lines Moore Singh
Cameron Ludlam Muir Sterle
Collins Ludwig O’Neill Waters
Dastyari Lundy Peris Whish-Wilson
Di Natale Marshall Polley Wright
Faulkner McEwen (Teller) Rhiannon Xenophon

NOES, 30

Senators—

Back Day Mason Ruston
Bernardi Edwards McGrath Scullion
Birmingham Fawcett McKenzie Seselja
Bushby (Teller) Fieravanti-Wells Nash Sinodinos
Canavan Fifield O’Sullivan Smith
Cash Heffernan Parry Williams
Colbeck Leyonhjelm Payne
Cormann Macdonald Reynolds

Question agreed to.

20 Administration—Australian Renewable Energy Agency—Board Membership

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 342—

That the Senate—

(a) resolves that it is committed to the continuation of the Australian Renewable Energy Agency (ARENA);

(b) notes that on this day, 15 July 2014, the final two board members’ contracts expire, leaving the Secretary of the Department of Industry isolated as the only remaining member of the board; and
on the basis of paragraph (a) above, calls on the Government to immediately appoint board members to assist the Secretary of the Department of Industry in developing new and emerging clean energy technologies for Australia to export to the world.

Question put and passed.

21 **DEFENCE—AIR WARFARE DESTROYER PROJECT—ORDER FOR PRODUCTION OF DOCUMENTS—FAILURE TO COMPLY**

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 348—

(1) That the Senate:

(a) notes:

(i) the failure of the Minister for Defence (Senator Johnston) to comply with the order of the Senate of 9 July 2014 for the production of the report of the review of the Air Warfare Destroyer project,

(ii) the statement by the Minister claiming public interest immunity on the basis that the report was prepared for Cabinet and informed Cabinet deliberations, and

(iii) the public comments by the Minister citing the report, thereby placing the report in the public arena and abrogating such claims to public interest immunity; and

(b) orders the Minister to comply with the order by 4 pm on Thursday, 17 July 2014 or make a claim of public interest immunity which is in accordance with those accepted by the Senate.

(2) That, in the event that the Minister fails to meet the requirements of paragraph (1)(b), a senator may immediately move without notice a motion in relation to the Minister’s failure to either comply or provide an acceptable claim of public interest immunity.

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

Question put.

The Senate divided—

**AYES, 34**

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<th>McLucas</th>
<th>Siewert</th>
<th>Singh</th>
<th>Sterle</th>
<th>Waters</th>
<th>Whish-Wilson</th>
<th>Wright</th>
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<td>Di Natale</td>
<td>Faulkner</td>
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NOES, 28

Senators—

Back          Cormann          Mason          Reynolds
Bernardi       Edwards         McGrath       Ruston
Birmingham     Fawcett         McKenzie       Scullion
Bushby (Teller) Fierravanti-Wells Nash          Seselja
Canavan        Fifield         O’Sullivan     Sinodinos
Cash           Heffernan       Parry          Smith
Colbeck        Macdonald       Payne          Williams

Question agreed to.

22 WOMEN—AUSTRALIAN NATIONAL ACTION PLAN ON WOMEN, PEACE AND SECURITY—MINISTERIAL STATEMENT—DOCUMENTS

The Assistant Minister for Social Services (Senator Fifield) tabled the following documents:

Progress report 2014.

23 ADMINISTRATION—AUSTRALIAN ELECTORAL COMMISSION—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

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

Administration—Australian Electoral Commission—Letter from the Special Minister of State (Senator Ronaldson), dated 10 July 2014, to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 10 July 2014 and raising public interest immunity claims.

24 TREATIES—JOINT STANDING COMMITTEE—141ST REPORT

Senator Ruston, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


25 HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—9TH REPORT OF 44TH PARLIAMENT

The Chair of the Parliamentary Joint Committee on Human Rights (Senator Smith) tabled the following report:


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

Senator Smith, by leave, moved—That the Senate take note of the report.

Question put and passed.
26 DOCUMENT

The following document was tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


27 COMMITTEE MEMBERSHIP

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

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

Abbott Government’s Budget Cuts—Select Committee—
Appointed—Participating members: Senators Hanson-Young, Ludlam, Milne, Rhiannon, Rice, Siewert, Waters, Whish-Wilson and Wright

Corporations and Financial Services—Joint Statutory Committee—
Appointed—Senator O’Neill

Economics References Committee—
Appointed—
Substitute member: Senator McLucas to replace Senator Carr for the committee’s inquiry into affordable housing
Participating member: Senator Carr

Foreign Affairs, Defence and Trade Legislation Committee—
Appointed—
Substitute member: Senator Whish-Wilson to replace Senator Ludlam for the committee’s inquiry into the Trade and Foreign Investment (Protecting the Public Interest) Bill 2014 on 6 August 2014
Participating member: Senator Ludlam

Foreign Affairs, Defence and Trade References Committee—
Appointed—
Substitute member: Senator Whish-Wilson to replace Senator Ludlam for the committee’s inquiries into abuse in Defence, on 7 August 2014, and the proposed Korea-Australia Free Trade Agreement, on 8 and 9 September 2014
Participating member: Senator Ludlam

Health—Select Committee—
Appointed—Participating members: Senators Hanson-Young, Ludlam, Milne, Rhiannon, Rice, Siewert, Waters, Whish-Wilson and Wright.

Question put and passed.

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Electoral Matters, as follows:

Message no. 194, dated 14 July 2014—Mr Pasin in place of Mr Hawke.
28 Corporations Amendment (Streamlining Future of Financial Advice) Regulation—Proposed Disallowance

Senator Dastyari, also on behalf of Senator Whish-Wilson, pursuant to notice, moved business of the Senate notice of motion no. 1—that the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 102 and made under the Corporations Act 2001, be disallowed.

Debate ensued.

Document: The Minister for Finance (Senator Cormann) tabled the following document:

Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014—Letter from the Minister for Finance (Senator Cormann) to the Leader of the Palmer United Party (Mr Palmer), dated 15 July 2014.

Debate continued.

Question put.

The Senate divided—

AYES, 31

Senators—

Bilyk Gallacher Milne Singh
Bulloch Hanson-Young Moore Urquhart (Teller)
Cameron Ketter O’Neill Waters
Collins Lines Peris Whish-Wilson
Conroy Ludlam Polley Wong
Dastyari Ludwig Rhiannon Wright
Di Natale McEwen Rice Xenophon
Faulkner McLucas Siewert

NOES, 34

Senators—

Back Fawcett Mason Ruston (Teller)
Bernardi Fierravanti-Wells McGrath Scullion
Birmingham Fifield McKenzie Seselja
Bushby Heffernan Murl Sinodinos
Canavan Johnston Nash Smith
Colbeck Lambie O’Sullivan Wang
Cormann Lazarus Parry Williams
Day Leyonhjelm Payne
Edwards Macdonald Reynolds

Question negatived.

After 5 pm—

29 First Speech

Pursuant to order (see entry no. 22, 7 July 2014), Senator Reynolds made her first speech.
30 MINERALS RESOURCE RENT TAX REPEAL AND OTHER MEASURES
BILL 2013 [No. 2]

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time—and on the amendment moved by Senator Waters (see entry no. 5).

Debate resumed.

On the motion of Senator Fifield the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

31 CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2014
TRUE-UP SHORTFALL Levy (GENERAL) (CARBON TAX REPEAL) BILL 2014
TRUE-UP SHORTFALL Levy (EXCISE) (CARBON TAX REPEAL) BILL 2014
CUSTOMS TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2014
EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2014
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT Levy) AMENDMENT (CARBON TAX REPEAL) BILL 2014
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (MANUFACTURE Levy) AMENDMENT (CARBON TAX REPEAL) BILL 2014
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT Levy) (TRANSITIONAL PROVISIONS) BILL 2014

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

Message no. 195, dated 15 July 2014—A Bill for an Act to repeal the Clean Energy Act 2011, and for other purposes.

Message no. 193, dated 14 July 2014—A Bill for an Act to impose a levy on true-up shortfalls under the Clean Energy Legislation (Carbon Tax Repeal) Act 2014, so far as that levy is neither a duty of customs nor a duty of excise.

Message no. 192, dated 14 July 2014—A Bill for an Act to impose a levy on true-up shortfalls under the Clean Energy Legislation (Carbon Tax Repeal) Act 2014, so far as that levy is a duty of excise.


Message no. 189, dated 14 July 2014—A Bill for an Act to amend the law relating to excise tariffs, and for related purposes.


Message no. 188, dated 14 July 2014—A Bill for an Act to provide for a limited exemption from the carbon charge component of levy imposed on the import of synthetic greenhouse gases by the Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995, and for related purposes.

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

Question put and passed.
Bills read a first time.
Senator Fifield moved—That these bills be now read a second time.


Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings (but see entry no. 32).

32 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION
The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That—

(a) the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014 and 7 related bills be called on immediately and have precedence over all government business until determined;

(b) on Tuesday, 15 July 2014:
   (i) the hours of meeting shall be 12.30 pm to 6.50 pm and 7.30 pm to adjournment,
   (ii) the routine of business from 7.30 pm shall be government business only, and
   (iii) the question for the adjournment of the Senate shall be proposed at 9.50 pm;

(c) on Thursday, 17 July 2014:
   (i) the hours of meeting shall be 9.30 am to 6.50 pm and 7.30 pm to adjournment,
   (ii) consideration of general business private senators’ bills under temporary order 57(1)(d)(ia) shall not be proceeded with and that government business shall have precedence for 2 hours and 20 minutes,
   (iii) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with,
   (iv) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm shall be government business only,
   (v) divisions may take place after 4.30 pm, and
   (vi) if the Senate is sitting at 11 pm, the sitting of the Senate shall be suspended till 9 am on Friday, 18 July 2014;
(d) on each calendar day after Thursday, 17 July 2014 until the Senate has finally considered the bills listed below, including any messages from the House of Representatives:

Clean Energy Legislation (Carbon Tax Repeal) Bill 2014 and 7 related bills
Asset Recycling Fund Bill 2014
Asset Recycling Fund (Consequential Amendments) Bill 2014
Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2]
Qantas Sale Amendment Bill 2014
Land Transport Infrastructure Amendment Bill 2014,
the hours of meeting shall be 9 am to 6.30 pm and 7.30 pm to 11 pm and if the Senate is still sitting at 11 pm, the sitting of the Senate be suspended till 9 am the following day; and

(e) the Senate shall adjourn after it has finally considered the bills listed in paragraph (d), or a motion for the adjournment is moved by a minister, whichever is the earlier.

Debate ensued.

Question put.

The Senate divided—

AYES, 48

Senators—

Back Edwards Ludwig O'Neill
Bernardi Fawcett Lundy O'Sullivan
Bilyk Fierravanti-Wells Macdonald Peris
Bullock Fifield Madigan Polley
Bushby Gallagher Marshall Ruston (Teller)
Cameron Heffernan McEwen Seselja
Canavan Johnston McGrath Singh
Carr Ketter McKenzie Sinodinos
Cash Lambie McLucas Smith
Colbeck Lazarus Moore Sterle
Dastyari Leyonhjelm Muir Wang
Day Lines Nash Xenophon

NOES, 10

Senators—

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

Question agreed to.
33 CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2014
TRUE-UP SHORTFALL LEVY (GENERAL) (CARBON TAX REPEAL) BILL 2014
TRUE-UP SHORTFALL LEVY (EXCISE) (CARBON TAX REPEAL) BILL 2014
CUSTOMS TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2014
EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2014
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2014
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (MANUFACTURE LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2014
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) (TRANSITIONAL PROVISIONS) BILL 2014

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

Debate resumed.

The Leader of the Australian Greens (Senator Milne) moved the following amendment in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014:

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

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 10

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

No. 43—15 July 2014
NOES, 58

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<th>AYES, 57</th>
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Question negatived.
Main question put.
The Senate divided—

AYES, 57

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<th>NOES, 10</th>
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Question agreed to.
Bills read a second time.
The Senate resolved itself into committee for the consideration of the bills.

In the committee

Bills taken together and as a whole by leave.
Senator Singh moved the following amendment in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014:

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

**Schedule 1—Amendments**

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

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

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

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

Repeal the paragraph.

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

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

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

Repeal the paragraph.

**Clean Energy Act 2011**

5 Section 4

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

6 Section 4

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

7 Section 5 (definition of fixed charge year)

Repeal the definition, substitute:

*fixed charge year* means:

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

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

8 Section 5 (definition of flexible charge year)

Repeal the definition, substitute:

*flexible charge year* means:

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

For the purposes of paragraph (a), the months of October, November and December 2014, and January, February, March, April, May and June 2015, are taken to be the financial year beginning on 1 July 2014.
9 After paragraph 14(2)(b)
   Insert:
   (ba) if the regulations declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014—must have regard to any report that:
      (i) was given to the Minister by the Climate Change Authority under section 60 of the Climate Change Authority Act 2011; and
      (ii) dealt with the carbon pollution cap for that year; and

10 At the end of subsection 15(1)
   Add “(other than regulations that declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014)”.

11 After section 15
   Insert:

15A When regulations must be tabled—2014-15 flexible charge year
  Scope
   (1) This section applies to regulations that declare the carbon pollution cap, and the carbon pollution cap number, for the flexible charge year beginning on 1 July 2014.

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

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

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

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

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

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

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

17 **Section 17 (heading)**

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

19 **Subsection 17(2) (formula)**
Repeal the formula, substitute:

\[
\text{Total emissions numbers for the eligible financial year beginning on 1 July 2012} - 25,000,000
\]

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

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

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

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

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

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

| 9 | The period: | the eligible financial year beginning on 1 July 2016 | the amount obtained by multiplying the per unit charge applicable under item 8 by: |
|   | (a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2016; and |  |
|   | (b) ending at the end of 1 February 2018. | |

| 10 | The period: | the eligible financial year beginning on 1 July 2017 | the amount obtained by multiplying the per unit charge applicable under item 9 by: |
|    | (a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2017; and |  |
|    | (b) ending at the end of 1 February 2019. | |

**25 Subsection 100(1) (note)**

Omit “Note”, substitute “Note 1”.

---

The period:

(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2015; and

(b) ending at the end of 1 February 2017.

The period:

(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2016; and

(b) ending at the end of 1 February 2018.

The period:

(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2017; and

(b) ending at the end of 1 February 2019.

The amount obtained by multiplying the per unit charge applicable under item 7 by:

(a) 1.07625; or

(b) if another number is specified in the regulations—that other number

The amount obtained by multiplying the per unit charge applicable under item 8 by:

(a) 1.07625; or

(b) if another number is specified in the regulations—that other number

The amount obtained by multiplying the per unit charge applicable under item 9 by:

(a) 1.07625; or

(b) if another number is specified in the regulations—that other number

---

**25 Subsection 100(1) (note)**

Omit “Note”, substitute “Note 1”.
26 At the end of subsection 100(1) (after the note)
Add:
   Note 2: For exempt item, see subsections (13A), (13B) and (13C).

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

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

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

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

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

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

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

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

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

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

37 Subsection 100(15)
Repeal the subsection.

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

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

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

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

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

43 Subparagraphs 123A(6)(b)(i) and (ii)
Repeal the subparagraphs, substitute:
(i) if the eligible financial year begins on 1 July 2014—6.25%; or
(ii) if the eligible financial year begins on 1 July 2015, 1 July 2016, 1 July 2017, 1 July 2018 or 1 July 2019—12.5%; or
(iii) if the eligible financial year begins on or after 1 July 2020, and the regulations do not specify a percentage for that year—12.5%; or
(iv) if the eligible financial year begins on or after 1 July 2020, and the regulations specify a percentage for that year—that percentage; and

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

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

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

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

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

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

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

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

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

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

53 Subsection 196(1AA) (heading)
Omit “11 months”, substitute “8 months”.

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

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

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

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

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

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

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

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

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

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

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

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

53 Subsection 196(1AA) (heading)
Omit “11 months”, substitute “8 months”.

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

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

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

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

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

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

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

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

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

Repeal the paragraph.

64 Subsection 289(8)

Repeal the subsection, substitute:

Report

(8) The report of the first review must set out recommendations relating to the level of carbon pollution caps for each of the following flexible charge years:

(a) the eligible financial year beginning on 1 July 2015;
(b) the eligible financial year beginning on 1 July 2016;
(c) the eligible financial year beginning on 1 July 2017;
(d) the eligible financial year beginning on 1 July 2018;
(e) the eligible financial year beginning on 1 July 2019.

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

34 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.11 pm till Wednesday, 16 July 2014 at 9.30 am.

35 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate