## Journals of the Senate

**No. 45**

**Thursday, 17 July 2014**

AND

**Friday, 18 July 2014**

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1 MEETING OF SENATE
The Senate met at 9.30 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2 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
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EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2014
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OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) (TRANSITIONAL PROVISIONS) BILL 2014

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

In the committee
Consideration resumed of the bills—and of the amendment moved by Senator Singh 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:

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></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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<td>The period:</td>
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<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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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(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:

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

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

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

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”.

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

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”.

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

Subsection 289(8)
Repeal the subsection, substitute:

Report

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

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

Debate resumed.
Question—That the amendment be agreed to—put.
The committee divided—

AYES, 32

Senators—

Brown
Bullock
Cameron
Carr
Collins
Conroy
Dastyari
Di Natale
Faulkner
Gallacher
Hanson-Young
Ketter
Lines
Ladlan
Marshall
McLucas
Milne
Moore
O’Neill
Peris
Polley
Rhiannon
Rice
Siewert
Singh
Sterle
Urquhart (Teller)
Waters
Whish-Wilson
Wong
Wright
NOES, 37

Senators—

Abetz
Back
Bernardi
Birmingham
Brandis
Bushby
Canavan
Cash
Colbeck
Cormann

Day
Fawcett (Teller)
Fierravanti-Wells
Fifield
Heffernan
Johnston
Lambie
Lazarus
Leyonhjelm
Macdonald

Mason
McGrath
McKenzie
Muir
Nash
O'Sullivan
Parry
Payne
Reynolds
Rushton

Ryan
Scullion
Seselja
Sinodinos
Smith
Wang
Williams

Question negatived.
The Leader of the Australian Greens (Senator Milne) moved the following amendments in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014 together by leave:

Schedule 2, item 3, page 75 (line 33), omit “electricity; or”, substitute “electricity.”.

Schedule 2, item 3, page 75 (line 34), omit paragraph (f) of the definition of electricity retailer in section 60A.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 10

Senators—

Di Natale
Hanson-Young
Ludlam

Milne
Rhiannon
Rice

Siewert (Teller)
Waters
Whish-Wilson

Wright

NOES, 45

Senators—

Abetz
Back
Bernardi
Birmingham
Bullock
Bushby
Canavan
Cash
Colbeck
Cormann
Day
Edwards

Faulkner
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Lambie
Lazarus
Leyonhjelm
Lines
Ludwig
Madigan

Marshall
McEwen
McGrath
McKenzie
Moore
Muir
Nash
O'Neill
O'Sullivan
Payne
Peris

Rushton
Ryan
Seselja
Singh
Sinodinos
Smith
Urquhart (Teller)
Wang
Williams

Question negatived.

Question—That the bills stand as printed—put, at the request of Senator Singh, in respect of Schedules 2 to 4 of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014.

Schedules 2 to 4 of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014 debated.
No. 45—17 July 2014 1233


The committee divided—

AYES, 38

<table>
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<th>Senators</th>
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<th>Edwards</th>
<th>Mason</th>
<th>Ruston (Teller)</th>
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NOES, 33

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Schedules agreed to.

Question—That the bills stand as printed—divided, at the request of Senator Singh, in respect of Schedule 5 of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014.


The committee divided—

AYES, 39

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NOES, 32

Senators—

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

Schedule agreed to.

Question—That the bills stand as printed—put.

The committee divided—

AYES, 38

Senators—

Abetz Day Macdonald Ruston (Teller)
Back Edwards Madigan Ryan
Bernardi Fawcett Mason Scullion
Birmingham Fierravanti-Wells McGrath Seselja
Brandis Fifield McKenzie Sinodinos
Bushby Jefferman Muir Smith
Canavan Johnston Nash Wang
Cash Lambie O’Sullivan Williams
Colbeck Lazarus Parry
Cormann Leyonhjelm Payne

NOES, 32

Senators—

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

Question agreed to.

The True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2014 and the True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2014 to be reported without requests for amendments and the remaining bills to be reported without amendments.

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

The Minister for Finance (Senator Cormann) moved—That the report from the committee be adopted.

Question put.
The Senate divided—

AYES, 38

Senators—

Abetz, Day, Macdonald, Ruston (Teller)
Back, Edwards, Madigan, Ryan
Bernardi, Fawcett, Mason, Scullion
Birmingham, Fieravanti-Wells, McGrath, Seselja
Brandis, Fifield, McKenzie, Sinodinos
Bushby, Heffernan, Muir, Smith
Canavan, Johnston, Nash, Wang
Cash, Lambie, O’Sullivan, Williams
Colbeck, Lazarus, Payne
Cormann, Leyonhjelm, Reynolds

NOES, 34

Senators—

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

Question agreed to.
Senator Cormann moved—That these bills be now read a third time.

Debate ensued.

Question put.

The Senate divided—

AYES, 39

Senators—

Abetz, Day, Macdonald, Reynolds
Back, Edwards, Madigan, Ruston
Bernardi, Fawcett, Mason, Ryan
Birmingham, Fieravanti-Wells, McGrath, Scullion
Brandis, Fifield, McKenzie, Seselja
Bushby (Teller), Heffernan, Muir, Sinodinos
Canavan, Johnston, Nash, Smith
Cash, Lambie, O’Sullivan, Wang
Colbeck, Lazarus, Parry, Williams
Cormann, Leyonhjelm, Payne
No. 45—17 July 2014

NOES, 33

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

Question agreed to.
Bills read a third time.

3 Asset Recycling Fund Bill 2014

Asset Recycling Fund (Consequential Amendments) Bill 2014

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for the Environment (Senator Birmingham)—That these bills be now read a second time.

Debate resumed.

Time expired: Pursuant to order (see entry no. 32, 15 July 2014), debate was interrupted, while Senator Peris was speaking, after the consideration of government business reached the limit of 2 hours 20 minutes.

4 Notice

Senators McKenzie and Back: To move on the next day of sitting—That the Senate—

(a) notes:
   (i) with concern the activities of vigilantes on private farm property, and covertly filming operations, is trespassing and is illegal, and
   (ii) such activities are distressing to the animals, staff and owners, and disrupt the operation of legitimate businesses;
(b) acknowledges the risk of such activities introducing biosecurity threats through the spread of disease that can be detrimental to animals and the viability of farm businesses;
(c) condemns such illegal actions;
(d) calls on vigilantes to respect the laws, and present any animal mistreatment allegations immediately and directly to authorities; and
(e) acknowledges the strong animal husbandry skills of Australian farmers and does not tolerate animal cruelty in any form. (general business notice of motion no. 366)

5 Selection of Bills—Standing Committee—Report No. 9 of 2014

The Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

Selection of Bills Committee
Report No. 9 of 2014

1. The committee met in private session on Wednesday, 16 July 2014 at 7.25 pm.
2. The committee resolved to recommend—that contingent upon its introduction in the House of Representatives, the provisions of the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 September 2014.

3. The committee resolved to recommend—that the following bills not be referred to committees:
   - Clean Energy Legislation (Carbon Tax Repeal) Bill 2014
   - Customs Tariff Amendment (Carbon Tax Repeal) Bill 2014
   - Excise Tariff Amendment (Carbon Tax Repeal) Bill 2014
   - Labor 2013–14 Budget Savings (Measures No. 1) 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
   - True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2014
   - True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2014.

   The committee recommends accordingly.

4. The committee considered the National Security Legislation Amendment Bill (No. 1) 2014 but was unable to reach agreement.

5. The committee deferred consideration of the following bills to its next meeting:
   - Australian Sports Anti-Doping Authority Amendment Bill 2014
   - Competition and Consumer Amendment (Industry Code Penalties) Bill 2014
   - Customs Amendment Bill 2014
   - Guardian for Unaccompanied Children Bill 2014
   - International Tax Agreements Amendment Bill 2014
   - Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2014
   - Military Rehabilitation and Compensation Amendment Bill 2014
   - Motor Vehicle Standards (Cheaper Transport) Bill 2014
   - Save Our Sharks Bill 2014
   - Social Services and Other Legislation Amendment (Student Measures) Bill 2014
   - Tax and Superannuation Laws Amendment (2014 Measures No. 4) Bill 2014.

   David Bushby
   Chair
   17 July 2014.

   Senator Bushby moved—that the report be adopted.

   Senator Ludlam moved the following amendment:

   At the end of the motion, add “and, in respect of the National Security Legislation Amendment Bill (No. 1) 2014, the bill be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 8 November 2014”.
Question—That the amendment be agreed to—put and negatived.

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

Main question put and passed.

6 LEAVE OF ABSENCE

Senator Bushby, by leave, moved—That leave of absence be granted to Senator Ronaldson from 14 to 18 July 2014, on account of ministerial business.

Question put and passed.

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Xenophon for today, for personal reasons.

Question put and passed.

7 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Dastyari for today, proposing the disallowance of items 1 to 27 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, postponed till 26 August 2014.

General business notices of motion nos 351 and 352 standing in the name of Senator Bernardi for today, relating to the Select Committee on the National Broadband Network and to the proposed establishment of a joint select committee on the National Broadband Network, postponed till 26 August 2014.

General business notice of motion no. 356 standing in the name of the Leader of the Palmer United Party in the Senate (Senator Lazarus) for today, proposing the establishment of a select committee on certain aspects of Queensland Government administration, postponed till 26 August 2014.

8 PRIVILEGES—STANDING COMMITTEE—REFERENCE

Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) and the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—

(1) That the following matter be referred to the Committee of Privileges for inquiry and report:

In the context of an inquiry by the Rural and Regional Affairs and Transport References Committee into aviation accident investigations and Budget estimates hearings of the Rural and Regional Affairs and Transport Legislation Committee in May 2013:

(a) whether disciplinary action was taken against either a witness before the committee or a person providing information to the committee; and

(b) if so, whether any contempt was committed in respect of those matters.

(2) That, for the purpose of providing further information to the Committee of Privileges, the Standing Committees on Rural and Regional Affairs and Transport have access to the records of the committee in the previous Parliament.

Question put and passed.
9 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Community Affairs References Committee for inquiry and report by the second sitting week in February 2015:

Out of home care, including:
(a) drivers of the increase in the number of children placed in out of home care, types of care that are increasing and demographics of the children in care;
(b) the outcomes for children in out of home care (including kinship care, foster care and residential care) versus staying in the home;
(c) current models for out of home care, including kinship care, foster care and residential care;
(d) current cost of Australia’s approach to care and protection;
(e) consistency of approach to out of home care around Australia;
(f) what are the supports available for relative/kinship care, foster care and residential care;
(g) best practice in out of home care in Australia and internationally;
(h) consultation with individuals, families and communities affected by removal of children from the home;
(i) extent of children in out of home care remaining connected to their family of origin; and
(j) best practice solutions for supporting children in vulnerable family situations including early intervention.

Question put and passed.

10 ENVIRONMENT—NATIONAL WATER COMMISSION
Senator Rhiannon, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 354—That the Senate—
(a) notes:
   (i) water is one of our most important resources and is critical to Australia’s economic growth,
   (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.

Question put.
The Senate divided—

AYES, 32

Senators—

Bilyk
Brown
Bullock
Cameron
Collins
Conroy
Dastyari
Di Natale

Faulkner
Gallacher
Hanson-Young
Ketter
Lines
Ludlam
Ludwig
Lundy

Madigan
McEwen (Teller)
McLucas
Milne
Moore
Muir
O’Neill
Peris

Rhiannon
Rice
Siewert
Singh
Sterle
Waters
Whish-Wilson
Wright

NOES, 30

Senators—

Back
Birmingham
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann

Day
Edwards
Fawcett
Ferravanti-Wells
Fifield
Heffernan
Johnston
Leyonhjelm

Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Payne
Reynolds
Ruston

Ryan
Scullion
Seselja
Sinodinos
Smith
Williams

Question agreed to.

11 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Bushby, at the request of the Chair of the Community Affairs Legislation Committee (Senator Seselja), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 355—That the time for the presentation of the report of the Community Affairs Legislation Committee on the Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014 be extended to 29 October 2014.

Question put and passed.

12 DEFENCE LEGISLATION AMENDMENT (PARLIAMENTARY APPROVAL OF OVERSEAS SERVICE) BILL 2014

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 357—That the following bill be introduced:

A Bill for an Act to amend the law relating to defence to provide for parliamentary approval of overseas service by members of the Defence Force, and for related purposes.

Question put and passed.

Senator Ludlam 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 Ludlam moved—That this bill be now read a second time.
Explanatory memorandum: Senator Ludlam, by leave, tabled an explanatory memorandum relating to the bill.

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

13 ADMINISTRATION—AUSTRALIAN DEFENCE FORCE BOOTS TENDER—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Madigan, at the request of Senator Xenophon and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 358—That there be laid on the table by the Minister for Defence, no later than 4 pm on Friday, 18 July 2014, a document providing the following information:

(a) the name of the successful tenderer for Australian Defence Force boots, Tender DMOLSD/RFT0129/2012; and

(b) the price differential of the winning tenderer compared to that of the closest Australian tenderer as per one of the following ranges:

(i) less than 10 per cent,
(ii) between 10 per cent and 20 per cent,
(iii) between 20 per cent and 30 per cent,
(iv) between 30 per cent and 40 per cent, and
(v) 50 per cent and over.

Question put and passed.

14 INDUSTRY—NATIONAL ELECTRICITY RULES

Senator Madigan, at the request of Senator Xenophon and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 359—That the Senate—

(a) notes that:

(i) over the past 6 years electricity prices have more than doubled for average households, with the carbon tax being one of the elements of that price increase, and

(ii) network charges have been responsible for approximately two-thirds of this rise in power prices; and

(b) calls on the Government to urgently review the National Electricity Rules governing the setting of network prices by taking a leadership role in the Council of Australian Governments to ensure a review of the rules by the Australian Energy Market Commission.

Question put and passed.

15 YOUTH—MENTAL HEALTH

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 360—That the Senate—

(a) notes the findings of the Connetica Budget 2014 Policy Briefing Papers which outline:

(i) the disproportionate burden the 2014-15 Budget cuts will place on young people,
(ii) the potential for an increase in suicides and mental ill-health among young Australians as a result of harsh budget measures, including changes to Newstart, increases to university fees, cutting the Tools For Your Trade program, and ending support programs like Youth Connections, and

(iii) that isolation, dislocation, loneliness, hopelessness and unemployment can increase anxiety, despair and depression;

(b) recognises that public policy has a direct impact on the mental health and wellbeing of the community; and

(c) urges the Government to reverse budget decisions which will adversely affect the mental health of young Australians.

Document: Senator Wright, by leave, tabled the following document:

Question put.
The Senate divided—

AYES, 33

Senators—
Brown
Bullock
Cameron
Collins
Conroy
Dastyari
Di Natale
Faulkner
Gallacher
Hanson-Young
Ketter
Lambie
Lazarus
Lines
Ludlam
Ludwig
Lundy
McEwen (Teller)
McLucas
Milne
Moore
Muir
O’Neill
Peris
Rhiannon
Rice
Siewert
Singh
Sterle
Wang
Waters
Whish-Wilson
Wright

NOES, 30

Senators—
Back
Birmingham
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Day
Edwards
Fawcett
Fierravanti-Wells
Fifield
Fifield
Heffernan
Johnston
Leyonhjelm
Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Payne
Reynolds
Ruston
Ryan
Scullion
Seselja
Sinodinos
Smith
Williams

Question agreed to.

16 IMMIGRATION—ASYLUM SEEKERS—ON WATER SCREENING AND TRANSFERS

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 361—That the Senate calls on the Government to cease the current ‘on water’ screening and transfers of asylum seekers which the United Nations High Commissioner for Refugees has said fall well short of Australia’s international obligations and could mean that asylum seekers were returned, or refouled, to persecution.
Statement by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

**AYES, 29**

Senators—

Brown  Hanson-Young  McLucas  Singh  
Bullock  Ketter  Milne  Sterle  
Cameron  Lines  Moore  Waters  
Collins  Ludlam  O’Neill  Whish-Wilson  
Conroy  Ludwig  Peris  Wright  
Dastyari  Lundy  Rhiannon  
Di Natale  Madigan  Rice  
Gallacher  McEwen (Teller)  Siewert  

**NOES, 33**

Senators—

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

Question negatived.

17 ENVIRONMENT—QUEENSLAND—ABBOT POINT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 362—

(1) That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 26 August 2014, any document in relation to the water quality offset imposed on the Abbot Point dredging and dumping approvals in December 2013 that discusses or assesses:

(a) the likely costs of offsetting 150 per cent of fine sediments ‘potentially available for resuspension’;

(b) the contributions of North Queensland Bulk Ports, Adani or GVK to accomplishing this offset; and

(c) contributions from the Queensland or Federal governments to accomplishing this offset.

(2) Documents previously released publicly pursuant to freedom of information or Senate orders for production of documents need not be included.

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

Question put.
The Senate divided—

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Question agreed to.

18 **NATIONAL SECURITY LEGISLATION AMENDMENT BILL (NO. 1) 2014—CONSIDERATION**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 364—That further consideration of the National Security Legislation Amendment Bill (No. 1) 2014 be postponed and made an order of the day for the later of:

(a) 8 September 2014; or

(b) the next day of sitting after the Government complies with Recommendation 41 of the report of the Parliamentary Joint Committee on Intelligence and Security, *Report of the inquiry into potential reforms of Australia’s National Security Legislation*, at least, by seeking the views of the Independent National Security Legislation Monitor and the Inspector-General of Intelligence and Security on the bill, and tabling a copy of those views in the Senate.

*Statement by leave*: Senator Collins, by leave, made a statement relating to the motion. Question put and negatived.

19 **HEALTH—HIV/AIDS**

Senator Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 363—That the Senate notes:

(a) that the 20th International AIDS Conference is being held in Melbourne from 20 to 25 July 2014, and will be attended by about 12 000 delegates from nearly 200 countries representing science, civil society, politics and the private sector;

(b) that this biennial conference is the premier international gathering for those working in the field of HIV, policy makers and people living with HIV;

(c) Australia’s resolve to work with governments, the business community and civil society across the region to reach the goals that the international community has set – zero new infections, zero AIDS-related deaths and zero discrimination;
(d) that while HIV/AIDS in Australia is lower than in many comparable nations, around 5 million people in our region are living with HIV/AIDS;
(e) that Australia has spent A$1 billion combatting HIV/AIDS in our region over the past decade and has committed $200 million over 3 years to support the Global Fund to Fight AIDS, Tuberculosis and Malaria, and that the Global Fund has already invested around $US6.8 billion in the Indo-Pacific region delivering HIV treatment to over 700 000 people; and
(f) the Australian Government’s release on 7 July 2014 of the 7th National HIV Strategy and its commitment to reverse the increasing trend of new HIV diagnosis and work towards the virtual elimination of HIV transmission by 2020.

Question put and passed.

20 **INDIGENOUS AUSTRALIANS—VISION LOSS**

Senator Siewert, also on behalf of Senator Peris, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 365—That the Senate—

(a) notes:

(i) the launch of the Roadmap to Close the Gap for Vision by the University of Melbourne released in July 2014,

(ii) that Aboriginal adults are 6 times more likely to become blind than non-Aboriginal Australians, and

(iii) that 94 per cent of vision loss in Aboriginal adult Australians is preventable or treatable; and

(b) urges the Federal Government to:

(i) review the report and provide national leadership on eye health, and

(ii) address the gap between Aboriginal and non-Aboriginal eye health as a matter of priority.

Question put and passed.

21 **FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—COMMONWEALTH PROCUREMENT PROCEDURES**

Pursuant to order, the Chair of the Finance and Public Administration References Committee (Senator Lundy) tabled the following report and documents:

Finance and Public Administration References Committee—Commonwealth procurement procedures—Report, dated July 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Lundy moved—That the Senate take note of the report.

At 12.45 pm: Pursuant to order, debate was interrupted while Senator Lundy was speaking.

22 **ASSET RECYCLING FUND BILL 2014**

**ASSET RECYCLING FUND (CONSEQUENTIAL AMENDMENTS) BILL 2014**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for the Environment (Senator Birmingham)—That these bills be now read a second time.

Debate resumed.
Question put and passed.
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.

Explanatory memorandum: The Minister for Finance (Senator Cormann) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the Asset Recycling Fund Bill 2014.

On the motion of Senator Cormann the following amendments in respect of the Asset Recycling Fund Bill 2014, taken together by leave, were debated and agreed to:

Clause 2, page 1 (line 9), omit “1 July 2014”, substitute “the day after this Act receives the Royal Assent”.


Clause 8, page 9 (line 1), omit “appropriate”, substitute “permissible”.

Clause 8, page 9 (line 3), omit “powers”, substitute “power”.

Clause 12, page 11 (lines 10 to 12), omit “Special Account for the purposes of the Financial Management and Accountability Act 1997”, substitute “special account for the purposes of the Public Governance, Performance and Accountability Act 2013”.

Clause 12, page 11 (lines 13 to 17), omit “Special Account” (wherever occurring), substitute “special account”.

Clause 13, page 12 (line 5), omit “On the commencement of this section”, substitute “At the start of the 28th day after this section commences”.

Clause 13, page 12 (line 17), omit “On the commencement of this section”, substitute “At the start of the 28th day after this section commences”.

Clause 16, page 15 (lines 16 and 17), omit the note, substitute:

Note: See section 80 of the Public Governance, Performance and Accountability Act 2013 (which deals with special accounts).

Clause 17, page 17 (lines 13 and 14), omit the note, substitute:

Note: See section 80 of the Public Governance, Performance and Accountability Act 2013 (which deals with special accounts).

Clause 21, page 19 (line 22), at the end of subclause (2), add “The State or Territory must comply with any such terms and conditions.”.
Clause 22, page 20 (lines 2 and 3), omit “Special Account for the purposes of the Financial Management and Accountability Act 1997”, substitute “special account for the purposes of the Public Governance, Performance and Accountability Act 2013”. 

Clause 22, page 20 (lines 4 to 8), omit “Special Account” (wherever occurring), substitute “special account”.

Clause 23, page 20 (lines 14 and 15), omit the note, substitute:

Note: See section 80 of the Public Governance, Performance and Accountability Act 2013 (which deals with special accounts).

Clause 27, page 22 (line 12), at the end of subclause (2), add “The person must comply with any such terms and conditions.”.

Clause 28, page 22 (line 26), at the end of subclause (2), add “The person must comply with any such terms and conditions.”.

Clause 34, page 26 (line 23), omit “On the day that this section commences”, substitute “On the 28th day after this section commences”.

Clause 34, page 27 (line 14), omit “On the day that this section commences”, substitute “On the 28th day after this section commences”.

Clause 35, page 28 (lines 17 and 18), omit “Section 39 of the Financial Management and Accountability Act 1997”, substitute “Section 58 of the Public Governance, Performance and Accountability Act 2013 (which deals with investment by the Commonwealth)”.


Question—That clause 47 of the Asset Recycling Fund Bill 2014 stand as printed—put and negatived.

Senator Carr moved the following amendments in respect of the Asset Recycling Fund Bill 2014 together by leave:

Clause 4, page 4 (lines 16 to 18), omit the definition of Education Investment Fund.

Clause 4, page 4 (lines 19 to 21), omit the definition of Education Investment Fund Special Account.

Heading to subclause 13(1), page 12 (line 4), omit the heading.

Clause 13, page 12 (line 5), omit “(1)”.

Clause 13, page 12 (line 14), omit “subsection 34(1)”, substitute “section 34”.

Heading to subclause 34(1), page 26 (line 19), omit the heading.

Clause 34, page 26 (line 21), omit “subsection 13(1)”, substitute “section 13”.

Clause 34, page 26 (line 26), omit “subsection 13(1)”, substitute “section 13”.

———

Document: Senator Carr, by leave, tabled the following document:

Debate ensued.  

Question—That the amendments be agreed to—put.  

The committee divided—

**AYES, 35**

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**NOES, 32**

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Question agreed to.  

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**After 2 pm:** The President resumed the chair and the Chair of Committees (Senator Marshall) reported progress.  

23 **SENATE—CLERK OF THE SENATE—STATEMENT BY PRESIDENT**  
The President made a statement relating to the role of the Clerk of the Senate.  

*Statements by leave:* The Leader of the Government in the Senate (Senator Abetz), the Leader of the Opposition in the Senate (Senator Wong), the Leader of the Australian Greens (Senator Milne) and Senators Madigan and Leyonhjelm, by leave, made statements relating to the matter.  

24 **QUESTIONS**  
A question without notice was answered.  

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*Distinguished visitor:* The President welcomed the President of the New South Wales Legislative Council, the Honourable Don Harwin MLC, and, with the concurrence of honourable senators, invited him to take a seat on the floor of the chamber.  

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Further questions without notice were answered.
25 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Urquhart moved—That the Senate take note of the answers given by the
Minister for Employment (Senator Abetz) to questions without notice asked by
Senators Urquhart and Singh today relating to employment in Tasmania and to the
Renewable Energy Target.
Debate ensued.
Question put and passed.
Senator Rhiannon moved—That the Senate take note of the answer given by the
Minister for Finance (Senator Cormann) to a question without notice asked by Senator
Rhiannon today relating to overseas development aid.
Question put and passed.

26 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—
130TH REPORT
The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) tabled
the following document:
Treaties—Joint Standing Committee—130th report—Treaty tabled on 14 August

27 LEGISLATION COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES
Senator Bushby, at the request of the chairs of the respective committees, tabled the
following documents:
Additional estimates 2013-14—
Economics Legislation Committee—Additional information received between
Education and Employment Legislation Committee—Additional information
received between 18 June and 17 July 2014—Education portfolio.
Foreign Affairs, Defence and Trade Legislation Committee—Additional
information received between 15 May and 16 July 2014—Defence portfolio.

Budget estimates 2014-15—
Economics Legislation Committee—Additional information received between
Education and Employment Legislation Committee—Additional information
received between 25 June and 16 July 2014—
Education portfolio.
Employment portfolio.
Environment and Communications Legislation Committee—Additional
information received between 27 June and 16 July 2014—Environment
portfolio.
Foreign Affairs, Defence and Trade Legislation Committee—Additional
information received between 25 June and 16 July 2014—Defence portfolio.

28 EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—ADDITIONAL
INFORMATION—TECHNICAL AND FURTHER EDUCATION SYSTEM
Senator Bushby, at the request of the Chair of the Education and Employment
References Committee (Senator Lines), tabled the following documents:
Education and Employment References Committee—Report—Technical and
further education in Australia—Additional information.
29 PUBLICATIONS—STANDING COMMITTEE—7TH REPORT

Senator Bushby, at the request of the Chair of the Standing Committee on Publications (Senator O’Sullivan), tabled the following report:

PUBLICATIONS COMMITTEE
7TH REPORT

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

The Committee, having considered documents presented to the Parliament since 25 June 2014, recommends that the following be printed:


Volume 2, dated 27 May 2014.

Senator O’Sullivan Chair  
17 July 2014.

Senator Bushby moved—that the report be adopted.

Question put and passed.

30 DOCUMENTS

The following documents were tabled by the Clerk:

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


Repeal of Airworthiness Directive—CASA ADCX 014/14 [F2014L00992].

Defence Act 1903—Section 58B—Education assistance—amendment—Defence Determination 2014/33.


Amendment of List of Exempt Native Specimens—Queensland Sea Cucumber Fishery (East Coast) (16 July 2014)—EPBC303DC/SFS/2014/26 [F2014L00999].
Inclusion of ecological communities in the list of threatened ecological communities under section 181 – Coastal Upland Swamps in the Sydney Basin Bioregion (EC 140) (13 July 2014) [F2014L01000].


Fisheries Management Act 1991—
Bass Strait Central Zone Scallop Fishery (Closures) Direction Revocation No. 1 2014 [F2014L00985].
Northern Prawn Fishery (Closures) Direction No. 169 [F2014L00990].
Northern Prawn Fishery (Closures) Direction No. 170 [F2014L00991].

Higher Education Support Act 2003—
Revocation of Approval as a VET provider (Carrick Institute of Education Pty Ltd) [F2014L00984].
VET Provider Approval—No. 38 of 2014 [F2014L00988].

Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.

Parking Permit Fees Rule 2014 [F2014L00994].
Parking Permit Rule 2014 [F2014L00996].
Pay Parking Fees Rule 2014 [F2014L00993].

31 COMMITTEE MEMBERSHIP
The Deputy President (Senator Marshall) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck), by leave, moved—that senators be discharged from and appointed to committees as follows:

Abbott Government’s Budget Cuts—Select Committee—
Appointed—Senators Canavan, McGrath and Smith

Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Di Natale to replace Senator Wright for the committee’s inquiry into the exposure draft of the Medical Services (Dying with Dignity) Bill 2014
Participating member: Senator Wright.

Question put and passed.

32 DEFENCE LEGISLATION AMENDMENT (WOOMERA PROHIBITED AREA) BILL 2014
A message from the House of Representatives was reported agreeing to the following bill without amendment:

33 COMMITTEE MEMBERSHIP
A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 198, dated 16 July 2014—
Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, Mrs Elliot in place of Mr Hayes
Parliamentary Joint Committee on Law Enforcement, Mr Hayes in place of Mrs Elliot.

34 CORPORATIONS AMENDMENT (SIMPLE CORPORATE BONDS AND OTHER MEASURES) BILL 2014
FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT BILL 2014
METEOROLOGY AMENDMENT (ONLINE ADVERTISING) BILL 2014
NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS) BILL 2014
SOCIAL SECURITY LEGISLATION AMENDMENT (STRONGER PENALTIES FOR SERIOUS FAILURES) BILL 2014

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

Message no. 201, dated 16 July 2014—A Bill for an Act to amend the law relating to corporations, and for other purposes.
Message no. 197, dated 16 July 2014—A Bill for an Act to amend the National Health Act 1953, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) 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 Colbeck moved—That these bills be now read a second time.

Explanatory memorandum: Senator Colbeck tabled a revised explanatory memorandum relating to the Fair Work (Registered Organisations) Amendment Bill 2014.

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.
Senator Colbeck moved—That the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.
35 Asset Recycling Fund Bill 2014
Asset Recycling Fund (Consequential Amendments) Bill 2014
Order of the day read for the further consideration of the bills in committee of the whole.

In the committee
Question—That the Asset Recycling Fund Bill 2014, as amended, and the Asset Recycling Fund (Consequential Amendments) Bill 2014 be agreed to—divided, at the request of Senator Carr, in respect of subclauses 13(2) and 34(4) to (6) of the Asset Recycling Fund Bill 2014.
Question—That subclauses 13(2) and 34(4) to (6) of the Asset Recycling Fund Bill 2014 stand as printed—put.
The committee divided—

AYES, 31
Senators—
Back                               Day                         Macdonald          Reynolds
Bernardi                           Edwards                     Mason              Ruston
Birmingham                        Fawcett                     McGrath            Ryan
Bushby (Teller)                   Fierravanti-Wells           McKenzie           Scullion
Canavan                           Fifield                     Nash               Seselja
Cash                               Heffernan                   O'Sullivan          Sinodinos
Colbeck                            Johnston                    Parry              Williams
Cormann                           Leyonhjelm                  Payne

NOES, 36
Senators—
Bilyk                             Gallacher                   Marshall           Rice
Brown                             Hanson-Young                McEwen (Teller)    Siewert
Bullock                           Ketter                      McLucas            Singh
Cameron                           Lennie                      Moore              Sterle
Carr                              Lazarus                     Muir               Urquhart
Collins                           Lines                       O’Neill            Wang
Dastyari                          Ludlam                      Peris              Waters
Di Natale                         Ludwig                      Polley            Whish-Wilson
Faulkner                          Lundy                       Rhiannon           Wright

Subclauses negatived.
Senator Cameron moved the following amendments in respect of the Asset Recycling Fund Bill 2014 together by leave:

Clause 18, page 17 (after line 23), at the end of subclause (1), add:

Note: See also section 21A.
Page 19 (after line 24), at the end of Subdivision B, add:

**21A Cost benefit analyses to be made public**

If a direction is made under subsection 18(1) in relation to a grant for an infrastructure project, the Infrastructure Minister must:

(a) table in each House of the Parliament, within 14 sitting days of that House after the direction is made, a copy of the evaluation by Infrastructure Australia provided to the Minister under section 19; and

(b) within 14 days of the direction being made, ensure that the following information about the project is made available on the Infrastructure Department’s website:

(i) a description of the project;
(ii) when the project is to start and is likely to be completed.

Clause 24, page 20 (after line 26), at the end of subclause (1), add:

*Note: See also section 28A.*

Page 22 (after line 28), at the end of Subdivision C, add:

**28A Cost benefit analyses to be made public**

If a direction is made under subsection 24(1) for the purposes of making infrastructure payments for an infrastructure project, the Infrastructure Minister must:

(a) table in each House of the Parliament, within 14 sitting days of that House after the direction is made, a copy of the evaluation by Infrastructure Australia provided to the Minister under section 25; and

(b) within 14 days of the direction being made, ensure that the following information about the project is made available on the Infrastructure Department’s website:

(i) a description of the project;
(ii) when the project is to start and is likely to be completed.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 36

Senators—

- Bilyk
- Brown
- Bullock
- Cameron
- Carr
- Dastyari
- Di Natale
- Faulkner
- Gallacher
- Ketter
- Lambie
- Lazarus
- Leyonhjelm
- Lines
- Ludlam
- Ludwig
- Lundy
- Marshall
- McEwen
- McLucas
- Milne
- Moore
- Mur
- O’Neill
- Peris
- Polley
- Rhiannon
- Rice
- Stewart
- Singh
- Sterle
- Urquhart (Teller)
- Wang
- Waters
- Whish-Wilson
- Wright
Senator Cameron moved the following amendment in respect of the Asset Recycling Fund Bill 2014:

Clause 18, page 18 (lines 5 and 6), omit “Minister who recommended the specification of the grant (see section 19)”, substitute “Infrastructure Minister”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 36

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

NOES, 29

Back
Bernardi
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Day
Edwards
Fawcett (Teller)
Fierravanti-Wells
Fifield
Heffernan
Johnston
Macdonald
Mason
McGrath
McKenzie
Nash
O’Sullivan
Parry
Payne
Reynolds

Question agreed to.

Senator Cameron moved the following amendments in respect of the Asset Recycling Fund Bill 2014 together by leave:

No. 1—Clause 19, page 18 (lines 7 to 16), omit the clause, substitute:

19 Recommendations about grants payments

(1) The Finance Minister must not make a direction under subsection 18(1) in relation to a grant for an infrastructure project unless the Infrastructure Minister has recommended that a direction be made.
(2) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to a grant for an infrastructure project if:
   (a) capital expenditure on the project is $100 million or more; and
   (b) Infrastructure Australia has not done both of the following:
      (i) given the Minister an evaluation of the project (see subsection (3)); and
      (ii) advised that there are likely to be productivity gains from the project.

(3) Infrastructure Australia’s evaluation of an infrastructure project mentioned in subsection (2) must:
   (a) contain a cost benefit analysis of the project, including an estimate of the productivity gains from the project; and
   (b) set out any other matter that Infrastructure Australia considers relevant to the project.

(4) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to a grant for an infrastructure project if:
   (a) the grant is for expenditure incurred under the National Partnership Agreement on Asset Recycling; and
   (b) the grant does not relate to a transaction that the Treasurer has approved by legislative instrument.

(5) An approval under paragraph (4)(b) must specify the State-owned assets, or the parts of State-owned assets, to the sale of which the transaction relates.

No. 2—Clause 25, page 21 (lines 4 to 7), omit the clause, substitute:

25 Recommendations about payments

   (1) The Finance Minister must not make a direction under subsection 24(1) for the purposes of making infrastructure payments for an infrastructure project unless the Infrastructure Minister has recommended that a direction be made.

   (2) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to infrastructure payments for an infrastructure project if:
      (a) capital expenditure on the project is $100 million or more; and
      (b) Infrastructure Australia has not done both of the following:
         (i) given the Minister an evaluation of the project (see subsection (3)); and
         (ii) advised that there are likely to be productivity gains from the project.

   (3) Infrastructure Australia’s evaluation of an infrastructure project mentioned in subsection (2) must:
      (a) contain a cost benefit analysis of the project, including an estimate of the productivity gains from the project; and
      (b) set out any other matter that Infrastructure Australia considers relevant to the project.
(4) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to infrastructure payments for an infrastructure project if:
(a) the payments are for expenditure incurred under the National Partnership Agreement on Asset Recycling; and
(b) the payments do not relate to a transaction that the Treasurer has approved by legislative instrument.

(5) An approval under paragraph (4)(b) must specify the State-owned assets, or the parts of State-owned assets, to the sale of which the transaction relates.

Senator Leyonhjelm moved the following amendments to Senator Cameron’s proposed amendments together by leave:

Amendment no. 1, subclauses 19(4) and (5), omit the subclauses.

Amendment no. 2, subclauses 25(4) and (5), omit the subclauses.

Debate ensued.

Question—That Senator Leyonhjelm’s amendments to Senator Cameron’s proposed amendments be agreed to—put and negatived.

Question—That the amendments moved by Senator Cameron be agreed to—put and passed.

On the motion of Senator Ludlam the following amendment in respect of the Asset Recycling Fund Bill 2014 was debated and agreed to:

Page 23 (after line 10), after Division 4, insert:

Division 4A—State-owned essential services

29A State-owned essential services

A grant or payment mentioned in this Part must not relate to a transaction that relates to the sale of State-owned assets that provide essential services.

Senator Ludlam moved the following amendment in respect of the Asset Recycling Fund Bill 2014:

Page 24 (after line 12), at the end of Part 2, add:

Division 6—Toll roads

30A Toll roads

Financial assistance granted as mentioned in this Part must not be expended on toll roads.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 10

Senators—

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NOES, 43

Senators—

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Question negatived.

On the motion of Senator Ludlam the following amendments in respect of the Asset Recycling Fund Bill 2014, taken together by leave, were debated and agreed to:

Title, page 1 (line 1), before “establish the Asset Recycling Fund”, insert “encourage privatisation and”.

Clause 1, page 1 (line 7), omit “Asset Recycling Fund”, substitute “Encouraging Privatisation (Asset Recycling Fund)”.

On the motion of Senator Ludlam the following amendments in respect of the Asset Recycling Fund (Consequential Amendments) Bill 2014, taken together by leave, were agreed to:

Clause 1, page 1 (line 6), omit “Asset Recycling Fund”, substitute “Encouraging Privatisation (Asset Recycling Fund)”.


Bills, as amended, agreed to.

Bills to be reported with amendments and amendments to the titles.

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

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

36 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.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

Bilyk (Teller) Gallacher McLucas Sterle
Brown Hanson-Young Milne Urquhart
Bullock Ketter Moore Waters
Cameron Lines O'Neill Whish-Wilson
Carr Ludlam Peris Wong
Collins Lundy Rhiannon Wright
Dastyari Madigan Rice
Di Natale Marshall Siewert
Faulkner McEwen Singh

NOES, 35

Senators—

Abetz Day Leyonhjelm Payne
Back Edwards Macdonald Reynolds
Bernardi Fawcett (Teller) Mason Ruston
Birmingham Fieravanti-Wells McGrath Ryan
Bushby Fifield McKenzie Soselja
Canavan Heffernan Muir Sinodinos
Cash Johnston Nash Wang
Colbeck Lambie O'Sullivan Williams
Cormann Lazarus Parry

Question negatived.

The Leader of the Australian Greens (Senator Milne) moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to recognise that the benefits of the mining boom should be enjoyed by all Australian society by:

(a) applying a 40 per cent tax rate to all minerals;
(b) rebating only those royalties that were in place at July 2011; and
(c) allowing depreciation on the book value of the amounts actually spent on mining infrastructure only”.

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
NOES, 55

Senators—

Back ... 5
Bernardi ... 5
Birmingham ... 5
Brown ... 5
Bullock ... 5
Bushby ... 5
Cameron ... 5
Canavan ... 5
Carr ... 5
Cash ... 5
Colbeck ... 5
Collins ... 5
Cormann ... 5
Dastyari ... 5

NOES, 32

Senators—

Bilyk ... 5
Brown ... 5
Bullock ... 5
Cameron ... 5
Carr ... 5
Collins ... 5
Dastyari ... 5
Di Natale ... 5

Question negatived.
Main question put.
The Senate divided—

AYES, 36

Senators—

Abetz ... 5
Back ... 5
Bernardi ... 5
Birmingham ... 5
Bushby ... 5
Canavan ... 5
Cash ... 5
Colbeck ... 5
Cormann ... 5

NOES, 32

Senators—

Bilyk ... 5
Brown ... 5
Bullock ... 5
Cameron ... 5
Carr ... 5
Collins ... 5
Dastyari ... 5
Di Natale ... 5

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.
Question—That the bill stand as printed—divided, at the request of Senator Leyonhjelm, in respect of Schedules 2 to 5.
Schedules 2 to 5 debated.
Question—That Schedules 2 to 5 stand as printed—put.
The committee divided—

**AYES, 34**

Senators—

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**NOES, 33**

Senators—

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Schedules agreed to.

**Explanatory memorandum**: The Minister for Finance (Senator Cormann) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

Senator Cormann moved the following amendment:

Schedule 6, item 1, page 36 (lines 5 to 9), omit the item, substitute:

1 **Subsection 19(2)**

Repeal the subsection, substitute:

(2) The charge percentage for a quarter in a year described in an item of the table is the number specified in column 2 of the item.

<table>
<thead>
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<th>Charge percentage (unless reduced under section 22 or 23)</th>
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</table>
Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senators—

Abetz  Cormann  Leyonhjelm  Reynolds
Back    Day      Macdonald  Ruston
Bernardi Edwards  Mason    Ryan
Birmingham Fawcett (Teller)  McGrath  Seselja
Bushby  Fieravanti-Wells  McKenzie  Sinodinos
Canavan Fife  Nash    Williams
Cash    Hefferman  O’Sullivan
Colbeck Johnston  Payne

NOES, 36

Senators—

Brown    Ketter    McEwen (Teller)  Siewert
Bullock  Lambie  McLucas  Singh
Cameron  Lazarus  Milne    Sterle
Collins  Lines     Moore   Urquhart
Dastyari Ludlam  Muir    Wang
Di Natale Ludwig  O’Neill  Waters
Faulkner Lundy    Peris    Whish-Wilson
Gallacher Madigan  Riannon  Wong
Hanson-Young Marshall  Rice    Wright

Question negatived.

Question—That the bill stand as printed—divided, at the request of Senator Madigan, in respect of Schedule 6.

Schedule 6 debated.

Question—That Schedule 6 stand as printed—put.

The committee divided—

AYES, 35

Senators—

Abetz    Day     Leyonhjelm  Payne
Back     Edwards  Macdonald  Reynolds
Bernardi Fawcett (Teller)  Mason    Ruston
Birmingham Fieravanti-Wells  McGrath  Ryan
Bushby    Fife     McKenzie  Seselja
Canavan  Hefferman  Muir    Sinodinos
Cash    Johnston  Nash    Wang
Colbeck  Lambie  O’Sullivan  Williams
Cormann  Lazarus  Parry
Schedule agreed to.

Question—That the bill stand as printed—divided, at the request of the Leader of the Palmer United Party in the Senate (Senator Lazarus), in respect of Schedule 7.

Schedule 7 debated.

Question—That Schedule 7 stand as printed—put.

The committee divided—

**AYES, 29**

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Schedule negatived.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Moore, in respect of Schedules 8 and 9.

Schedules 8 and 9 debated.

Question—That Schedule 8 and 9 stand as printed—put and negatived.

On the motion of Senator Lambie the following amendment was agreed to:

Clause 2, page 2 (table item 3, column 1), omit “9”, substitute “6”.

Bill, as amended, agreed to.

Bill to be reported with amendments.
The President resumed the chair and the Chair of Committees (Senator Marshall) reported accordingly.

On the motion of Senator Cormann the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 36

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NOES, 30

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Question agreed to.

Bill read a third time.

37 **SENATE—WEARING OF CAMPAIGN MATERIAL—STATEMENT BY PRESIDENT**

The President made a statement relating to the wearing of campaign material in the Senate.

Suspension of sitting: The sitting of the Senate was suspended at 11.04 pm till 9 am, Friday, 18 July 2014.

38 **PRAYERS AND ACKNOWLEDGEMENT OF COUNTRY**

The President read prayers and made an acknowledgement of country.
39 FOREIGN AFFAIRS—MALAYSIA AIRLINES FLIGHT MH17—STATEMENT BY LEAVE
The Leader of the Government in the Senate (Senator Abetz), by leave, made a statement relating to the loss of Malaysia Airlines Flight MH17 over Ukraine.

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

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

40 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—PUBLIC WORKS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING
Senator Bushby, by leave and on behalf of the Joint Standing Committee on the National Capital and External Territories and the Parliamentary Standing Committee on Public Works, moved—that

(a) the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate today, from 9 am to 11 am, followed by an in camera hearing; and

(b) the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate today, from 9 am to 11.30 am, followed by an in camera hearing.

Question put and passed.

41 SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (SENIORS HEALTH CARD AND OTHER MEASURES) BILL 2014
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 204, dated 17 July 2014—A Bill for an Act to amend the law relating to social security, student assistance, aged care, health, data-matching and veterans’ entitlements, and for related purposes.

The Assistant Minister for Social Services (Senator Fifield) 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 Fifield moved—that this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

42 QANTAS SALE AMENDMENT BILL 2014
Order of the day read for the adjourned debate on the motion of the Assistant Treasurer—that this bill be now read a second time.

Debate resumed.

Question put.
The Senate divided—

AYES, 52

Senators—

Abetz  Collins  Ludwig  Payne
Back  Dastyari  Lundy  Peris
Bernardi  Day  Macdonald  Polley
Bilyk  Edwards  Marshall  Reynolds
Birmingham  Faulkner  Mason  Ruston (Teller)
Brown  Fawcett  McEwen  Ryan
Bullock  Ferriavanti-Wells  McGrath  Seselja
Bushby  Fifield  McKenzie  Singh
Cameron  Gallacher  McLucas  Sinodinos
Canavan  Johnston  Moore  Smith
Carr  Ketter  Nash  Stirling
Cash  Leyonhjelm  O’Neill  Williams
Colbeck  Lines  O’Sullivan  Wong

NOES, 15

Senators—

Di Natale  Ludlam  Rhiannon  Waters
Hanson-Young  Madigan  Rice  Whish-Wilson
Lambie  Milne  Siewert (Teller)  Wright
Lazarus  Muir  Wang  

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.

Senator Cameron moved the following amendment:

Schedule 1, page 3 (lines 1 to 5), omit the Schedule, substitute:

Schedule 1—Amendments

Qantas Sale Act 1992

1 Paragraphs 7(1)(aa) and (b)

Repeal the paragraphs.

2 Paragraph 7(1)(d)

Omit “, (b)”.

Debate ensued.

Question—That the amendment be agreed to—put.
The committee divided—

**AYES, 48**

Senators—

Abetz  Dastyari  Ludwig  Payne
Back  Day  Lundy  Peris
Bernardi  Edwards  Macdonald  Polley
Bilyk  Faulkner  Marshall  Reynolds
Birmingham  Fawcett  McEwen  Ruston
Brown  Fierrozanti-Wells  McGrath  Ryan
Bullock  Fifield  McKenzie  Seselja
Bushby  Gallacher  McLucas  Singh
Cameron  Johnston  Moore  Sinodinos
Canavan  Ketter  Nash  Smith
Cash  Leyonhjelm  O’Neill  Sterle
Colbeck  Lines  O’Sullivan (Teller)  Williams

**NOES, 15**

Senators—

Di Natale  Ludlam  Rhiannon  Waters
Hanson-Young  Madigan  Rice  Whish-Wilson
Lambie  Mihe  Siewert (Teller)  Wright
Lazarus  Muir  Wang

Question agreed to.

Question—That the bill, as amended, be agreed to—divided, at the request of Senators Madigan, Rhiannon and Xenophon, in respect of Schedule 1, as amended.

Schedule 1, as amended, debated and agreed to.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Cameron, in respect of Schedule 2.

Question—That Schedule 2 stand as printed—put and negatived.

On the motion of Senator Cameron the following amendment was agreed to:

Clause 2, page 2 (table item 2, column 1), omit “Schedules 1 and 2”, substitute “Schedule 1”.

Senator Rhiannon, also on behalf of Senators Madigan and Xenophon, moved the following amendments together by leave:

Page 4 (after line 16), at the end of the bill, add:

**Schedule 3—Facilities**

**Qantas Sale Act 1992**

1 **Subsection 3(1) (definition of mandatory article)**

   Repeal the definition, substitute:

   _mandatory article _means:

   (a) a provision included in Qantas’ articles of association in accordance with subsection 7(1); or

   (b) a provision included in a Qantas subsidiary’s articles of association in accordance with subsection 7(1A).

2 **Part 3 (heading)**

   Omit “Qantas”.”
3 Section 7 (heading)
Omit “Qantas’ articles”, substitute “Articles”.

4 After paragraph 7(1)(h)
Insert:

(ha) for each of the following classes of facilities:
   (i) facilities for the maintenance and housing of aircraft;
   (ii) facilities for catering;
   (iii) facilities for flight operations;
   (iv) facilities for training;
   (v) facilities for administration;
   (vi) all other facilities which Qantas uses in the provision of
        scheduled international air transport services;

require that of the facilities of that class which Qantas uses in the
provision of scheduled international air transport services, the
facilities located in Australia, when compared with those located
in any other country, must represent the principal centre of the
relevant operations for Qantas; and

5 After subsection 7(1)
Insert:

(1A) The articles of association of a Qantas subsidiary must, on and
from the commencement of this subsection, for each of the following
classes of facilities:
   (a) facilities for the maintenance and housing of aircraft;
   (b) facilities for catering;
   (c) facilities for flight operations;
   (d) facilities for training;
   (e) facilities for administration;
   (f) all other facilities which the subsidiary uses in the provision of
      scheduled international air transport services;

require that of the facilities of that class which the subsidiary uses in
the provision of scheduled international air transport services, the
facilities located in Australia, when compared with those located in
any other country, must represent the principal centre of the relevant
operations for the subsidiary.

6 Section 8 (heading)
Omit “Qantas”.

7 Subsection 8(1)
After “Qantas”, insert “or a Qantas subsidiary”.

8 Subsection 8(1)
After “Qantas”, insert “or the subsidiary’s”.

9 Subsection 8(2)
After “Qantas”, insert “or a Qantas subsidiary”.

10 Subsection 10(1)
After “Qantas” (first occurring), insert “, a Qantas subsidiary”.

Original text:
11 **Subsection 10(1)**
   After “Qantas” (second and third occurring), insert “, the subsidiary”.

12 **Subsection 10(2)**
   After “Qantas” (first occurring), insert “, a Qantas subsidiary”.

13 **Subsection 10(2)**
   After “Qantas” (second and third occurring), insert “, the subsidiary”.

14 **Subsection 10(6)**
   After “Qantas” (first occurring), insert “, a Qantas subsidiary”.

15 **Paragraphs 10(6)(a), (b) and (c)**
   After “Qantas”, insert “, the subsidiary”.

16 **Subsection 10(7)**
   After “Qantas” (first occurring), insert “, a Qantas subsidiary”.

17 **Paragraphs 10(7)(a), (b) and (c)**
   After “Qantas”, insert “, the subsidiary”.

18 **Subsection 10(9)**
   After “Qantas” (first and second occurring), insert “, a Qantas subsidiary”.

19 **Subsection 10(9)**
   After “Qantas” (third occurring), insert “, the subsidiary”.

20 **Application of amendments**
   (1) The amendments made by this Schedule (other than item 4) apply to a body corporate that becomes a Qantas subsidiary after 17 July 2014.
   (2) The amendments made by items 4 and 5 apply to facilities that Qantas or a Qantas subsidiary first use in the provision of scheduled international air transport services after 17 July 2014.

Clause 2, page 2 (at the end of the table), add:

3. Schedule 3  A day or days to be fixed by Proclamation.
   However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

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Question negatived.

Question—That the bill, as amended, be agreed to—put.

The committee divided—

AYES, 40

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Question agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Defence (Senator Johnston) the report from the committee was adopted.

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

Question put.
The Senate divided—

**AYES, 44**

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**NOES, 15**

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Question agreed to.
Bill read a third time.

43 **ROUTINE OF BUSINESS—VARIATION**

The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That consideration of government business order of the day no. 5 (Land Transport Infrastructure Amendment Bill 2014) not be proceeded with today.

Question put and passed.

44 **ASSET RECYCLING FUND BILL 2014**

**ASSET RECYCLING FUND (CONSEQUENTIAL AMENDMENTS) BILL 2014**

Messages from the House of Representatives were reported as follows:

- Message no. 205, dated 18 July 2014—Asset Recycling Fund Bill 2014, agreeing to amendments nos 3, 4, 7 to 11, 14, 17, 18, 22, 24 to 26, 29, 30, 35, 38 and 39 made by the Senate and disagreeing to amendments nos 1, 2, 5, 6, 12, 13, 15, 16, 19 to 21, 23, 27, 28, 31 to 34, 36 and 37.


Ordered, on the motion of the Minister for Employment (Senator Abetz), that the messages be considered in committee of the whole immediately.

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

________

**In the committee**

**SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED—ASSET RECYCLING FUND BILL 2014**

1. Title, page 1 (line 1), before “establish the Asset Recycling Fund”, insert “encourage privatisation and”.
(2) Clause 1, page 1 (line 7), omit “Asset Recycling Fund”, substitute “Encouraging Privatisation (Asset Recycling Fund)”.

(5) Clause 4, page 4 (lines 16 to 18), omit the definition of Education Investment Fund.

(6) Clause 4, page 4 (lines 19 to 21), omit the definition of Education Investment Fund Special Account.

(12) Heading to subclause 13(1), page 12 (line 4), omit the heading.

(13) Clause 13, page 12 (line 5), omit “(1)”. 

(15) Clause 13, page 12 (line 14), omit “subsection 34(1)”, substitute “section 34”.

(16) Clause 13, page 12 (lines 16 to 28), omit subclause (2).

(19) Clause 18, page 17 (after line 23), at the end of subclause (1), add:

Note: See also section 21A.

(20) Clause 18, page 18 (lines 5 and 6), omit “Minister who recommended the specification of the grant (see section 19)”, substitute “Infrastructure Minister”.

(21) Clause 19, page 18 (lines 7 to 16), omit the clause, substitute:

19 Recommendations about grants payments

(1) The Finance Minister must not make a direction under subsection 18(1) in relation to a grant for an infrastructure project unless the Infrastructure Minister has recommended that a direction be made.

(2) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to a grant for an infrastructure project if:

(a) capital expenditure on the project is $100 million or more; and

(b) Infrastructure Australia has not done both of the following:

(i) given the Minister an evaluation of the project (see subsection (3)); and

(ii) advised that there are likely to be productivity gains from the project.

(3) Infrastructure Australia’s evaluation of an infrastructure project mentioned in subsection (2) must:

(a) contain a cost benefit analysis of the project, including an estimate of the productivity gains from the project; and

(b) set out any other matter that Infrastructure Australia considers relevant to the project.

(4) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to a grant for an infrastructure project if:

(a) the grant is for expenditure incurred under the National Partnership Agreement on Asset Recycling; and

(b) the grant does not relate to a transaction that the Treasurer has approved by legislative instrument.

(5) An approval under paragraph (4)(b) must specify the State-owned assets, or the parts of State-owned assets, to the sale of which the transaction relates.
(23) Page 19 (after line 24), at the end of Subdivision B, add:

21A Cost benefit analyses to be made public

If a direction is made under subsection 18(1) in relation to a grant for an infrastructure project, the Infrastructure Minister must:

(a) table in each House of the Parliament, within 14 sitting days of that House after the direction is made, a copy of the evaluation by Infrastructure Australia provided to the Minister under section 19; and

(b) within 14 days of the direction being made, ensure that the following information about the project is made available on the Infrastructure Department’s website:

(i) a description of the project;

(ii) when the project is to start and is likely to be completed.

(27) Clause 24, page 20 (after line 26), at the end of subclause (1), add:

Note: See also section 28A.

(28) Clause 25, page 21 (lines 4 to 7), omit the clause, substitute:

25 Recommendations about payments

(1) The Finance Minister must not make a direction under subsection 24(1) for the purposes of making infrastructure payments for an infrastructure project unless the Infrastructure Minister has recommended that a direction be made.

(2) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to infrastructure payments for an infrastructure project if:

(a) capital expenditure on the project is $100 million or more; and

(b) Infrastructure Australia has not done both of the following:

(i) given the Minister an evaluation of the project (see subsection (3)); and

(ii) advised that there are likely to be productivity gains from the project.

(3) Infrastructure Australia’s evaluation of an infrastructure project mentioned in subsection (2) must:

(a) contain a cost benefit analysis of the project, including an estimate of the productivity gains from the project; and

(b) set out any other matter that Infrastructure Australia considers relevant to the project.

(4) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to infrastructure payments for an infrastructure project if:

(a) the payments are for expenditure incurred under the National Partnership Agreement on Asset Recycling; and

(b) the payments do not relate to a transaction that the Treasurer has approved by legislative instrument.

(5) An approval under paragraph (4)(b) must specify the State-owned assets, or the parts of State-owned assets, to the sale of which the transaction relates.
(31) Page 22 (after line 28), at the end of Subdivision C, add:

28A Cost benefit analyses to be made public

If a direction is made under subsection 24(1) for the purposes of making infrastructure payments for an infrastructure project, the Infrastructure Minister must:

(a) table in each House of the Parliament, within 14 sitting days of that House after the direction is made, a copy of the evaluation by Infrastructure Australia provided to the Minister under section 25; and

(b) within 14 days of the direction being made, ensure that the following information about the project is made available on the Infrastructure Department’s website:

   (i) a description of the project;

   (ii) when the project is to start and is likely to be completed.

(32) Page 23 (after line 10), after Division 4, insert:

Division 4A—State-owned essential services

29A State-owned essential services

A grant or payment mentioned in this Part must not relate to a transaction that relates to the sale of State-owned assets that provide essential services.

(33) Heading to subclause 34(1), page 26 (line 19), omit the heading.

(34) Clause 34, page 26 (line 21), omit “subsection 13(1)”, substitute “section 13”.

(36) Clause 34, page 26 (line 26), omit “subsection 13(1)”, substitute “section 13”.

(37) Clause 34, page 27 (lines 10 to 31), omit subclauses (4) to (6).

Senator Abetz moved—that the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put.

The committee divided—

AYES, 29

Senators—

Abetz Back Bernardi Birmingham Bushby Canavan Cash Colbeck

Day Edwards Fawcett (Teller) Fieravanti-Wells Friel Field Johnston Leyonhjelm MacDonald

Mason McGrath McKenzie Nash O'Sullivan Parry Payne

Ruston Ryan Sinodinos Smith Williams
NOES, 34

Senators—

Bilyk (Teller)  Hanson-Young  McLucas  Siewert
Bullock  Ketter  Milne  Singh
Cameron  Lambie  Moore  Sterle
Carr  Lazarus  Mur  Wang
Collins  Lines  O’Neill  Waters
Dastyari  Ludlam  Peris  Whish-Wilson
Di Natale  Lundy  Polley  Wright
Faulkner  Marshall  Rhiannon
Gallacher  McEwen  Rice

Question negatived.
Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Marshall) reported that the committee had considered messages nos 205 and 206 from the House of Representatives relating to the Asset Recycling Fund Bill 2014 and the Asset Recycling Fund (Consequential Amendments) Bill 2014 and had resolved to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of Senator Abetz the report from the committee was adopted.

45 MINERALS RESOURCE RENT TAX REPEAL AND OTHER MEASURES BILL 2013 [No. 2]

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


Ordered, on the motion of the Minister for Employment (Senator Abetz), that the message be considered in committee of the whole immediately.

In the committee

Senator Abetz moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put.

The committee divided—

AYES, 29

Senators—

Abetz  Edwards  McGrath  Ryan
Back  Fawcett  McKenzie  Seselja
Bernardi  FERRAVANTI-WELLS  Nash  Sinodinos
Birmingham  Fifield  O’Sullivan  Smith
Bushby (Teller)  Johnston  Parry  Williams
Canavan  Leyonhjelm  Payne
Cash  Macdonald  Reynolds
Colbeck  Mason  Ruston
NOES, 37

Senators—

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Question negatived.
Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Marshall) reported that the committee had considered message no. 207 from the House of Representatives relating to the Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2] and had resolved to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of Senator Abetz the report from the committee was adopted.

46 ROUTINE OF BUSINESS—VARIATION

The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That the business of the Senate notice of motion standing in the name of Senator Hanson-Young proposing the disallowance of the Migration Amendment (2014 Measures No. 1) Regulation 2014 be called on immediately and considered for not more than 60 minutes, at which time the question on the motion shall be put.

Question put and passed.

47 MIGRATION AMENDMENT (2014 MEASURES NO. 1) REGULATION—PROPOSED DISALLOWANCE

Senator Hanson-Young, pursuant to notice, moved the following business of the Senate notice of motion—That the Migration Amendment (2014 Measures No. 1) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 32 and made under the Migration Act 1958, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 29

Senators—

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NOES, 34

Senators—

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Back           Fawcett        Mason           Ruston
Bernardi       Fierravanti-Wells  McGrath       Ryan
Birmingham     Fifield        McKenzie     Sinodinos
Bushby (Teller) Heffernan    Muir           Smith
Canavan        Johnston       Nash          Wang
Cash           Lambie         O’Sullivan    Williams
Colbeck        Lazarus        Parry
Day            Leyonhjelm     Payne

Question negatived.

48 DEFENCE—AIR WARFARE DESTROYER PROJECT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Defence—Air Warfare Destroyer project—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 9 July 2014 and raising public interest immunity claims.

49 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—INDEPENDENT NATIONAL SECURITY LEGISLATION MONITOR REPEAL BILL 2014

Senator Bushby, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:


50 NEXT MEETING OF SENATE

The Assistant Minister for Social Services (Senator Fifield) moved—That the Senate, at its rising, adjourn till Tuesday, 26 August 2014, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

51 LEAVE OF ABSENCE

The Assistant Minister for Social Services (Senator Fifield) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

52 ADJOURNMENT

The Assistant Minister for Social Services (Senator Fifield) moved—That the Senate do now adjourn.

The Senate adjourned at 2.26 pm till Tuesday, 26 August 2014 at 12.30 pm.
53 ATTENDANCE

Present, all senators except Senators Ronaldson* and Xenophon* (*on leave).

ROSEMARY LAING
Clerk of the Senate