THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 40

WEDNESDAY, 9 JULY 2014

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

GOVERNMENT DOCUMENTS
The following documents were tabled:


**Migration Act 1958**—Section 486O—Assessment of detention arrangements—Personal identifiers 1000991, 1001042, 1001088, 1001109, 1001118, 1001130, 1001148, 1001162, 1001173, 1001174, 1001175, 1001176, 1001180, 1001181, 1001182, 1001183, 1001184, 1001185, 1001189, 1001192, 1001197, 1001208, 1001218, 1001242, 1001245, 1001260, 1001261, 1001263, 1001269, 1001384, 1001394, 1001419, 1001449, 1001455, 1001457, 1001460, 1001472, 1001474 and 1001500—Commonwealth Ombudsman’s reports, dated 9 July 2014.

Government response to Ombudsman’s reports, dated 23 June 2014.

SENATOR SWORN
Catryna Bilyk, senator for the state of Tasmania, attending for the first time since her current term of service commenced, pursuant to the Constitution of the Commonwealth of Australia, made and subscribed the oath of allegiance at the table.

CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013 [NO. 2]
TRUE-UP SHORTFALL LEVY (GENERAL) (CARBON TAX REPEAL) BILL 2013 [NO. 2]
TRUE-UP SHORTFALL LEVY (EXCISE) (CARBON TAX REPEAL) BILL 2013 [NO. 2]
CUSTOMS TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]
EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) (TRANSITIONAL PROVISIONS) BILL 2013 [NO. 2]

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That these bills be now read a second time—and on the amendment moved by Senator Singh in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2]:

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

(a) the scientific and expert consensus regarding climate change;
(b) that, in its first year, the clean energy future package:
   (i) drove a 7 per cent reduction in carbon pollution from electricity generation in the national electricity market,
   (ii) saw renewable energy increase its share of the national electricity market by 25 per cent,
(iii) delivered the household assistance package to compensate families and individuals for any impact of carbon pricing, and
(iv) supported continued economic growth, with over 160,000 jobs created in 2012-13 across the economy, including clean energy jobs;

(c) that since the 2013 election Australia’s international reputation on climate change action has been damaged by becoming the first nation to move backwards on climate change, while the rest of the world, including China and the United States of America, is moving forward; and

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

Declaration of urgency: Senator Fifield declared the following bills to be urgent bills:

Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2]
True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2013 [No. 2]
True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2013 [No. 2]
Customs Tariff Amendment (Carbon Tax Repeal) Bill 2013 [No. 2]
Excise Tariff Amendment (Carbon Tax Repeal) Bill 2013 [No. 2]
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2013 [No. 2]
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) (Transitional Provisions) Bill 2013 [No. 2]
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal) Bill 2013 [No. 2]
Clean Energy (Income Tax Rates and Other Amendments) Bill 2013 [No. 2]

and moved—That these bills be considered urgent bills.

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

Question put.
The Senate divided—

AYES, 36

Senators—

Abetz
Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Day
Edwards
Fawcett
Fieravanti-Wells
Fifield
Heffernan
Johnston
Lambie
Lazarus
Leyonhjelm
Macdonald
Mason
McGrath
McKenzie
Nash
O’Sullivan
Parry
Payne
Reynolds
Ronaldson
Ruston
Scullion
Seselja
Sinodinos
Smith
Wang
Williams
The ayes and noes were equal and so the question was negatived.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

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Question negatived.

The Leader of the Australian Greens (Senator Milne) moved the following amendment in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2]:

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

(a) rejects this bill and the related bills;
(b) recognises that:
   (i) the world is on track for 4 degrees of warming, and
   (ii) warming of less than 1 degree is already intensifying extreme weather events in Australia and around the world with enormous costs to life and property; and

...
calls on the Government to:

(i) protect the Australian people and environment from climate change by approving no new coal mines or extensions of existing mines, or new coal export terminals, and

(ii) adopt a trajectory of 40 to 60 per cent below 2000 levels by 2030 and net carbon zero by 2050 emissions reduction target in global negotiations for a 2015 treaty”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 10

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

NOES, 63

Abetz  Day  Macdonald  Reynolds
Back  Edwards  Madigan  Ronaldson
Bernardi  Faulkner  Marshall  Ruston
Bilyk (Teller)  Fawcett  McEwen  Ryan
Birmingham  Ferraravanti-Wells  McGrath  Scullion
Brown  Fifield  McKenzie  Seselja
Bullock  Gallacher  McLucas  Singh
Bushby  Heffernan  Moore  Sinodinos
Cameron  Johnston  Mur  Smith
Canavan  Ketter  Nash  Sterle
Carr  Lambie  O’Neill  Urquhart
Cash  Lazarus  O’Sullivan  Wang
Colbeck  Leyonhjelm  Parry  Williams
Collins  Lines  Payne  Wong
Cormann  Ludwig  Peris  Xenophon
Dastyari  Lundy  Polley

Question negatived.

Senator Xenophon moved the following amendment in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2]:

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

(a) notes that

(i) over the past six 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—That the amendment be agreed to—put.
The Senate divided—

AYES, 37

- Bilyk (Teller)
- Brown
- Bullock
- Cameron
- Carr
- Collins
- Dastyari
- Di Natale
- Faulkner
- Gallacher
- Hanson-Young
- Ketter
- Lines
- Ludlam
- Ludwig
- Landy
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- Madigan
- Marshall
- McEwen
- Milne
- Moore
- O’Neill
- Peris
- Polley
- Rhiannon
- Rice
- Siewert
- Singh

Sterle
Urquhart
Waters
Whish-Wilson
Wong
Wright
Xenophon

NOES, 37

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

The ayes and noes were equal and so the question was negatived.

The question for the second reading was divided at the request of Senator Leyonhjelm—

Question—That the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2], the True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2013 [No. 2], the True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2013 [No. 2], the Customs Tariff Amendment (Carbon Tax Repeal) Bill 2013 [No. 2], the Excise Tariff Amendment (Carbon Tax Repeal) Bill 2013 [No. 2], the Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2013 [No. 2], the Ozone Protection and Synthetic Greenhouse Gas (Import Levy) (Transitional Provisions) Bill 2013 [No. 2] and the Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal) Bill 2013 [No. 2] be now read a second time—put.
The Senate divided—

AYES, 63

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Question agreed to.

Bills read a second time.

Question—That the Clean Energy (Income Tax Rates and Other Amendments) Bill 2013 [No. 2] be now read a second time—put.

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Question agreed to.

Bills read a second time.

Question—That the Clean Energy (Income Tax Rates and Other Amendments) Bill 2013 [No. 2] be now read a second time—put.

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Bilyk (Teller)  Gallacher  Marshall  Rice
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Carr  Lazarus  Moore  Urquhart
Collins  Leyonhjelm  Mur  Wang
Dastyari  Lines  O'Neill  Waters
Day  Ludlam  Peris  Whish-Wilson
Di Natale  Ludwig  Potley  Wright
Faulkner  Lundy  Rhiannon  Xenophon

Question negatived.

CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013 [NO. 2]
TRUE-UP SHORTFALL LEVY (GENERAL) (CARBON TAX REPEAL) BILL 2013 [NO. 2]
TRUE-UP SHORTFALL LEVY (EXCISE) (CARBON TAX REPEAL) BILL 2013 [NO. 2]
CUSTOMS TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]
EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) (TRANSITIONAL PROVISIONS) BILL 2013 [NO. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (MANUFACTURE LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [NO. 2]—
The Senate resolved itself into committee for the consideration of the bills.

In the committee

Bills taken together and as a whole by leave.

Senator Singh moved the following amendment in respect of the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 [No. 2]:

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>
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<tr>
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<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>(a) beginning at the emissions number publication time of the person for the eligible financial year beginning on 1 July 2014; and (b) ending at the end of 1 February 2016.</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 2015; and (b) ending at the end of 1 February 2017.</td>
<td>the eligible financial year beginning on 1 July 2015</td>
<td>the amount obtained by multiplying the per unit charge applicable under item 7 by: (a) 1.07625; or (b) if another number is specified in the regulations—that other number</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 2016; and (b) ending at the end of 1 February 2018.</td>
<td>the eligible financial year beginning on 1 July 2016</td>
<td>the amount obtained by multiplying the per unit charge applicable under item 8 by: (a) 1.07625; or (b) if another number is specified in the regulations—that other number</td>
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<td>The period:</td>
<td>the eligible financial year beginning on 1 July 2017</td>
<td>the amount obtained by multiplying the per unit charge applicable under item 9 by:</td>
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<td>(b) ending at the end of 1 February 2019.</td>
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<td>(b) if another number is specified in the regulations—that other number</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(6)(b)(i) and (ii)
Repeal the subparagraphs, substitute:

(i) if the eligible financial year begins on 1 July 2014—6.25%; or
(ii) if the eligible financial year begins on 1 July 2015, 1 July 2016, 1 July 2017, 1 July 2018 or 1 July 2019—12.5%; or
(iii) if the eligible financial year begins on or after 1 July 2020, and the regulations do not specify a percentage for that year—12.5%; or
(iv) if the eligible financial year begins on or after 1 July 2020, and the regulations specify a percentage for that year—that percentage; and

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

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

46 Subparagraph 133(7A)(a)(ii)
Omit “4”, substitute “5”.
47 Subparagraph 133(7E)(a)(i)
Omit “1 July 2015”, substitute “1 July 2014”.

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

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

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

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

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

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

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”.

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

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

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

Annual assistance factor specified in the certificate × 125,115,000 — A — B

Total annual assistance factors for that eligible financial year

125,115,000 A B

\[
\left[ \frac{\text{Annual assistance factor specified in the certificate}}{\text{Total annual assistance factors for that eligible financial year}} \times 125,115,000 \right] - A - B
\]
61 Subsection 212(2) (paragraph (c) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

Repeal the paragraph.

62 Subsection 212(3) (paragraph (b) of the definition of prescribed amount for the financial year in which the compliance deadline occurs)

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

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

Repeal the paragraph.

64 Subsection 289(8)

Repeal the subsection, substitute:

Report

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

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

Debate ensued.

At 12.45 pm: The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported progress.

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

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

An objection was raised and leave was not granted.

Further questions without notice were answered.
7 MOTIONS TO TAKE NOTE OF ANSWERS
Senators Peris moved—That the Senate take note of the answers given by the Minister for Indigenous Affairs (Senator Scullion) and the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Peris, McLucas and Dastyari today relating to funding for Indigenous programs and to the regulation of financial services.

Leave refused: Senator Peris sought leave to table a document.
An objection was raised and leave was not granted.

Debate ensued.

Question put and passed.

Senator Hanson-Young moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Hanson-Young today relating to asylum seekers.

Question put and passed.

8 NOTICES
Senator Fawcett: To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold private meetings otherwise than in accordance with standing order 33(1), followed by public meetings, during the sittings of the Senate, from 11 am to 1 pm, as follows:

(a) Monday, 1 September 2014;
(b) Monday, 22 September 2014;
(c) Monday, 27 October 2014;
(d) Monday, 24 November 2014; and
(e) Monday, 1 December 2014. (general business notice of motion no. 328)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on grass-fed cattle levies be extended to 23 September 2014. (general business notice of motion no. 329)

Senator Rhiannon: To move on the next day of sitting—That there be laid on the table by the Special Minister of State, no later than 15 July 2014:

(a) all correspondence and documents, whether written or in email form, from the Special Minister of State’s office and/or the Australian Electoral Commission (AEC) relevant to:
   (i) the decision of the AEC to have Mr Michael Cordover declared a vexatious applicant, and
   (ii) the assertion that Mr Matthew Landauer colluded with Mr Cordover to harass the AEC; and
(b) the source code of the software by which Senate vote counts are conducted. (general business notice of motion no. 330)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to set carbon emissions standards for new passenger vehicles and light commercial vehicles, and for related purposes. Motor Vehicle Standards (Cheaper Transport) Bill 2014. (general business notice of motion no. 331)
Senator Wright: To move on the next day of sitting—That the Senate—
(a) notes the motion passed by the NSW Nationals’ Annual General Conference calling on the Federal Government to honour the 6-year Gonski funding agreement between the Commonwealth and the New South Wales Government;
(b) acknowledges that rural schools will continue to be significantly disadvantaged as a result of the Abbott Government’s decision to fund only the first 4 years of this agreement; and
(c) supports the NSW Nationals’ courage in standing up to the Federal Government in the interest of their communities. *(general business notice of motion no. 332)*

Senator Dastyari: To move on the next day of sitting—That there be laid on the table by the Minister for Finance, no later than 1.50 pm on Thursday, 10 July 2014, the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014 (Select Legislative Instrument No. 102, 2014) and the associated explanatory statement. *(general business notice of motion no. 333)*

Senator Carr: To move on the next day of sitting—That the Senate condemns the Abbott Government’s vicious cuts to higher education and the devastating impact they will have on regional students, families and universities. *(general business notice of motion no. 334)*

Senators Rhiannon and Madigan: To move on 4 September 2014—That the following matters be referred to the Education and Employment References Committee for inquiry and report by 24 November 2014:
(a) the creation of a nationwide portable workplace entitlement scheme for long service leave and any other appropriate entitlements, taking into account:
   (i) the number of Australian workers in insecure work,
   (ii) increased workplace mobility and increasingly precarious working conditions, and
   (iii) other related matters; and
(b) the development of recommendations as to how any such scheme could be paid for and implemented, including:
   (i) the role of existing portable long service leave schemes operating in some sectors,
   (ii) how the scheme should be coordinated and by whom, and
   (iii) any other relevant matters.

Senator Moore: To move on the next day of sitting—That the Senate notes the Abbott Government’s cuts to higher education and their impact on regional students, families and universities. *(general business notice of motion no. 335)*

Senator Moore: To move on the next day of sitting—That the Senate notes the Abbott Government’s decision to abolish important protections by regulation and leave consumers vulnerable to dodgy financial advice. *(general business notice of motion no. 336)*

Senator Macdonald: To move on the next day of sitting—That the Senate—
(a) expresses its appreciation to the Prime Minister of Japan, His Excellency Mr Shinzo Abe, for his visit to Australia and to the Australian Parliament;
(b) notes the long history of the Japanese diplomatic relationship with Australia commencing with its first consulate in Townsville in 1896;
(c) assures the Japanese people of Australia’s ongoing goodwill; and
notes the importance of Australia’s relationship with Japan, enhanced by the signing of the Economic Partnership Agreement between Japan and Australia and the agreement concerning the transfer of defence equipment and technology. (general business notice of motion no. 337)

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for two sitting days after today for the disallowance of the Australian Jobs (Australian Industry Participation) Rule 2014, made under section 128 of the Australian Jobs Act 2013.

Senator Williams, by leave, made a statement relating to the notice of intention.

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

Senator Bushby, by leave and on behalf of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, moved—That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 July 2014, from 3 pm.

Question put and passed.

10 Abbott Government’s Budget Cuts—Select Committee—Leave to Meet During Sitting

Senator McEwen, by leave and on behalf of the Select Committee into the Abbott Government’s Budget Cuts, moved—That the Select Committee into the Abbott Government’s Budget Cuts be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 July 2014, from 1 pm.

Question put and passed.

11 Education—Schoolkids Bonus—Document

Senator Brown, by leave, tabled the following document:

Education—Schoolkids Bonus—Petitioning document from 1 950 signatories calling for the retention of the Schoolkids Bonus.

12 Postponement

The following item of business was postponed:

General business notice of motion no. 320 standing in the name of Senator Faulkner for today, proposing an amendment to standing order 17, postponed till 2 September 2014.
13 **LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Bushby, at the request of the Chair of the Legal and Constitutional Affairs References Committee (Senator Wright) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 321—That the Legal and Constitutional Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 July 2014, from 3.50 pm, in relation to its inquiry on the Manus Island Detention Centre.

Question put and passed.

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

Senator Bushby, at the request of the Deputy Chair of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (Senator Peris) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 322—That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 16 July 2014, from 10.30 am.

Question put and passed.

15 **FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Bushby, at the request of the Chair of the Finance and Public Administration References Committee (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 323—That the time for the presentation of the report of the Finance and Public Administration References Committee on Commonwealth procurement procedures be extended to 17 July 2014.

Question put and passed.

16 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Bushby, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 324—That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 July 2014, from 3.45 pm, in relation to its inquiry on the exposure draft of the Medical Services (Dying with Dignity) Bill 2014.

Question put and passed.

17 **FOREIGN AFFAIRS—GLOBAL FUND TO FIGHT AIDS, TB AND MALARIA**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 325—That the Senate—

(a) notes that:

(i) the Global Fund to Fight AIDS, TB and Malaria (the Global Fund) is working to eventually eradicate deaths from these diseases,
the Global Fund has raised from national governments and private donors $12.2 billion of the $15 billion it is seeking for the period 2014 to 2016.

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

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

(b) calls on the Australian Government to consider providing replenishment to the Global Fund.

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

Question put and passed.

18 DEFENCE—AIR WARFARE DESTROYER PROJECT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Xenophon amended general business notice of motion no. 327 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table by the Minister for Defence, no later than 4 pm on Thursday, 10 July 2014:

(a) the report of the review of the Air Warfare Destroyer project conducted by Professor Don Winter and Dr John White; and

(b) a statement of reasons as to why any information is commercial in confidence and the possible harm it might cause and where that information has been redacted from the report.

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

Question put and passed.

19 ENVIRONMENT—UNCONVENTIONAL GAS INDUSTRY

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 326—That the Senate—

(a) notes the importance of protecting valuable agricultural, residential and conservation land from unconventional gas activities;

(b) supports the right of landholders and local residents to say ‘no’ to unconventional gas exploration and mining in their communities;

(c) recognises the concerns expressed by communities in the south east of South Australia over potential groundwater contamination from unconventional gas activities; and

(d) congratulates the South East Local Government Association in South Australia for standing up for their local communities and voting for a moratorium on unconventional gas.

Statement by leave: The Assistant Minister for Social Services (Senator Fifield) and Senators O’Sullivan and Wright, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 11

Senators—

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

NOES, 46

Senators—

Back  Dastyari  Ludwig  Peris
Bernardi  Day  Lundy  Reynolds
Bilyk (Teller)  Edwards  Macdonald  Rushton
Birmingham  Faulkner  Marshall  Ryan
Brown  Fawcett  McGrath  Seselja
Bullock  Fierravanti-Wells  McKenzie  Singh
Bushby  Fifield  MLucas  Smith
Cameron  Gallagher  Moore  Steer
Canavan  Heffernan  Nash  Urquhart
Carr  Ketter  O’Neill  Williams
Colbeck  Leyonhjelm  O’Sullivan
Collins  Lines  Parry

Question negatived.

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FAMILY AND COMMUNITY SERVICES—NEWSTART

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

The Abbott Government’s savage cuts to Newstart for jobseekers under 30.

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

21 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 8 OF 2014

Senator Urquhart, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

Scrutiny of Bills—Standing Committee—
Alert Digest No. 8 of 2014, dated 9 July 2014.

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

22 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

Senator O’Sullivan, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:

Before 5 pm—

23 **FIRST SPEECH**

Pursuant to order (see entry no. 22, 7 July 2014), Senator Leyonhjelm made his first speech.

24 **SCHOOL FUNDING—SELECT COMMITTEE—REPORT**

Pursuant to order, the Chair of the Select Committee on School Funding (Senator Collins) tabled the following report and documents:

School Funding—Select Committee—Equity and excellence in Australian schools—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 Collins.

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

Debate ensued.

Debate adjourned till the next day of sitting, Senator O’Neill in continuation.

25 **TEMPORARY CHAIR OF COMMITTEES**

The Acting Deputy President (Senator Whish-Wilson) tabled a warrant, dated 9 July 2014, nominating Senator Williams as an additional temporary chair of committees.

26 **DOCUMENTS**

The following documents were tabled by the Clerk:

- Higher Education Support Act 2003—Revocation of Approval as a VET provider (Australian College of the Arts Pty Ltd) [F2014L00966].
- National Health (Subsection 84C(7)) Amendment Determination 2014 (No. 1)—PB 59 of 2014 [F2014L00964].
Telecommunications (Carrier Licence Charges) Act 1997—
Telecommunications (Annual Carrier Licence Charge) Determination 2014 [F2014L00962].

27 COMMITTEE MEMBERSHIP

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

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

Abbott Government’s Budget Cuts—Select Committee—
Appointed—Participating member: Senator Leyonhjelm

Community Affairs Legislation and References Committees—
Appointed—Participating member: Senator Leyonhjelm

Economics Legislation and References Committees—
Appointed—Participating member: Senator Leyonhjelm

Education and Employment Legislation and References Committees—
Appointed—Participating member: Senator Leyonhjelm

Electoral Matters—Joint Standing Committee—
Appointed [for the purposes of the committee’s inquiry into the 2013 election]—Participating member: Senator Leyonhjelm

Environment and Communications Legislation Committee—
Appointed—Participating member: Senator Leyonhjelm

Environment and Communications References Committee—
Appointed—
Substitute member: Senator McEwen to replace Senator Urquhart from 21 July to 22 August 2014
Participating members: Senators Leyonhjelm and Urquhart

Finance and Public Administration Legislation and References Committees—
Appointed—Participating member: Senator Leyonhjelm

Foreign Affairs, Defence and Trade Legislation and References Committees—
Appointed—Participating member: Senator Leyonhjelm

Health—Select Committee—
Appointed—Participating member: Senator Leyonhjelm

Legal and Constitutional Affairs Legislation and References Committees—
Appointed—Participating member: Senator Leyonhjelm

National Broadband Network—Select Committee—
Appointed—Participating member: Senator Leyonhjelm

Northern Australia—Joint Select Committee—
Appointed—Participating member: Senator Leyonhjelm
Rural and Regional Affairs and Transport References Committee—
Appointed—Participating member: Senator Leyonhjelm.

Question put and passed.

28 CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013 [No. 2]
TRUE-UP SHORTFALL LEVY (GENERAL) (CARBON TAX REPEAL) BILL 2013 [No. 2]
TRUE-UP SHORTFALL LEVY (EXCISE) (CARBON TAX REPEAL) BILL 2013 [No. 2]
CUSTOMS TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [No. 2]
EXCISE TARIFF AMENDMENT (CARBON TAX REPEAL) BILL 2013 [No. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [No. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) (TRANSITIONAL PROVISIONS) BILL 2013 [No. 2]
OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (MANUFACTURE LEVY) AMENDMENT (CARBON TAX REPEAL) BILL 2013 [No. 2]

Order 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 2013 [No. 2] (see entry no. 4).

Debate resumed.

At 6.50 pm: The Acting Deputy President (Senator Back) resumed the chair and the Temporary Chair of Committees reported progress.

29 GOVERNMENT DOCUMENTS—CONSIDERATION
The government documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

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

Debate ensued.

The Senate adjourned at 7.29 pm till Thursday, 10 July 2014 at 9.30 am.

31 ATTENDANCE
Present, all senators except Senator Brandis (on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate