THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 99

MONDAY, 22 JUNE 2015

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27 Social Services Legislation Amendment (Fair and Sustainable Pensions) Bill 2015
28 Renewable Energy (Electricity) Amendment Bill 2015
29 Adjournment
30 Attendance
MEETING OF SENATE
The Senate met at 10 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

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

Australian Human Rights Commission—Reports—
No. 91—Tapara v Commonwealth of Australia (Department of Immigration and Border Protection).
No. 92—Immigration detainees with adverse security assessments v Commonwealth of Australia (Department of Immigration and Border Protection).

Australian National University—Report for 2014.

National Broadband Network—Select Committee—Second interim report—Government response, dated June 2015. [Received 19 June 2015]

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

Australian Bureau of Statistics Act 1975—
Economic Activity Survey—Proposal No. 8 of 2015.


Currency Act 1965—Currency (Royal Australian Mint) Determination 2015 (No. 6) [F2015L00822].

Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 18 of 2015 – SRS 610.0 – Membership Profile [F2015L00821].
Financial Sector (Collection of Data) (reporting standard) determination No. 19 of 2015 – SRS 610.1 – Changes in Membership Profile [F2015L00823].
Financial Sector (Collection of Data) (reporting standard) determination No. 20 of 2015 – SRS 610.2 – Membership Profile [F2015L00824].
Financial Sector (Collection of Data) (reporting standard) determination No. 22 of 2015 – SRS 710.0 – Conditions of Release [F2015L00825].
Financial Sector (Collection of Data) (reporting standard) determination No. 23 of 2015 – SRS 711.0 – SuperStream Benchmarking Measures [F2015L00827].
Financial Sector (Collection of Data) (reporting standard) determination No. 24 of 2015 – SRS 800.0 – Financial Statements [F2015L00828].
Financial Sector (Collection of Data) (reporting standard) determination No. 26 of 2015 – SRS 802.0 – Fund Profile [F2015L00830].
Norfolk Island Act 1979—
Norfolk Island Appropriation Ordinance 2015-2016 [F2015L00833].
Norfolk Island Continued Laws Amendment Ordinance 2015 [F2015L00835].
Norfolk Island Legislation Amendment Act 2015—
Norfolk Island Legislation Amendment Act Transitional Rule 2015 (No. 1) [F2015L00832].
Norfolk Island Legislation Amendment Commencement Proclamation 2015 [F2015L00834].
Telecommunications Act 1997—Telecommunications (Listed Infringement Notice Provisions) Amendment Declaration 2015 (No. 1) [F2015L00829].

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

Committees were authorised to meet during the sittings of the Senate, as follows:
   Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1 pm.
   Wind Turbines—Select Committee—public meeting on Tuesday, 23 June 2015, from 4.30 pm.

4 SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (SENIORS SUPPLEMENT CESSION) BILL 2014

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Health (Senator Nash)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.
The Assistant Minister for Social Services (Senator Fifield) moved the following amendments together by leave:

Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1 20 June 2015. 20 June 2015

Schedule 1, page 3 (line 1) to page 14 (line 7), omit the Schedule, substitute:

**Schedule 1—Energy supplement replacing seniors supplement**

**Part 1—Main amendments**

*Social Security Act 1991*

1 **Subparagraph 8(8)(y)(viib)**

Omit “seniors supplement”, substitute “energy supplement”.

2 **Subsection 23(1) (definition of seniors supplement)**

Repeal the definition.

3 **Paragraph 916D(3)(c)**

Omit “seniors supplement”, substitute “energy supplement”.

4 **Paragraph 1061R(d)**

Omit “seniors supplement under this Act or the Veterans’ Entitlements Act”, substitute “energy supplement under Part 2.25B of this Act or Part VIIAD of the Veterans’ Entitlements Act”.

5 **Paragraph 1061T(2)(b)**

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B”.

6 **Paragraph 1061TA(2)(b)**

Omit “seniors supplement under the Veterans’ Entitlements Act”, substitute “energy supplement under Part VIIAD of the Veterans’ Entitlements Act”.

7 **Part 2.25B**

Repeal the Part, substitute:

**Part 2.25B—Energy supplement**

**Division 1—Qualification and payability**

1061U **Qualification for energy supplement**

A person is qualified for energy supplement if the person is the holder of a seniors health card.

1061UA **When energy supplement is payable**

(1) Energy supplement is payable to a person in relation to each day on which the person is qualified for the supplement.

(2) However, energy supplement is not payable to the person in relation to a day if:

(a) before that day:

(i) the person had elected not to be covered by this Part; and

(ii) that election had not been withdrawn; or

(b) subsection 55(5) (failing to nominate a bank account) of the Administration Act applies to the person.
Division 2—Rate of energy supplement

1061UB Rate of energy supplement

(1) If subsection (2) applies to the person on a day, the person’s daily rate of energy supplement, for that day, is $\frac{1}{364}$ of the amount worked out using the following table:

<table>
<thead>
<tr>
<th>Item</th>
<th>Person’s family situation</th>
<th>Amount of energy supplement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Not a member of a couple</td>
<td>$366.60</td>
</tr>
<tr>
<td>2</td>
<td>Partnered</td>
<td>$275.60</td>
</tr>
<tr>
<td>3</td>
<td>Member of an illness separated couple</td>
<td>$366.60</td>
</tr>
<tr>
<td>4</td>
<td>Member of a respite care couple</td>
<td>$366.60</td>
</tr>
<tr>
<td>5</td>
<td>Partnered (partner in gaol)</td>
<td>$366.60</td>
</tr>
</tbody>
</table>

(2) This subsection applies to a person on a day if on that day the person is residing in Australia and either:

(a) is in Australia; or
(b) is temporarily absent from Australia and has been so for a continuous period not exceeding 6 weeks.

8 Section 1190 (note)

Omit “the rate of seniors supplement (see section 1061UB) and”.

Social Security (Administration) Act 1999

9 Section 12D (heading)

Repeal the heading, substitute:

12D Energy supplement

10 Section 12D

Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

11 Section 48B (heading)

Repeal the heading, substitute:

48B Payment of energy supplement

12 Subsection 48B(1)


13 Subsection 48B(2)

Omit “seniors supplement”, substitute “energy supplement”.

14 Paragraph 48B(3)(a)

Omit “seniors supplement”, substitute “energy supplement”.

15 Subsection 48B(4) (paragraph (a) of the definition of instalment period)

Omit “seniors supplement”, substitute “energy supplement”.
16 Subsection 48B(4) (note to paragraph (a) of the definition of instalment period)
Omit “seniors supplement”, substitute “energy supplement”.

17 Subparagraphs 66A(2)(a)(i) and (3)(a)(i)
Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

18 Subsection 68(1)
Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

19 Subsection 69(1)
Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

20 Paragraph 75(1)(b)
Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

21 Section 78A
Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

22 Section 90A
Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

23 Section 123A (paragraph (e) of the definition of relevant payment)
Omit “seniors supplement”, substitute “energy supplement under Part 2.25B of the 1991 Act”.

24 Saving and transitional provisions
(1) Paragraph 916D(3)(c) of the Social Security Act 1991 applies on and after the commencement of this item as if a reference in that paragraph to energy supplement included a reference to seniors supplement.

(2) Despite the amendments made by items 7 and 12 to 16, Part 2.25B of the Social Security Act 1991, and section 48B of the Social Security (Administration) Act 1999, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to an instalment period ending before that commencement.

(3) An election referred to in subparagraph 1061UA(2)(a)(i) of the Social Security Act 1991 that was in force immediately before the commencement of this item continues in force on and after that commencement.

Veterans’ Entitlements Act 1986
25 Paragraph 5H(8)(gb)
Omit “seniors supplement”, substitute “energy supplement”.

26 Subsection 5Q(1) (definition of seniors supplement)
Repeal the definition.

27 Section 59A (note 1)
Omit “Note 1”, substitute “Note”.
28 Section 59A (note 1)
Omit “and the rate of seniors supplement (see section 118PB)”.

29 Section 59A (note 2)
Repeal the note.

30 Subsection 62E(1) (note 1)
Repeal the note.

31 Subsection 62E(1) (note 2)
Omit “Note 2”, substitute “Note”.

32 Paragraph 118B(3)(c)
Omit “seniors supplement under this Act or the Social Security Act”, substitute “energy supplement under Part VIIAD of this Act or Part 2.25B of the Social Security Act”.

33 Part VIIAD (heading)
Repeal the heading, substitute:

Part VIIAD—Energy supplement

34 Section 118P (heading)
Repeal the heading, substitute:

118P Eligibility for energy supplement

35 Subsection 118P(1)
Omit “for seniors supplement”, substitute “for energy supplement”.

36 Subparagraph 118P(1)(b)(iv)
Repeal the subparagraph, substitute:

(iv) energy supplement under Part 2.25B of the Social Security Act.

37 Subsection 118P(2)
Omit “for seniors supplement”, substitute “for energy supplement”.

38 Subparagraph 118P(2)(d)(iv)
Repeal the subparagraph, substitute:

(iv) energy supplement under Part 2.25B of the Social Security Act.

39 Section 118PA (heading)
Repeal the heading, substitute:

118PA When energy supplement is payable

40 Subsection 118PA(1)
Omit “Seniors supplement”, substitute “Energy supplement”.

41 Subsection 118PA(2)
Omit “seniors supplement”, substitute “energy supplement”.
42 Division 2 of Part VIIAD (heading)
   Repeal the heading, substitute:

Division 2—Rate of energy supplement

43 Section 118PB (heading)
   Repeal the heading, substitute:

118PB Rate of energy supplement

44 Subsections 118PB(1) and (1A)
   Repeal the subsections, substitute:

   (1) If subsection (2) applies to the person on a day, the person’s daily rate of energy supplement, for that day, is $366.60 of the amount worked out using the following table:

<table>
<thead>
<tr>
<th>Energy supplement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
</tbody>
</table>

   Note: For member of a couple, partnered, illness separated couple and respite care couple see subsections 5E(1) and (5) and 5R(5) and (6) respectively.

45 Subsection 118PB(2) (heading)
   Repeal the heading.

46 Division 3 of Part VIIAD
   Repeal the Division, substitute:

Division 3—Payment of energy supplement

118PC Payment of energy supplement

   (1) Energy supplement under this Part is to be paid by instalments.

   (2) An instalment of energy supplement is to be paid to a person as soon as is reasonably practicable after the end of an instalment period.

   (3) The amount of the instalment is worked out by:
   
   (a) working out the person’s amount of energy supplement for each day in the instalment period (using the daily rate of the supplement for that day); and
   
   (b) adding up the amounts resulting from paragraph (a).

   (4) In this section:

   * instalment period means a period:

   (a) in relation to each day of which energy supplement is payable to the person; and

   Note: For when energy supplement is payable to the person, see section 118PA.
(b) that either begins on any 20 March, 20 June, 20 September or 20 December or does not include any such day; and
(c) that either ends on any 19 March, 19 June, 19 September or 19 December or does not include any such day; and
(d) that is not included in a longer instalment period.

47 Subsections 122A(1A) and (1C)
Omit “seniors supplement”, substitute “energy supplement under Part VIIAD”.

48 Saving and transitional provisions
(1) Despite the amendments made by items 33 to 46, Part VIIAD of the Veterans’ Entitlements Act 1986, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an instalment period ending before that commencement.

(2) An election referred to in subparagraph 118PA(2)(a)(i) of the Veterans’ Entitlements Act 1986 that was in force immediately before the commencement of this item continues in force on and after that commencement.

Part 2—Consequential amendments

Income Tax Assessment Act 1997

49 Section 52-10 (table item 22B.1)

50 Section 52-40 (table item 22B)
Omit “Seniors supplement”, substitute “Energy supplement”.

51 Section 52-65 (table item 16A.1)

52 Section 52-75 (table item 16A)
Omit “Seniors supplement”, substitute “Energy supplement”.

53 Saving provision
Despite the amendments of sections 52-10 and 52-65 of the Income Tax Assessment Act 1997 made by this Schedule, item 22B.1 of the table in section 52-10 of that Act, and item 16A.1 of the table in section 52-65 of that Act, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a payment of seniors supplement made before, on or after that commencement.

Military Rehabilitation and Compensation Act 2004

54 Paragraph 222(5)(d)
Repeal the paragraph, substitute:
(d) energy supplement under Part 2.25B of the Social Security Act 1991 or Part VIIAD of the Veterans’ Entitlements Act 1986; or
55 **Paragraph 246(4)(d)**
Repeal the paragraph, substitute:
(d) energy supplement under Part 2.25B of the *Social Security Act 1991* or Part VIIAD of the *Veterans’ Entitlements Act 1986*; or

**Part 3—Transitional provisions**

56 **Transitional provision—seniors supplement**
If a person has been paid seniors supplement under Part 2.25B of the *Social Security Act 1991* or Part VIIAD of the *Veterans’ Entitlements Act 1986* in relation to a day on or after 20 June 2015 and before 20 September 2015, then the amendments made by this Schedule do not apply in relation to the person in relation to that day.

Debate ensued.

*Explanatory memorandum:* Senator Fifield tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Question—That the amendments be agreed to—put and passed.
Bill, as amended, agreed to.
Bill to be reported with amendments.

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

On the motion of Senator Fifield the report from the committee was adopted and the bill read a third time.

5 **PRIVATE HEALTH INSURANCE (PRUDENTIAL SUPERVISION) BILL 2015**
**PRIVATE HEALTH INSURANCE (PRUDENTIAL SUPERVISION) (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2015**
**PRIVATE HEALTH INSURANCE SUPERVISORY LEVY IMPOSITION BILL 2015**
**PRIVATE HEALTH INSURANCE (RISK EQUALISATION LEVY) AMENDMENT BILL 2015**
**PRIVATE HEALTH INSURANCE (COLLAPSED INSURER LEVY) AMENDMENT BILL 2015**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That these bills be now read a second time.
Debate resumed.
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, debated and agreed to.
The Private Health Insurance Supervisory Levy Imposition Bill 2015 to be reported without requests for amendments and the remaining bills to be reported without amendments.

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

On the motion of Senator Fifield the report from the committee was adopted and the bills read a third time.

6 **Excise Tariff Amendment (Ethanol and Biodiesel) Bill 2015**

**Energy Grants and Other Legislation Amendment (Ethanol and Biodiesel) Bill 2015**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan)—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.

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**In the committee**

Bills taken together and as a whole by leave.

The Minister for Finance (Senator Cormann) moved the following amendment in respect of the Excise Tariff Amendment (Ethanol and Biodiesel) Bill 2015:

Schedule 1, item 4, pages 4 to 5 (table items 2 to 15), omit the table items, substitute:

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1 July 2016</td>
<td>3.333%</td>
</tr>
<tr>
<td>3</td>
<td>1 July 2017</td>
<td>6.667%</td>
</tr>
<tr>
<td>4</td>
<td>1 July 2018</td>
<td>10%</td>
</tr>
<tr>
<td>5</td>
<td>1 July 2019</td>
<td>13.333%</td>
</tr>
<tr>
<td>6</td>
<td>1 July 2020</td>
<td>16.667%</td>
</tr>
<tr>
<td>7</td>
<td>1 July 2021</td>
<td>20%</td>
</tr>
<tr>
<td>8</td>
<td>1 July 2022</td>
<td>23.333%</td>
</tr>
<tr>
<td>9</td>
<td>1 July 2023</td>
<td>26.667%</td>
</tr>
<tr>
<td>10</td>
<td>1 July 2024</td>
<td>30%</td>
</tr>
<tr>
<td>11</td>
<td>1 July 2025</td>
<td>33.333%</td>
</tr>
<tr>
<td>12</td>
<td>1 July 2026</td>
<td>36.667%</td>
</tr>
<tr>
<td>13</td>
<td>1 July 2027</td>
<td>40%</td>
</tr>
<tr>
<td>14</td>
<td>1 July 2028</td>
<td>43.333%</td>
</tr>
<tr>
<td>15</td>
<td>1 July 2029</td>
<td>46.667%</td>
</tr>
</tbody>
</table>
Explanatory memorandum: Senator Cormann tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the Excise Tariff Amendment (Ethanol and Biodiesel) Bill 2015.

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

The Excise Tariff Amendment (Ethanol and Biodiesel) Bill 2015, as amended, and the Energy Grants and Other Legislation Amendment (Ethanol and Biodiesel) Bill 2015 agreed to.

The Excise Tariff Amendment (Ethanol and Biodiesel) Bill 2015 to be reported with an amendment and the Energy Grants and Other Legislation Amendment (Ethanol and Biodiesel) Bill 2015 to be reported without amendment.

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

On the motion of Senator Cormann the report from the committee was adopted and the bills read a third time.

Law Enforcement Legislation Amendment (Powers) Bill 2015

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Attorney-General (Senator Fierravanti-Wells) the bill was read a third time.

Copyright Amendment (Online Infringement) Bill 2015

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

Debate resumed.

Senator Collins moved the following amendment:

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

(a) notes that the Government has not responded to the House of Representatives Standing Committee on Infrastructure and Communications report on its inquiry into information technology pricing; and

(b) calls on the Government to respond to all of the recommendations made by the Australian Law Reform Commission in its report no. 122 on copyright in the digital economy by 17 September 2015”.

Debate ensued.
Question—That the amendment be agreed to—put and passed.

Senator Ludlam moved the following amendment:

At the end of the motion, add “but further consideration of this bill be made an order of the day for the first sitting day after the Government has tabled its response to the Australian Law Reform Commission’s report no. 122 on copyright and the digital economy”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 12

Senators—

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

NOES, 36

Senators—

Back  Fierravanti-Wells  McKenzie  Ryan
Bullock  Gallagher  McLucas  Seselja
Bushby  Gallagher  Moore  Singh
Cameron  Ketter  O’Neill  Sinodinos
Canavan  Lambie  O’Sullivan  Smith
Collins  Landgren  Peris  Sterle
Dastyari  Ludwig  Polley  Urquhart (Teller)
Edwards  McAllister  Reynolds  Wang
Fawcett  McGrath  Ruston  Williams

Question negatived.

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Ludlam moved the following amendment:

Schedule 1, page 3 (before line 4), before item 1, insert:

1A At the end of Part III

Add:

Division 10—Geoblocking avoidance facilities

83A Geoblocking avoidance facilities

In this Division:

geoblocking avoidance facility means a device, product, technology or component (including a computer program) that is used in Australia to control, disguise or block the geographical location of a person or device.

For the purposes of this definition, computer program has the same meaning as in section 47AB.
83B Provision, offer or use of geoblocking avoidance facility does not constitute infringement

(1) If a person either:
   (a) provides a geoblocking avoidance facility to another person; or
   (b) offers a geoblocking avoidance facility to the public;
then, despite any other provision of this Act, the person does not infringe any copyright under this Part merely by providing or offering the geoblocking avoidance facility.

(2) Despite any other provision of this Act, a person does not infringe any copyright under this Part merely by using a geoblocking avoidance facility.

1B After Division 6 of Part IV

Insert:

Division 6A—Geoblocking avoidance facilities

112F Geoblocking avoidance facilities

In this Division:

geoblocking avoidance facility means a device, product, technology or component (including a computer program) that is used in Australia to control, disguise or block the geographical location of a person or device.

For the purposes of this definition, computer program has the same meaning as in section 47AB.

112G Provision, offer or use of geoblocking avoidance facility does not constitute infringement

(1) If a person either:
   (a) provides a geoblocking avoidance facility to another person; or
   (b) offers a geoblocking avoidance facility to the public;
then, despite any other provision of this Act, the person does not infringe any copyright under this Part merely by providing or offering the geoblocking avoidance facility.

(2) Despite any other provision of this Act, a person does not infringe any copyright under this Part merely by using a geoblocking avoidance facility.

Debate ensued.

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

Bill further debated.

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

9 QUESTIONS

Questions without notice were answered.
10 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Singh moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Ketter today relating to the economy.

Debate ensued.

Question put and passed.

Senator Waters moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Waters today relating to climate change.

Question put and passed.

11 NOTICES

Senator Smith: To move on the next day of sitting—That the Joint Select Committee on Northern Australia be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, followed by public meetings, as follows:

(a) Tuesday, 11 August 2015;
(b) Tuesday, 18 August 2015;
(c) Tuesday, 8 September 2015;
(d) Tuesday, 15 September 2015;
(e) Tuesday, 13 October 2015;
(f) Tuesday, 10 November 2015;
(g) Tuesday, 24 November 2015; and
(h) Tuesday, 1 December 2015. (general business notice of motion no. 753)

Senator Smith: To move on the next day of sitting—That the Joint Select Committee on Trade and Investment Growth be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, followed by public meetings, as follows:

(a) Thursday, 13 August 2015;
(b) Thursday, 20 August 2015;
(c) Thursday, 10 September 2015;
(d) Thursday, 17 September 2015;
(e) Thursday, 15 October 2015;
(f) Thursday, 12 November 2015;
(g) Thursday, 26 November 2015; and
(h) Thursday, 3 December 2015. (general business notice of motion no. 754)

Senator O’Sullivan: To move on the next day of sitting—That the Senate—

(a) notes the valuable boost to Australia’s horticultural exports generated by increased free trade agreements with Asia which have led to improved farm gate returns, including:

(i) mango exports to Korea for the 2014-15 season more than doubling those of the 2013-14 season, with exports now up to around 12 per cent of total production,
industry experts predicting that cherry exports from Tasmania could rise as much as 25-fold, with exports to Korea increasing from virtually nothing to almost $4 million in 2015,

new market access for table grapes seeing exports to Japan worth around $10 million, and exports to Korea worth over $2.5 million, and

key horticulture exports, including asparagus, mangoes, olives and macadamias now face zero tariffs entering Japan, and cherries from Tasmania, almonds and dried grapes enter Korea duty free; and

(b) notes the resulting increase in job opportunities created by this growing export market. (general business notice of motion no. 755)


Senators Waters and Moore: To move on the next day of sitting—That the Senate—

(a) congratulates the Matildas on their historic win against Brazil in the 2015 FIFA World Cup;

(b) notes that:

(i) this is Australia’s first-ever senior World Cup knockout-round win,

(ii) the Matildas are only paid about a quarter of the national average salary compared to very high earnings for male sportsmen, and

(iii) according to the Financial Review, the top 30 highest paid Australian sportspeople are all men; and

(c) calls for action to close the gender pay gap in sport and in all fields. (general business notice of motion no. 756)

Senators Moore, Lindgren and Waters: To move on the next day of sitting—That the Senate—

(a) congratulates the Queensland Firebirds on their success in the tight, exciting final against the New South Wales Swifts; and

(b) notes:

(i) the professionalism, athleticism and strong competition of the Trans-Tasman ANZ Netball Championships, and

(ii) the positive media coverage of this important women’s sport, particularly in the Courier Mail. (general business notice of motion no. 757)

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That, on Tuesday, 23 June 2015:

(a) the hours of meeting shall be 12.30 pm to 7 pm, and 7.30 pm to adjournment;

(b) the routine of business from not later than 7.30 pm shall be the government business order of the day relating to the Renewable Energy (Electricity) Amendment Bill 2015; and

(c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

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

(a) expresses concern at the disturbing reports aired on the Four Corners television program on 22 June 2015;
(b) notes:
   (i) that only 412 Rohingyans have been resettled in Australia through
       Australia’s humanitarian program since 2008, and
   (ii) the Government’s recent refusal to provide assistance or resettlement for
       Rohingyans currently in Indonesia, Malaysia and Thailand, and stranded
       at sea off these three countries; and
(c) urges the Government to:
   (i) contribute to the search and rescue mission for thousands of migrants,
       including Rohingyans, currently stranded at sea,
   (ii) resettle some of the Rohingya migrants rescued by Indonesia and
       Malaysia, and
   (iii) resettle an increased number of Rohingyans in the 2015 humanitarian
       program, increasing the number of the program if necessary. *(general
       business notice of motion no. 758)*

12 LEAVE OF ABSENCE
Senator Bushby, by leave, moved—That leave of absence be granted to Senator Abetz
from 22 to 25 June 2015, for personal reasons.
Question put and passed.
Senator McEwen, by leave, moved—That leave of absence be granted to Senator
Lines for today, for personal reasons.
Question put and passed.

13 POSTPONEMENT
Business was postponed as follows:
   General business notice of motion no. 726 standing in the name of the Leader of
   the Opposition in the Senate (Senator Wong) for today, relating to the Australian
   Charities and Not-for-profits Commission, postponed till 24 June 2015.

14 COMMITTEES—EXTENSIONS OF TIME TO REPORT
The following committees were granted extensions of time to report:
   Finance and Public Administration References Committee—Aboriginal and Torres
   Strait Islander experience of law enforcement and justice services, extended to
   12 November 2015.
   Legal and Constitutional Affairs Legislation Committee—
       Budget estimates 2015-16, extended to 12 August 2015.
       Criminal Code Amendment (Harming Australians) Bill 2013, extended to
       13 August 2015.
       Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013,
       extended to 13 August 2015.

15 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE
Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved
business of the Senate notice of motion no. 1—That—
   (a) the Senate notes that:
      (i) a significant number of video game development companies have
          recently experienced financial difficulties with their Australian
          operations,
(ii) this has led to a substantial loss of jobs and companies exiting the country,

(iii) the industry has been further negatively affected by the Abbott Government’s decision to close the Australian Interactive Games Fund just 12 months after it was established, and

(iv) comparable countries, such as Canada, have seen a rapid expansion of their video game development industry over the same time frame; and

(b) the following matter be referred to the Environment and Communications References Committee for inquiry and report by 1 April 2016:

The future of Australia’s video game development industry, with particular reference to:

(i) how Australia can best set regulatory and taxation frameworks that will allow the local video game development industry to grow and fully meet its potential as a substantial employer,

(ii) how Australia can attract video game companies to set up development operations in Australia and employ local staff,

(iii) how export opportunities from Australia’s local video game industry can be maximised, and

(iv) any other related matters.

Question put and passed.

16 HEALTH—ACCESS TO HEALTH CARE—MIGRANTS

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 750—That the Senate—

(a) notes that:

(i) on 13 February 2015, health professionals, academics and policy makers met to sign the Melbourne Declaration on Building Integration and Reducing Migration Related Health Inequity,

(ii) the health status of migrants and their access to health care is influenced by their channel of migration (voluntary, humanitarian or seeking asylum), language proficiency and circumstances in their countries of origin, and

(iii) immigration presents challenges to the health systems of the host country in the delivery of culturally-competent health and social services, and exacerbates disparities in health status between the migrant and host populations; and

(b) calls on the Abbott Government to:

(i) protect the health of, ensure health service provision for, and reduce health inequities of people from migrant and refugee backgrounds including forced and undocumented migrants,

(ii) ensure the provision of culturally-appropriate health care, both within existing service systems and also through specialised services where needed, and

(iii) improve health communication, health information and health literacy for people from culturally and linguistically diverse communities, and of migrant, refugee and asylum seeker background.

Question put and passed.
17 **POSTPONEMENT**
Senator O’Sullivan, by leave, moved—That general business notice of motion no. 751 standing in his name for today, relating to the Australian beef industry, be postponed till 10 August 2015.
Question put and passed.

18 **IMMIGRATION—ASYLUM SEEKERS—PAYMENTS FROM COMMONWEALTH OFFICERS—ORDER FOR PRODUCTION OF DOCUMENTS—FAILURE TO COMPLY**
Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 748—That the Senate—
(a) does not accept the claim of public interest immunity made by the Assistant Minister for Immigration and Border Protection in failing to provide the documents that were ordered by the Senate on 16 June 2015, namely, all documents relating to the payment of money to turn back or take back vessels bound for Australia or New Zealand, and
(b) resolves that consideration of any message from the House of Representatives transmitting legislation relating to immigration or citizenship, and any government business notice for the introduction of a bill relating to immigration or citizenship be listed for consideration on the next sitting day after the Assistant Minister for Immigration and Border Protection has tabled the documents.

Senator Moore, by leave, moved the following amendment:
Paragraph (b), omit the paragraph.
Question—That the amendment be agreed to—put and passed.
Main question, as amended, put.
The Senate divided—

**AYES, 33**

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Question agreed to.

*Statement by leave:* Senator Hanson-Young, by leave, made a statement relating to the motion.
19 ENVIRONMENT—ILLEGAL SHARK FIN TRADE

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 752—That the Senate—

(a) notes that a Queensland man has been caught with more than 3,000 shark fins, likely destined for the black market, and that we do not know the origin of the shark fins or how they were caught;

(b) acknowledges that the high prices that shark fins fetch play a significant role in encouraging illegal fishing and import in Australia; and

(c) calls on the Government to:
   (i) ban the possession, sale and/or trade of imported shark fin in Australia, and
   (ii) appoint a working group to determine how to implement this policy.

Question put and negatived.

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION—PUBLIC EDUCATION

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 plan to abolish universal access to free public education.

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

21 DOCUMENTS—CONSIDERATION

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

22 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Whish-Wilson) informed the Senate that the President had received a letter from Senator Williams resigning from the Parliamentary Joint Committee on Intelligence and Security, pursuant to the Intelligence Services Act 2001.

Senator Whish-Wilson also informed the Senate that the President had received a letter nominating senators to be members of committees.

The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, moved—That senators be appointed to committees as follows:

Abbott Government’s Budget Cuts—Select Committee—
   Appointed—Participating members: Senators Johnston, Lindgren and Sinodinos

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

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

Environment and Communications Legislation and References Committees—
   Appointed—Participating member: Senator Lindgren

Finance and Public Administration Legislation and References Committees—
   Appointed—Participating member: Senator Lindgren
Foreign Affairs, Defence and Trade Legislation and References Committees—
   Appointed—Participating member: Senator Lindgren
Legal and Constitutional Affairs Legislation and References Committees—
   Appointed—Participating member: Senator Lindgren
National Broadband Network—Select Committee—
   Appointed—Participating members: Senators Johnston, Lindgren and Sinodinos
Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—
   Appointed—Participating members: Senators Johnston, Lindgren and Sinodinos
Rural and Regional Affairs and Transport Legislation and References Committees—
   Appointed—Participating member: Senator Lindgren
Wind Turbines—Select Committee—
   Appointed—Participating members: Senators Johnston, Lindgren and Sinodinos.

Question put and passed.

23 SOCIAL SERVICES LEGISLATION AMENDMENT (FAIR AND SUSTAINABLE PENSIONS) BILL 2015
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
   Message no. 403, dated 22 June 2015—A Bill for an Act to amend the law relating to social security and veterans’ entitlements, and for related purposes.
The Assistant Minister for Immigration and Border Protection (Senator Cash) 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 Cash moved—That this bill be now read a second time.

   Explanatory memorandum: Senator Cash tabled a revised explanatory memorandum relating to the bill.

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

24 SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (SENIORS SUPPLEMENT CESSATION) BILL 2014
A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:
   Message no. 404, dated 22 June 2015—Social Services and Other Legislation Amendment (Seniors Supplement Cessation) Bill 2014.
25 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—SOCIAL SERVICES LEGISLATION AMENDMENT (FAIR AND SUSTAINABLE PENSIONS) BILL 2015**

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


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

26 **COPYRIGHT AMENDMENT (ONLINE INFRINGEMENT) BILL 2015**

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

---

**In the committee**

Consideration resumed of the bill.

Debate resumed.

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 3 (lines 13 and 14), omit paragraph 115A(1)(b), substitute:

(b) the online location flagrantly infringes the copyright; and

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

Senator Ludlam moved the following amendments together by leave:

Schedule 1, item 1, page 3 (lines 15 and 16), omit “, or to facilitate the infringement of,”.

Schedule 1, item 1, page 4 (lines 10 and 11), omit “, or the flagrancy of the facilitation of the infringement,”.

Schedule 1, item 1, page 4 (lines 14 and 15), omit “, or facilitate an infringement of,”.

Debate ensued.

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

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 3 (after line 17), after subsection 115A(1), insert:

(1A) To avoid doubt, for the purposes of subsection (1) a virtual private network is not an online location.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 14**

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Senator Ludlam moved the following amendments together by leave:

Schedule 1, item 1, page 3 (line 26), omit “proceedings.”, substitute “proceedings; and”.

Schedule 1, item 1, page 3 (after line 26), at the end of subsection 115A(3), add:
(d) if a person or body with a public interest in the action makes an application to be joined as a party to the proceedings—that person or body.

Debate ensued.

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

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 5 (after line 7), after paragraph 115A(8)(a), insert:
(aa) any other person with an interest in whether or not the injunction should be rescinded or varied; or

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Attorney-General (Senator Fierravanti-Wells) the report from the committee was adopted.

Senator Fierravanti-Wells moved—That this bill be now read a third time.

The Senate divided—

AYES, 37

Senators—

Back Edwards Macdonald O’Sullivan
Bilyk Fawcett (Teller) Marshall Peris
Brown Fierravanti-Wells McAllister Polley
Bullock Gallagher McEwen Reynolds
Bushby Gallagher McGrath Ronaldson
Cameron Johnston McKenzie Ruston
Canavan Ketter McLucas Singh
Colbeck Lindgren Moore Sterle
Collins Ludwig O’Neill Urquhart
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NOES, 13

Senators—

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Cash
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Di Natale
Edwards
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Hanson-Young
Lazarus
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Rhiannon
Rice
Siewert (Teller)

Waters
Whish-Wilson
Wright

Question agreed to.
Bill read a third time.

27 SOCIAL SERVICES LEGISLATION AMENDMENT (FAIR AND SUSTAINABLE PENSIONS) BILL 2015

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash)—That this bill be now read a second time.

Debate resumed.

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

Social Services Legislation Amendment (Fair and Sustainable Pensions) Bill 2015—Letter from the Minister for Social Services (Mr Morrison) to the Leader of the Australian Greens (Senator Di Natale), dated 16 June 2015, and attachment.

Question put.
The Senate divided—

AYES, 42

Senators—

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Cash
Colbeck
Day
Di Natale
Edwards
Fawcett

Fierravanti-Wells
Fifield
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Siewert
Sinodinos
Waters
Whish-Wilson
Williams
Wright
Xenophon

Ruston (Teller)
Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

Question put.

The Senate divided—

AYES, 42

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Question agreed to.

Bill read a third time.

28 **RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2015**

Order of the day read for the further consideration of the bill in committee of the whole.
In the committee
Consideration resumed of the bill—and of the amendments moved by Senator Singh:
Schedule 1, Part 4, page 13 (line 1) to page 15 (line 2), omit the Part, substitute:

**Part 4—Wood waste**

Renewable Energy (Electricity) Act 2000

47 At the end of section 17

Add:

Wood waste

(6) Despite anything in regulations made under subsection (3), wood waste does not include waste, or a product or by-product, that is, or is derived from, biomass from a native forest.

Title, page 1 (lines 2 and 3), omit “and the Renewable Energy (Electricity) Regulations 2001”.

Clause 3, page 2 (line 11), omit “(1)”.

Clause 3, page 2 (lines 15 to 17), omit subclause (2).

Question—that the amendments be agreed to—put.

The committee divided—

AYES, 30

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Question—negatived.

Question—that the bill stand as printed—divided, at the request of Senator Waters, in respect of Schedule 1, Part 4.

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

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.28 pm till Tuesday, 23 June 2015 at 12.30 pm.

30 **ATTENDANCE**

Present, all senators except Senators Abetz* and Lines* (*on leave).

ROSEMARY LAING
Clerk of the Senate