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1 **MEETING OF SENATE**

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

2 **DOCUMENTS**

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

- Australian parliamentary delegation to southern Africa (Zimbabwe, South Africa and the Seychelles), 3 to 16 August 2014—Report.
- Environment—Climate change policy—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 16 June 2015, responding to the resolution of the Senate of 25 March 2015.
- *Parliament Act 1974*—Parliamentary Zone—Proposals, together with supporting documentation, relating to—
  - Construction of a memorial to the victims of the MH17 disaster.
  - John Gorton Building car park enhancement.

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

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

- Commissioner of Taxation—Public Rulings—
  - Product Rulings PR 2015/6 and PR 2015/7.
- *Defence Act 1903*—Section 58B—Approved summer schools, overseas club membership and operational area—amendment—Defence Determination 2015/24.
- *Defence Home Ownership Assistance Scheme Act 2008*—Defence Home Ownership Assistance Scheme (Average House Price and Median Interest Rate) Amendment Determination 2015 [F2015L00848].


Quarantine Act 1908—
Quarantine (Christmas Island) Proclamation 2015 [F2015L00847].
Quarantine (Cocos Islands) Proclamation 2015 [F2015L00849].


3 COMMITTEES—LEAVE TO MEET DURING SITTINGS
Committees were authorised to meet during the sittings of the Senate, as follows:
Foreign Affairs, Defence and Trade References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3.15 pm, for the committee’s inquiry into Defence use of unmanned platforms.

Legal and Constitutional Affairs References Committee—public meeting today, from 7.20 pm, to take evidence for the committee’s inquiry into the circumstances surrounding a letter sent to the Attorney-General.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 25 June 2015, from noon.

4 ECONOMICS LEGISLATION COMMITTEE—REPORT—NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS) BILL 2015
Pursuant to order, Senator O’Sullivan, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following report and documents:

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

5 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS) BILL 2015
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.

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.
Senator Leyonhjelm moved the following amendments together by leave:

Schedule 1, page 4 (after line 31), after item 4, insert:

**4A Subsection 90(3B)**

Repeal the subsection.

**4B Subsection 90(3C)**

Omit “, (3AF) and (3B)”, substitute “and (3AF)”.

Schedule 1, page 5 (after line 2), after item 5, insert:

**5A Subsection 90A(1)**

Repeal the subsection, substitute:

(1) This section applies in relation to a decision of the Secretary under section 90 rejecting an application by a pharmacist for approval to supply pharmaceutical benefits at particular premises, if the application was made on or after 1 July 2006.

Schedule 1, page 13 (after line 4), after item 31, insert:

**31A Subsection 99K(2)**

Repeal the subsection.

**31B Section 99L**

Repeal the section.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 2**

Day 
Leyonhjelm (Teller)

**NOES, 51**

Back 
Bilyk (Teller) 
Brown 
Bullock 
Bushby 
Cameron 
Carr 
Cash 
Collins 
Cormann 
Dastyari 
Di Natale 
Edwards 
Fawcett 
Fifield 
Gallacher 
Hanson-Young 
Heffernan 
Ketter 
Lazarus 
Lindgren 
Ludlam 
Ludwig 
Marshall 
McAllister 
McKenzie 
McLucas 
Milne 
Moore 
Muir 
Nash 
O’Neill 
O’Sullivan 
Peris 
Polley 
Rhiannon 
Rice 
Ruston 
Sessela 
Siewert 
Singh 
Sinodinos 
Sterle 
Sterling 
Waters 
Whish-Wilson 
Williams 
Wright 
Xenophon

Question negatived.
Bill agreed to.
Bill to be reported without amendment.
The President resumed the chair and the Chair of Committees (Senator Marshall) reported accordingly.

On the motion of the Assistant Minister for Health (Senator Nash) the report from the committee was adopted and the bill read a third time.

6 **APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2015-2016**  
**APPROPRIATION BILL (NO. 1) 2015-2016**  
**APPROPRIATION BILL (NO. 2) 2015-2016**  
**APPROPRIATION BILL (NO. 5) 2014-2015**  
**APPROPRIATION BILL (NO. 6) 2014-2015**

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

- Message no. 407, dated 22 June 2015—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.
- Message no. 405, dated 22 June 2015—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.
- Message no. 406, dated 22 June 2015—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.
- Message no. 408, dated 22 June 2015—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.
- Message no. 409, dated 22 June 2015—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for Finance (Senator Cormann) 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 Cormann moved—That these bills be now read a second time.

Debate ensued.

*At 2 pm: Debate was interrupted while the Leader of the Opposition in the Senate (Senator Wong) was speaking.*

7 **QUESTIONS**

Questions without notice were answered.

8 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Cameron moved—That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.
Senator Milne moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by the Leader of the Australian Greens (Senator Di Natale) today relating to the health impacts of climate change.

Question put and passed.

9 NOTICES

The Assistant Minister for Social Services (Senator Fifield): To move on 25 June 2015—That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the following proposals by the National Capital Authority for capital works within the Parliamentary Zone:

(a) John Gorton Building car park enhancement; and

(b) construction of a memorial to the victims of the MH17 disaster.

Senators Day, Leyonhjelm and Wang: To move on the next day of sitting—That the Senate congratulates:

(a) the Australian Broadcasting Corporation for its contribution to Australian political history for the compilation of The Killing Season documentary; and

(b) participating senators for their chilling re-enactments. (general business notice of motion no. 759)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the recommendations of the Economics References Committee inquiry into the performance of the Australian Securities and Investments Commission, and

(ii) the allegations that financial planners at the Commonwealth Bank of Australia, National Australia Bank, ANZ Bank, Macquarie Bank and, most recently, IOOF had engaged in unethical and/or unlawful activity; and

(b) calls on the Government to establish a royal commission into misconduct within the financial services sector. (general business notice of motion no. 760)

Senators Smith and Singh: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the bravery of those Australians who shared their experiences of Hepatitis C in person and in the book Together We Can: See Our Future, launched at Parliament House, Canberra on 16 June 2015 by Hepatitis Australia and the Australian Parliamentary Friendship Group for Blood-Borne Diseases,

(ii) that the stigma associated with Hepatitis C is increasing the suffering of many of the 230 000 Australians living with the disease,

(iii) that successful Australian treatment rates for Hepatitis C are extremely low,

(iv) that the Pharmaceutical Benefits Advisory Committee has recently recommended two new Hepatitis C treatments for listing on the Pharmaceutical Benefits Scheme,
(v) that, not only do these and similar new therapies have the potential to be used with relatively minimal side-effects and may offer a better hope of a cure for people who cannot tolerate existing treatments, they raise the possibility of the Australian eradication of Hepatitis C, perhaps within a generation, and

(vi) the critical role funding plays in research and development into finding better treatment methods and a cure for Hepatitis C; and

(b) recognises and commends the organisers of World Hepatitis Day 2015, in Australia and internationally, who are working to bring together communities on 28 July to raise awareness and constructively work towards an end to this world wide epidemic. (general business notice of motion no. 761)

Senator Carr: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Higher Education Support Act 2003, and for related purposes. Higher Education Support Amendment (New Zealand Citizens) Bill 2015. (general business notice of motion no. 762)

Senator Cameron: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Social Security (Administration) Act 1999 and for related purposes. Social Security (Administration) Amendment (Consumer Lease Exclusion) Bill 2015. (general business notice of motion no. 763)

Senators Leyonhjelm, Wang and Day: To move on the next day of sitting—That the Senate recognises that:

(a) genetically-modified crops have higher yields per hectare than conventional crops and therefore reduce the need for further land clearing;

(b) genetically-modified crops generally require fewer pesticide applications and therefore reduce farming costs and the environmental impact of farming practices; and

(c) further adoption of genetically-modified crops will increase productivity for farmers and provide superior environmental benefits. (general business notice of motion no. 764)

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

(a) notes that:

(i) the 2014 annual report of the New South Wales Department of Education and Communities shows that TAFE NSW lost 15 per cent of its teaching staff between 2011 and 2014,

(ii) new apprenticeships in New South Wales fell by 20 per cent in 2014,

(iii) the annual report further shows a 16.2 per cent decrease in apprentice completion from 2013 to 2014, resulting in 10 000 fewer apprentices completing their training in New South Wales, and

(iv) the Abbott Government has cut nearly $2 billion out of apprenticeship support since coming to office; and

(b) calls on the Federal Government to reinstate the Tools For Your Trade program and other forms of support for apprentices to boost skills development and improve job opportunities for young Australians. (general business notice of motion no. 765)

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

(a) acknowledges the valuable contribution that agriculture makes to Australia’s social, economic and environmental sustainability;
(b) recognises:
   (i) the approximately 123,000 farm businesses in Australia, more than 95 per cent of which are family-owned and operated,
   (ii) that Australian farmers produce almost 93 per cent of Australia’s daily domestic food supply, and
   (iii) the gross value of Australian farm production of over $51 billion; and

(c) congratulates the Government on the commencement of Taskforce Cadena, led by the Department of Immigration and Border Protection and the Fair Work Ombudsman, which will work with relevant agencies, including the Australian Federal Police, the Australian Securities and Investments Commission, and the Australian Taxation Office, and state and territory agencies, to reinforce existing action to tackle allegations of fraud and worker exploitation involving temporary visa holders. (general business notice of motion no. 766)

Senator Lazarus: To move on the next day of sitting—That the Senate—
(a) expresses its deepest sympathy to the family and friends of Mr James Ackerman who sadly passed away on 22 June 2015 as a result of an on-field injury sustained while playing rugby league in Queensland on Saturday, 20 June 2015; and
(b) recognises the selfless actions of Mr Ackerman in donating his organs so others may live. (general business notice of motion no. 767)

Senator Lazarus: To move on the next day of sitting—
(1) That a select committee, to be known as the Select Committee on Residential Fire Safety, be established to inquire into and report, on or before 3 December 2015, on the use of smoke alarms to prevent smoke and fire-related deaths, with particular reference to:
   (a) the incidence of smoke and fire-related injuries and deaths, and associated damage to property;
   (b) the immediate and long-term effects of such injuries and deaths;
   (c) how the use, type and installation set-ups of smoke alarms could affect such injuries and deaths;
   (d) what smoke alarms are in use in owner-occupied and rented dwellings, and the installation set-ups;
   (e) how the provisions of the Australian Building Code relating to smoke alarm type, installation and use can be improved;
   (f) whether there are any other legislative or regulatory measures which would minimise such injuries and deaths; and
   (g) any other related matter.
(2) That the committee consist of 7 senators, 2 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens in the Senate, 1 to be nominated by other parties and independent senators, and Senator Lazarus.
(3) That:
   (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That 4 members of the committee constitute a quorum of the committee.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That Senator Lazarus be appointed as chair of the committee.

(7) That the committee elect a deputy chair who shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That the committee has power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 768)

Senators Day, Wang, Leyonhjelm, Heffernan, Lambie, Muir and Madigan: To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee on the Murray-Darling Basin Plan be established to inquire into and report, on or before 26 February 2016, on the positive and negative impacts of the Murray-Darling Basin Plan and associated Commonwealth programs on regional communities, with particular reference to:

(a) the implementation of the plan, including:

   i) its progress,
   ii) its costs, especially those related to further implementation,
   iii) its direct and indirect effects on agricultural industries, local businesses and community wellbeing, and
   iv) any evidence of environmental changes to date;

(b) the effectiveness and appropriateness of the plan’s Constraints Management Strategy, including:

   i) the progress of identifying constraints and options to mitigate the identified risks, and
   ii) environmental water flows and river channel capacity;
(c) the management of the Coorong, Lower Lakes and Murray mouth, including the environmental impact of the locks, weirs and barrages of the Murray River; and

(d) any related matter.

(2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 1 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens in the Senate, and 3 to be nominated by other parties and independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Australian Greens in the Senate or any other party or any independent senator;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That 4 members of the committee constitute a quorum of the committee.

(5) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair and deputy chair a member nominated by minority parties and independent senators.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, has a casting vote.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 769)
Senators Xenophon, Waters, Lambie and Lazarus: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to require Government board members to be appointed with regard to ensuring gender balanced representation, and for related purposes. *Australian Government Boards (Gender Balanced Representation) Bill 2015*. (general business notice of motion no. 770)

10 LEAVE OF ABSENCE

Senator Bushby, by leave, moved—That leave of absence be granted to the following senators for personal reasons:

(a) Senator Reynolds from 23 to 25 June 2015; and
(b) Senator Smith for today.

Question put and passed.

11 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Bushby, by leave and at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), moved—That the time for the presentation of the report of the Education and Employment Legislation Committee on the Budget estimates 2015-16 be extended to 26 June 2015.

Question put and passed.

12 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator Xenophon, also on behalf of Senators Madigan and Lambie, 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 matters be referred to the Economics References Committee for inquiry and report by 12 October 2015:

(a) the economic impact of non-conforming building products on the Australian building and construction industry;
(b) the impact of non-conforming building products on:
   (i) industry supply chains, including importers, manufacturers and fabricators,
   (ii) workplace safety and any associated risks,
   (iii) costs passed on to customers, including any insurance and compliance costs, and
   (iv) the overall quality of Australian buildings;
(c) possible improvements to the current regulatory frameworks for ensuring that building products conform to Australian standards, with particular reference to the effectiveness of:
   (i) policing and enforcement of existing regulations,
   (ii) independent verification and assessment systems,
   (iii) surveillance and screening of imported building products, and
   (iv) restrictions and penalties imposed on non-conforming building products; and
(d) any other related matters.

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

Question put and passed.
13 **HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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.

Question put and passed.

14 **VOICE FOR ANIMALS (INDEPENDENT OFFICE OF ANIMAL WELFARE) BILL 2015**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 746—That the following bill be introduced:

A Bill for an Act to establish a Commonwealth statutory authority with responsibility for protecting animal welfare in Commonwealth regulated activities, and for related purposes.

Question put and passed.

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

____________________

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

____________________

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

15 **NORTHERN AUSTRALIA—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Bushby, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 753—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
Tuesday, 1 December 2015.

Question put and passed.

16 TRADE AND INVESTMENT GROWTH—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Bushby, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 754—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.

Question put and passed.

17 SPORT—GENDER PAY GAP

Senator Waters, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 756—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.

Question put and passed.

18 SPORT—NETBALL—TRANS-TASMAN ANZ NETBALL CHAMPIONSHIPS

Senator Moore, also on behalf of Senators Lindgren and Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 757—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.

Question put and passed.

19 PRIMARY INDUSTRIES—HORTICULTURAL EXPORTS—BENEFITS OF FREE TRADE AGREEMENTS

Senator Bushby, at the request of Senator O’Sullivan and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 755—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,

(ii) 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,

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

(iv) 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.

Question put and passed.

20 IMMIGRATION—HUMANITARIAN PROGRAM—RESETTLEMENT OF ROHINGYANS

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 758—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 Rohingya in the 2015 humanitarian program, increasing the number of the program if necessary.

Question put.
The Senate divided—

AYES, 13

Senators—

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

NOES, 33

Senators—

Back  Fawcett  Marshall  Parry
Bilyk  Fifield  McEwen (Teller)  Peris
Brown  Gallagher  McGrath  Polley
Bullock  Heffernan  McKenzie  Ruston
Bushby  Ketter  McLucas  Ryan
Cameron  Leyonhjelm  Moore  Urquhart
Canavan  Lindgren  Nash  Wang
Colbeck  Lines  O’Neill  Williams

Question negatived.

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH—PUBLIC HOSPITAL FUNDING

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 radical plan to scrap all Commonwealth funding for public hospitals.

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

22 DOCUMENTS—CONSIDERATION

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

23 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLED AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

Senator Urquhart, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Ruston), tabled the following document:


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

The Chair of the Environment and Communications References Committee (Senator Urquhart) tabled the following report and documents:

Environment and Communications References Committee—Australia’s environment—Report, dated June 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Urquhart moved—That the Senate take note of the report.
Debate ensued.

Declaration of interest: Senator Waters declared an interest in relation to the matter under discussion.

Question put and passed.

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


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

Senator Marshall, by leave, moved—that consideration of the report be made a business of the Senate order of the day for the next day of sitting.

Question put and passed.

Senator Marshall moved—that the Senate take note of the report.

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

Senator Gallacher, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:


Senator Gallacher moved—that the Senate take note of the report.

Debate ensued.

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

Pursuant to order, Senator O’Sullivan, at the request of the chairs of the respective committees, tabled the following reports, dated June 2015, and documents:

Budget estimates 2015-16—

Community Affairs Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Economics Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Environment and Communications Legislation Committee—Report.

Finance and Public Administration Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Foreign Affairs, Defence and Trade Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.
Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

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

Senator O’Sullivan moved—that the Senate adopts the recommendation in the report of the Finance and Public Administration Legislation Committee that, when the Senate sets the dates for the 2016 Estimates hearings, that the ‘separate time’ for the cross portfolio estimates hearing on Indigenous matters not be restricted to the Friday of each estimates week.

Question put and passed.

Senator O’Sullivan, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:


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

Senator O’Sullivan moved—that the Senate take note of the report.

Question put and passed.

Senator O’Sullivan, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:


Senator O’Sullivan moved—that the Senate take note of the report.

Question put and passed.

Senator O’Sullivan, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:


Senator O’Sullivan moved—that the Senate take note of the report.

Question put and passed.

The Minister for Indigenous Affairs (Senator Scullion) tabled the following document:


Senator Milne moved—that the Senate take note of the document.

Debate ensued.

Debate adjourned till the next day of sitting, Senator Macdonald in continuation.
24 **HEALTH—WESTERN AUSTRALIA—MAMMOGRAPHY FACILITY IN THE KIMBERLEY—DOCUMENT**

Senator Lines, by leave, tabled the following document:

*Health—Western Australia—Mammography facility in the Kimberley—Petitioning document from 769 signatories calling for the Federal Government to fund a permanent mammography facility in the Kimberley.*

25 **COMMITTEE MEMBERSHIP**

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

The Minister for Indigenous Affairs (Senator Scullion), 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 Di Natale

- **Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee**—
  - Discharged—Senator McGrath
  - Appointed—Senator Ruston.

Question put and passed.

26 **SOCIAL SERVICES LEGISLATION AMENDMENT (DEFINED BENEFIT INCOME STREAMS) BILL 2015**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

*Message no. 411, dated 23 June 2015—A Bill for an Act to amend the law relating to social security, and for related purposes.*

The Minister for Indigenous Affairs (Senator Scullion) moved—that this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

**Consideration of legislation:** Senator Scullion, by leave, moved—that the provisions of paragraphs (5) to (8) of standing order 111 not apply to the bill, allowing it to be considered during this period of sittings.

**Document:** Senator Scullion tabled the following document:

*Consideration of legislation—Statement of reasons for introduction and passage of the Social Services Legislation Amendment (Defined Benefit Income Streams) Bill 2015 in the 2015 winter sittings.*

Question put and passed.

Senator Scullion moved—that this bill be now read a second time.

On the motion of Senator Scullion the debate was adjourned till the next day of sitting.
27 **Excise Tariff Amendment (Ethanol and Biodiesel) Bill 2015**

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


28 **Governor-General’s Message—Assent to Laws**

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

22 June 2015—Message No. 29—


29 **Postponement**

Senator Wright, by leave, moved—that business of the Senate notice of motion no. 2 standing in her name for today, proposing the disallowance of the Federal Courts Legislation Amendment (Fees) Regulation 2015, be postponed till the next day of sitting.

Question put and passed.

30 ** Appropriation (Parliamentary Departments) Bill (No. 1) 2015-2016**

**Appropriation Bill (No. 1) 2015-2016**
**Appropriation Bill (No. 2) 2015-2016**
**Appropriation Bill (No. 5) 2014-2015**
**Appropriation Bill (No. 6) 2014-2015**

Order of the day read for the adjourned debate on the motion of the Minister for Finance (Senator Cormann)—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 Appropriation Bill (No. 2) 2015-2016 to which an amendment was circulated in the Senate.

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**In the committee**

Bill taken as a whole by leave.

Senator Leyonhjelm moved the following amendment:

Clause 13, page 8 (line 18), omit “$25,000,000,000”, substitute “$11,000,000,000”.

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 Chair of Committees reported accordingly.

On the motion of Senator Cormann the report from the committee was adopted and Appropriation (Parliamentary Departments) Bill (No. 1) 2015-2016, Appropriation Bill (No. 1) 2015-2016, Appropriation Bill (No. 2) 2015-2016, Appropriation Bill (No. 5) 2014-2015 and Appropriation Bill (No. 6) 2014-2015 read a third time.

31 NOTICE

Senator Xenophon gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Economics References Committee for inquiry and report by 1 July 2016:

(a) the measures governing the activities of Australian corporations, entities, organisations, individuals, government and related parties with respect to foreign bribery, with specific reference to the effectiveness of, and any possible improvements to, Australia’s implementation of its obligations under:

(i) the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention), and

(ii) the United Nations Convention against Corruption (UNCAC); and

(b) as part of, or in addition to, paragraph (a), the effectiveness of, and any possible improvements to, existing Commonwealth legislation governing foreign bribery, including:

(i) Commonwealth treaties, agreements, jurisdictional reach, and other measures for gathering information and evidence,

(ii) the resourcing, effectiveness and structure of Commonwealth agencies and statutory bodies to investigate and, where appropriate, prosecute under the legislation, including cooperation between bodies,

(iii) standards of admissible evidence,

(iv) the range of penalties available to the courts, including debarment from government contracts and programs,

(v) the statute of limitations,

(vi) the range of offences, for example:

(A) false accounting along the lines of the ‘books and records’ head in the US Foreign Corrupt Practices Act,

(B) increased focus on the offence of ‘failure to create a corporate culture of compliance’,

(C) liability of directors and senior managers who do not implement a corporate culture of compliance, and

(D) liability of parent companies for subsidiaries and intermediaries, including joint ventures,

(vii) measures to encourage self-reporting, including but not limited to, civil resolutions, settlements, negotiations, plea bargains, enforceable undertakings and deferred prosecution agreements,

(viii) official guidance to corporations and others as to what is a ‘culture of compliance’ and a good anti-bribery compliance program,

(ix) private sector whistleblower protection and other incentives to report foreign bribery,
(x) facilitation payment defence,
(xi) use of suppression orders in prosecutions,
(xii) foreign bribery not involving foreign public officials, for example, company to company or international sporting bodies,
(xiii) the economic impact, including compliance and reporting costs, of foreign bribery, and
(xiv) any other related matters.

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

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

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In the committee

Consideration resumed of Schedule 1, Part 4.

Debate ensued.

---

**Documents:** The Assistant Minister for Education and Training (Senator Birmingham) tabled the following documents:


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Debate continued.

Question—That Schedule 1, Part 4 stand as printed—put.

The committee divided—

AYES, 33

Senators—

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Part agreed to.
Question—That the bill stand as printed—divided, at the request of Senator Lazarus, in respect of Schedule 1, item 2.
Schedule 1, item 2 debated.
Question—That Schedule 1, item 2 stand as printed—put.
The committee divided—

AYES, 35

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NOES, 11

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Item agreed to.
Question—That the bill stand as printed—divided, at the request of Senator Waters, in respect of Schedule 1, Part 1.
Schedule 1, Part 1 debated.
Question—That Schedule 1, Part 1 stand as printed—put.
The committee divided—

AYES, 32

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Part agreed to.

Senator Lazarus moved the following amendment:

Schedule 1, Division 1, page 13 (line 2) to page 14 (line 29), omit the Division, substitute:

Division 1—Amendments

**Renewable Energy (Electricity) Act 2000**

**47 Subsection 5(1)**

Insert:

*biomass* means organic matter other than fossilised biomass.

Note: Examples of fossilised biomass include coal and lignite.

*wood waste* has the meaning given by section 5A.

**48 After section 5**

Insert:

**5A Wood waste**

(1) For the purposes of this Act, *wood waste* means:

(a) biomass:
   
   (i) produced from non-native environmental weed species; and
   
   (ii) harvested for the control or eradication of the species, from a harvesting operation that is approved under relevant Commonwealth, State or Territory planning and approval processes; and

(b) a manufactured wood by-product from a manufacturing process; and

(c) waste products from the construction of buildings or furniture, including timber off-cuts and timber from demolished buildings; and

(d) sawmill residue; and

(e) biomass from a native forest that meets all the requirements in subsection (2).

(2) Biomass from a native forest must be:

(a) harvested primarily for a purpose other than biomass for energy production; and

(b) harvested from a forest that has been certified, or becomes certified before 30 June 2016, by the Forest Stewardship Council to a forest management standard; and
(c) either:
   (i) a by-product or waste product of a harvesting operation, approved under relevant Commonwealth, State or Territory planning and approval processes, for which a high-value process is the primary purpose of the harvesting; or
   (ii) a by-product (including thinnings and coppicing) of a harvesting operation that is carried out in accordance with ecologically sustainable forest management principles; and

(d) either:
   (i) if it is from an area where a regional forest agreement is in force—produced in accordance with any ecologically sustainable forest management principles required by the agreement; or
   (ii) if it is from an area where no regional forest agreement is in force—produced from harvesting that is carried out in accordance with ecologically sustainable forest management principles that the Minister is satisfied are consistent with those required by a regional forest agreement.

(3) For subparagraph (2)(c)(i), the primary purpose of a harvesting operation is taken to be a high-value process only if the total financial value of the products of the high-value process is higher than the financial value of other products of the harvesting operation.

(4) In this section:

   ecologically sustainable forest management principles means the following principles that meet the requirements of ecologically sustainable development for forests:
   (a) maintenance of the ecological processes within forests, including the formation of soil, energy flows, and the carbon, nutrient and water cycles;
   (b) maintenance of the biological diversity of forests;
   (c) optimisation of the benefits to the community from all uses of forests within ecological constraints.

   high-value process means the production of sawlogs, veneer, poles, piles, girders, wood for carpentry or craft uses, or oil products.

   native forest means a local indigenous plant community:
   (a) the dominant species of which are trees; and
   (b) containing throughout its growth the complement of native species and habitats normally associated with that forest type or having the potential to develop those characteristics; and
   (c) including a forest with those characteristics that has been regenerated with human assistance following disturbance; and
   (d) excluding a plantation of native species or previously logged native forest that has been regenerated with non-endemic native species.
Renewable Energy (Electricity) Regulations 2001

49 Subregulation 3(1) (definition of *native forest*)

Repeal the definition.

50 Regulation 8

Repeal the regulation.

Debate ensued.

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

Senator Waters moved the following amendment:

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 Subsection 5(1)

Insert:

*biomass* means organic matter other than fossilised biomass.

Note: Examples of fossilised biomass include coal and lignite.

*native forest* means an indigenous plant community that:

(a) is dominated by trees that are located within their natural range;

(b) contains throughout its growth a complement of native species and habitats normally associated with those trees, or has the potential to develop those characteristics; and

(c) is not:

(i) a plantation of native species; or

(ii) a previously logged native forest that has been regenerated with non-endemic native species.

It is immaterial whether any of the trees or native species have been re-established or regenerated with human assistance following:

(d) flood;

(e) bushfire;

(f) drought;

(g) pest attack;

(h) disease.

*wood waste* means:

(a) biomass:

(i) produced from non-native environmental weed species; and

(ii) harvested for the control or eradication of the species, from a harvesting operation that is approved under relevant Commonwealth, State or Territory planning and approval processes; and

(b) a manufactured wood product or a by-product from a manufacturing process, other than a product or a by-product that is derived from biomass from a native forest; and
(c) waste products from the construction of buildings or furniture, 
including timber off-cuts and timber from demolished buildings; 
and

(d) sawmill residue, other than sawmill residue derived from 
biomass from a native forest.

Renewable Energy (Electricity) Regulations 2001

48 Subregulation 3(1) (definition of native forest)

Repeal the definition.

49 Regulation 8

Repeal the regulation.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senator Waters moved the following amendment:

Schedule 1, page 15 (after line 2), at the end of the Schedule, add:

Part 5—Concurrent operation of State or Territory laws

Renewable Energy (Electricity) Act 2000

53 Section 7C

Repeal the section, substitute:

7C Concurrent operation intended

1 This Act is not intended to exclude or limit the concurrent operation of any law of a State or Territory.

2 This section does not apply to a law of a State or Territory if there is direct inconsistency between that law and this Act.
Debate ensued.
Question—That the amendment be agreed to—put.
The committee divided—

**AYES, 11**

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Question negatived.
Senator Birmingham moved—That the committee report progress and ask leave to sit again.
Question put and passed.

The President resumed the chair and the Temporary Chair of Committees (Senator Lines) reported that the committee had considered the bills, made progress and asked leave to sit again.

Ordered, on the motion of Senator Birmingham, that the committee have leave to sit again at a later hour.

**NOTICE**

The Chair of the Economics References Committee (Senator Dastyari) and Senators Madigan, Leyonhjelm, Lazarus, Lambie, Xenophon and Whish-Wilson gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 24 November 2015:

The economic effect of matters including the difference between cash rates and credit card interest rates, with particular reference to:

(a) the Reserve Bank of Australia’s cash rate announcement and associated changes in credit card interest rates;

(b) the costs to banks, credit providers, and payments systems, including those related to:

(i) borrowings,
(ii) credit risk and default rates, and credit risk pricing,
(iii) various credit card loyalty programs, and
(iv) consumer protection measures, including reforms introduced following
the global financial crisis,
(c) transaction costs, including interchange fees, on the payments industry;
(d) the costs to consumers, including those related to:
   (i) how and when interest is applied,
   (ii) minimum monthly payment levels,
   (iii) various credit card loyalty programs of other users, and
   (iv) card fees, including ATM and POS fees;
(e) what impact competition and price signals have on the credit card market;
(f) how the enforcement of responsible lending laws and the national consumer
credit regime affect consumer costs;
(g) how consumer choice of credit card products can be improved, with reference
to practices in other jurisdictions; and
(h) any other related matters.

34 HOURS OF MEETING—VARIATION
The Assistant Minister for Education and Training (Senator Birmingham), by leave,
moved—That the Senate continue to sit until it has finally considered the Renewable
Energy (Electricity) Amendment Bill 2015, or a motion for the adjournment is moved
by a minister, whichever is the earlier.
Question put and passed.

35 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.

Senator Wang moved the following amendment:
Schedule 1, page 15 (after line 2), at the end of the Schedule, add:

Part 5—Self-generation

Renewable Energy (Electricity) Act 2000

53 Subparagraph 31(2)(b)(ii)

Omit “used solely”, substitute “used predominantly”.

54 After subsection 31(2)

Insert:
(2A) For the purposes of subparagraph (2)(b)(ii), electricity that is
transmitted or distributed is used predominantly for the transmission or
distribution of electricity if:
   (a) the primary purpose of generating the electricity is for the use of
the end user who generated the electricity; and
   (b) an amount of that electricity, no greater than the threshold
amount determined under subsection (2B), is made available for
use in relation to one or more services in the public interest.
(2B) For the purposes of paragraph (2A)(b), the Minister must, by legislative instrument, determine a threshold amount of electricity which can be made available for use in relation to one or more services in the public interest.

(2C) The Minister must:
  (a) make a determination under subsection (2B) within 3 months of the commencement of this subsection; and
  (b) as far as is practicable, ensure that a determination under that subsection is in force at all times after that determination comes into force.

Debate ensued.

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

Senator Xenophon moved the following amendment:

Schedule 1, page 15 (after line 2), at the end of the Schedule, add:

Part 5—Injunctions

Renewable Energy (Electricity) Act 2000

53 Subsections 154S(1), (2) and (3)

Repeal the subsections, substitute:

(1) If a person (the first person) has engaged, is engaging, or is about to engage in any conduct that is or would be:
  (a) an offence against this Act or the regulations; or
  (b) a contravention of a civil penalty provision;

the Federal Court may, on the application of the Regulator or any other person, grant an injunction restraining the first person from engaging in the conduct.

(2) If:
  (a) a person (the first person) has refused or failed, is refusing or failing, or is about to refuse or fail, to do a thing; and
  (b) the refusal or failure is, or would be:
    (i) an offence against this Act or the regulations; or
    (ii) a contravention of a civil penalty provision;

the Federal Court may, on the application of the Regulator or any other person, grant an injunction requiring the first person to do the thing.

(3) The power of the Federal Court to grant an injunction may be exercised:
  (a) whether or not it appears to the Court that the first person intends to engage, or to continue to engage, in conduct of that kind; and
  (b) whether or not the first person has previously engaged in conduct of that kind.

Debate ensued.

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

AYES, 15

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NOES, 39

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Question negatived.
Bill agreed to.
Bill to be reported without amendment.

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

On the motion of the Assistant Minister for Education and Training (Senator Birmingham) the report from the committee was adopted.

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

Question put.
The Senate divided—

AYES, 41

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Rice

Siewert (Teller)

Wang

Waters

Whish-Wilson

Wright

NOES, 14

Question agreed to.

Bill read a third time.

36 ADJOURNMENT

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

Debate ensued.

The Senate continued to sit till midnight—

WEDNESDAY, 24 JUNE 2015 AM

Debate continued.

The Senate adjourned at 12.44 am till Wednesday, 24 June 2015 at 9.30 am.

37 ATTENDANCE

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

ROSEMARY LAING

Clerk of the Senate