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1 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.

2 DOCUMENTS

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

[A document presented since the last sitting of the Senate, pursuant to standing order 166, was authorised for publication on the date indicated]

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:

[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.]

Australian Bureau of Statistics Act 1975—

Economic Activity Survey—Proposal No. 8 of 2015.

Multipurpose Household Survey 2015-16—Proposal No. 6 of 2015.

Survey of Research and Experimental Development, Government and Private Non-Profit Organisations—Proposal No. 7 of 2015.

Broadcasting Services Act 1992—Variation to Licence Area Plan – Remote Central and Eastern Australian Radio—No. 1 of 2015 [F2015L00826].

Census and Statistics Act 1905—Release of Lists of Businesses for Safe Work Australia—Statement No. 4 of 2015.

Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—Exemption from CASR Subpart 99.B for micro-businesses—CASA EX98/15 [F2015L00838].

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].

Marriage Act 1961—Marriage Amendment (2015 Measures No. 1) Regulation 2015—Select Legislative Instrument 2015 No. 82 [F2015L00836].

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].

Radiocommunications Act 1992—Radiocommunications Licence Conditions (Land Mobile Licence) Determination 2015 [F2015L00831].

Telecommunications Act 1997—Telecommunications (Listed Infringement Notice Provisions) Amendment Declaration 2015 (No. 1) [F2015L00829].

Therapeutic Goods Act 1989—Therapeutic Goods Legislation Amendment (Fees and Other Measures) Regulation 2015—Select Legislative Instrument 2015 No. 87 [F2015L00837].

Therapeutic Goods (Charges) Act 1989—Therapeutic Goods (Charges) Amendment (2015 Measures No. 1) Regulation 2015—Select Legislative Instrument 2015 No. 86 [F2015L00839].

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 CESSATION) 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:

Energy supplement		
Item	Person's family situation	Amount of energy supplement
1	Not a member of a couple	\$366.60
2	Partnered	\$275.60
3	Member of an illness separated couple	\$366.60
4	Member of a respite care couple	\$366.60
5	Partnered (partner in gaol)	\$366.60

- (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)**

Omit "Seniors supplement", substitute "Energy supplement under Part 2.25B of the 1991 Act".

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 $\frac{1}{364}$ of the amount worked out using the following table:

Energy supplement		
Item	Person's family situation	Amount of energy supplement
1	Not a member of a couple	\$366.60
2	Partnered	\$275.60
3	Member of an illness separated couple	\$366.60
4	Member of a respite care couple	\$366.60

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)

Omit “Seniors supplement”, substitute “Energy supplement under Part 2.25B of the *Social Security Act 1991*”.

50 Section 52-40 (table item 22B)

Omit “Seniors supplement”, substitute “Energy supplement”.

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

Omit “Seniors supplement”, substitute “Energy supplement under Part VIIAD of the *Veterans’ Entitlements Act 1986*”.

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.

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:

2	1 July 2016	3.333%
3	1 July 2017	6.667%
4	1 July 2018	10%
5	1 July 2019	13.333%
6	1 July 2020	16.667%
7	1 July 2021	20%
8	1 July 2022	23.333%
9	1 July 2023	26.667%
10	1 July 2024	30%
11	1 July 2025	33.333%
12	1 July 2026	36.667%
13	1 July 2027	40%
14	1 July 2028	43.333%
15	1 July 2029	46.667%

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.

7 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.

8 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	Gallacher	McLucas	Seselja
Bushby	Gallagher	Moore	Singh
Cameron	Ketter	O’Neill	Sinodinos
Canavan	Lambie	O’Sullivan	Smith
Collins	Lindgren	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,

- (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. (*general business notice of motion no. 755*)

Senator Wright: To move on the next day of sitting—That the Federal Courts Legislation Amendment (Fees) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 70 and made under the *Federal Court of Australia Act 1976*, the *Family Law Act 1975*, and the *Federal Circuit Court of Australia Act 1999*, be disallowed.

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 Rohingyas 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 Rohingyas 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 Rohingyas, currently stranded at sea,
- (ii) resettle some of the Rohingya migrants rescued by Indonesia and Malaysia, and
- (iii) resettle an increased number of Rohingyas 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

Senators—

Brown	Hanson-Young	McEwen (Teller)	Siewert
Bullock	Ketter	Milne	Singh
Cameron	Lambie	Moore	Sterle
Collins	Lazarus	O'Neill	Urquhart
Conroy	Ludlam	Peris	Waters
Dastyari	Ludwig	Polley	Whish-Wilson
Di Natale	Madigan	Rhiannon	Wright
Gallacher	McAllister	Rice	Xenophon
Gallagher			

NOES, 31

Senators—

Back	Fawcett	McKenzie	Ryan
Bernardi	Fifield	Muir	Scullion
Birmingham	Heffernan	O'Sullivan	Seselja
Bushby (Teller)	Johnston	Parry	Sinodinos
Canavan	Leyonhjelm	Payne	Smith
Cash	Lindgren	Reynolds	Wang
Day	Macdonald	Ronaldson	Williams
Edwards	McGrath	Ruston	

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:

Community Affairs Legislation Committee—Social Services Legislation Amendment (Fair and Sustainable Pensions) Bill 2015 [Provisions]—Report, dated June 2015, additional information and submissions.

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

Senators—

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

NOES, 26

Senators—

Back	Colbeck	Lindgren	O'Sullivan
Bernardi	Collins	McAllister	Peris
Bilyk (Teller)	Edwards	McEwen	Reynolds
Brown	Fawcett	McGrath	Ruston
Bushby	Fierravanti-Wells	McKenzie	Singh
Cameron	Gallagher	Moore	Urquhart
Canavan	Lambie		

Question negatived.

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	Gallacher	McEwen	Reynolds
Bushby	Gallagher	McGrath	Ronaldson
Cameron	Johnston	McKenzie	Ruston
Canavan	Ketter	McLucas	Singh
Colbeck	Lindgren	Moore	Sterle
Collins	Ludwig	O'Neill	Urquhart
Dastyari			

NOES, 13

Senators—

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

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—

Back	Fierravanti-Wells	Milne	Ruston (Teller)
Bernardi	Fifield	Muir	Ryan
Birmingham	Hanson-Young	Nash	Seselja
Bushby	Johnston	O'Sullivan	Siewert
Canavan	Leyonhjelm	Parry	Sinodinos
Cash	Lindgren	Payne	Waters
Colbeck	Ludlam	Reynolds	Whish-Wilson
Day	Macdonald	Rhiannon	Williams
Di Natale	Madigan	Rice	Wright
Edwards	McGrath	Ronaldson	Xenophon
Fawcett	McKenzie		

NOES, 21

Senators—

Brown	Gallagher	McLucas	Singh
Bullock	Ketter	Moore	Sterle
Cameron	Lazarus	O'Neill	Urquhart
Collins	Marshall	Peris	Wang
Dastyari	McEwen (Teller)	Polley	Wong
Gallacher			

Question agreed to.

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

Senators—

Back	Fierravanti-Wells	Milne	Ruston (Teller)
Bernardi	Fifield	Muir	Ryan
Birmingham	Hanson-Young	Nash	Seselja
Bushby	Johnston	O'Sullivan	Siewert
Canavan	Leyonhjelm	Parry	Sinodinos
Cash	Lindgren	Payne	Waters
Colbeck	Ludlam	Reynolds	Whish-Wilson
Day	Macdonald	Rhiannon	Williams
Di Natale	Madigan	Rice	Wright
Edwards	McGrath	Ronaldson	Xenophon
Fawcett	McKenzie		

NOES, 21

Senators—

Brown	Gallagher	McLucas	Singh
Bullock	Ketter	Moore	Sterle
Cameron	Lazarus	O'Neill	Urquhart
Collins	Marshall	Peris	Wang
Dastyari	McEwen (Teller)	Polley	Wong
Gallacher			

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

Senators—

Brown	Hanson-Young	Milne	Siewert
Bullock	Ketter	Moore	Singh
Cameron	Lazarus	O’Neill	Sterle
Collins	Ludlam	Peris	Urquhart
Dastyari	Marshall	Polley	Waters
Di Natale	McAllister	Rhiannon	Whish-Wilson
Gallacher	McEwen (Teller)	Rice	Wright
Gallagher	McLucas		

NOES, 33

Senators—

Back	Fawcett	McGrath	Ronaldson
Bernardi	Fierravanti-Wells	McKenzie	Ruston (Teller)
Birmingham	Fifield	Muir	Ryan
Bushby	Johnston	Nash	Seselja
Canavan	Leyonhjelm	O’Sullivan	Sinodinos
Cash	Lindgren	Parry	Wang
Colbeck	Macdonald	Payne	Williams
Day	Madigan	Reynolds	Xenophon
Edwards			

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