



46th Parliament

Senate Journals

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1 **Meeting of Senate**

The Senate met at 9.30 am. The President (Senator the Honourable Scott Ryan) took the chair, read prayers and made an acknowledgement of country.

2 **Documents**

Documents were tabled (*see entry no. 36*).

3 **Committees—Leave to meet during sitting**

Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, as follows:

Aboriginal Flag—Select Committee—from 4.30 pm.

Legal and Constitutional Affairs Legislation Committee—from 12.45 pm.

4 **Committee Membership—Statements by leave**

Senators Urquhart, Dean Smith and Siewert, by leave, made statements relating to the timing of the ballot to be held relating to the membership of the Select Committee on Tobacco Harm Reduction (*see entry no. 32, 7 October 2020*).

5 **Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Superannuation, Financial Services and Financial Technology (Senator Hume)—That this bill be now read a second time—*and on the amendment moved by Senator Faruqi*:

Omit all words after “That”, insert “, the bill be withdrawn and the Senate:

- (a) condemns the Morrison Government and Minister Tehan for attempting to ram legislation through the Parliament which would irreversibly damage Australia’s higher education system and harm and disadvantage students, university staff and communities; and
- (b) condemns the bill which will:
 - (i) hike fees, pushing students into decades of debt as they face rising unemployment and hurting women and First Nations students the most,
 - (ii) slash billions in funding from teaching, including from science, technology, engineering and mathematics (STEM) subjects, which will mean bigger classes, fewer teachers and a worse education, particularly in regional areas,
 - (iii) force universities to do more with less,
 - (iv) fail to create anywhere near enough new places to educate school leavers and people who want to study during the recession,
 - (v) shift the overall costs of university education away from the Commonwealth and onto students,
 - (vi) fail to encourage students to do STEM courses,

- (vii) punish struggling students by unfairly and unnecessarily forcing them out of Commonwealth Supported Places instead of helping them, and
- (viii) fail to save a single university worker's job and worsen the research funding crisis; and
- (c) calls on the Government to:
 - (i) fully fund university education and research, and provide ongoing funding certainty into the future,
 - (ii) ensure job security and good conditions for all university staff, and
 - (iii) make university and TAFE fee-free for all".

Debate resumed.

Question—That the amendment be agreed to put.

The Senate divided—

AYES, 7

Senators—

Faruqi
Hanson-Young

McKim
Patrick

Siewert*
Thorpe

Waters

NOES, 36

Senators—

Abetz
Antic
Askew
Birmingham
Bragg
Canavan
Chandler
Colbeck
Cormann

Davey
Dodson
Duniam
Fawcett
Fierravanti-Wells
Hanson
Henderson
Hughes
Hume

Lambie
McKenzie
McLachlan
McMahon
Molan
O'Neill
O'Sullivan
Rennick
Roberts

Ruston
Ryan
Scarr
Seselja
Smith, Dean
Sterle
Stoker
Urquhart*
Wong

* Tellers

Question negatived.

Main question put.

The Senate divided—

AYES, 30

Senators—

Abetz
Antic
Askew
Birmingham
Bragg
Canavan
Chandler
Colbeck

Cormann
Davey
Duniam
Fawcett
Fierravanti-Wells
Griff
Hanson
Hughes

Hume
McKenzie
McMahon
Molan
O'Sullivan
Rennick
Reynolds

Roberts
Ruston
Ryan
Scarr
Seselja
Smith, Dean*
Stoker

NOES, 28

Senators—

Ayres
Brown
Carr
Chisholm
Dodson
Farrell
Faruqi

Gallagher
Green
Hanson-Young
Lambie
Lines
McAllister
McCarthy

McKim
O'Neill
Patrick
Polley
Pratt
Sheldon
Siewert

Smith, Marielle
Sterle
Thorpe
Urquhart*
Waters
Watt
Wong

* Tellers

Question agreed to.

Bill read a second time.

After 11.45 am—

6 Committee membership

The President reminded the Senate that two nominations had been received, from Senators Griff and Roberts, for one position on the Select Committee on Tobacco Harm Reduction allocated to a minority group or independent senators (*see entry no. 32, 7 October 2020*).

A ballot was held for the position.

The President indicated that the result of the ballot would be reported later today (*see entry no. 8*).

7 Hours of meeting and routine of business—Variation

The Minister for Finance (Senator Cormann), by leave, moved—That—

(1) Today:

- (a) the routine of business from 11.45am shall be:
 - (i) placing of business,
 - (ii) notices of motion,
 - (iii) consideration of a report of the Selection of Bills Committee,
 - (iv) formal motions, and
 - (v) consideration of the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020;
- (b) if by 12.45 pm the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020 has not been finally considered, the questions on all remaining stages shall be put without debate;
- (c) paragraph (b) shall operate as a limitation of debate under standing order 142;
- (d) following the conclusion of consideration of the bill, the Senate shall return to its routine of business;
- (e) divisions may take place after 4.30 pm until 7.30 pm; and

- (f) the routine of business from 5.30 pm, shall be as follows:
 - (i) consideration of any message relating to the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020,
 - (ii) immediately after the consideration of that message, the sitting of the Senate shall be suspended till 8 pm,
 - (iii) from 8pm, Budget statements and documents – party leaders and independent senators to make a response to the statement and documents of no more than 30 minutes each, and
 - (iv) immediately after the conclusion of those responses:
 - (A) if the Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020 has not yet been passed—the sitting of the Senate shall be suspended till 9 am on Friday, 9 October 2020, and the routine of business shall be as provided in paragraph (2), or
 - (B) otherwise, the question for the adjournment shall be proposed.
- (2) The routine of business from 9 am on Friday, 9 October 2020 shall be as follows:
 - (a) consideration of the Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020 only;
 - (b) if by midday the Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020 has not been finally considered, the questions on all remaining stages shall be put without debate;
 - (c) paragraph (b) shall operate as a limitation of debate under standing order 142;
 - (d) the Senate shall adjourn without debate after it has finally considered the bills listed above, or a motion for the adjournment is moved by a minister, whichever is the earlier.

Debate ensued.

Closure: Senator Cormann moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 50

Senators—

Abetz	Dodson	McAllister	Ruston
Antic	Duniam	McCarthy	Ryan
Askew	Fawcett	McKenzie	Scarr
Ayres	Fierravanti-Wells	McLachlan	Seselja
Birmingham	Gallagher	McMahon	Sheldon
Bragg	Green	Molan	Smith, Dean
Brown	Griff	O'Sullivan	Smith, Marielle
Canavan	Hanson	Polley	Sterle
Carr	Henderson	Pratt	Stoker
Chandler	Hughes	Rennick	Urquhart
Colbeck	Hume	Reynolds	Watt
Cormann	Keneally	Roberts	Wong
Davey*	Lines		

NOES, 8

Senators—

Faruqi
Hanson-YoungLambie
McKimPatrick
Siewert*Thorpe
Waters** Tellers*

Question agreed to.

Main question divided at the request of the Leader of the Opposition in the Senate (Senator Wong).

Question—That the motion be agreed to, except in respect of paragraphs (1)(a)(v), (b) and (c)—put.

The Senate divided—

AYES, 50

Senators—

Abetz
Antic
Askew
Ayres
Birmingham
Bragg
Brown
Canavan
Carr
Chandler
Colbeck
Cormann
Davey*Dodson
Duniam
Fawcett
Fierravanti-Wells
Gallagher
Green
Griff
Hanson
Henderson
Hughes
Hume
Keneally
LinesMcAllister
McCarthy
McKenzie
McLachlan
McMahon
Molan
O'Sullivan
Polley
Pratt
Rennick
Reynolds
RobertsRuston
Ryan
Scarr
Seselja
Sheldon
Smith, Dean
Smith, Marielle
Sterle
Stoker
Urquhart
Watt
Wong

NOES, 8

Senators—

Faruqi
Hanson-YoungLambie
McKimPatrick
Siewert*Thorpe
Waters** Tellers*

Question agreed to.

Question—That the remainder of motion be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Antic
Askew
Birmingham
Bragg
Canavan
Chandler
Colbeck
CormannDavey
Duniam
Fierravanti-Wells
Griff
Hanson
Henderson
HughesHume
McKenzie
McMahon
Molan
O'Sullivan
Rennick
ReynoldsRoberts
Ruston
Ryan
Scarr
Seselja
Smith, Dean*
Stoker

NOES, 27

Senators—

Ayres	Green	McKim	Sterle
Brown	Hanson-Young	Patrick	Thorpe
Carr	Keneally	Polley	Urquhart*
Chisholm	Lambie	Pratt	Waters
Dodson	Lines	Sheldon	Watt
Faruqi	McAllister	Siewert	Wong
Gallagher	McCarthy	Smith, Marielle	

* Tellers

Question agreed to.

8 Committee membership

The President reported the result of the ballot concerning the membership of the Select Committee on Tobacco Harm Reduction held earlier today (*see entry no. 6*) as follows:

Senator Griff: 51 votes.

Senator Roberts: 9 votes.

The President declared that Senator Griff had been chosen to serve as a member of the committee.

9 Public Works—Joint Statutory Committee—Leave to meet during sitting

Senator Dean Smith, by leave, moved—That the Parliamentary Standing Committee on Public Works be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on today, from 1 pm.

Question put and passed.

10 Order of business—Rearrangement

The Assistant Minister for Forestry and Fisheries (Senator Duniam) moved—That—

- (a) the following government business orders of the day be considered from 12.45 pm today:

No. 4 Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020

No. 5 Family Law Amendment (Risk Screening Protections) Bill 2020;

- (b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today; and
- (c) general business notices of motion no. 825, standing in the name of Senator Siewert relating to the coronavirus, and no. 828, standing in the names of Senators Lambie and Patrick relating to the 2022 Beijing Winter Olympics be considered during general business today.

Question put and passed.

11 Postponements

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Greens in the Senate (Senator Waters) for today, proposing the disallowance of Part 3 of Schedule 1 of the Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 8) 2020, postponed till 9 November 2020.

General business notice of motion no. 820 standing in the name of Senator Roberts for today, proposing the establishment of a select committee on corruption in Queensland local government, postponed till 10 November 2020.

12 Committee—Extension of time to report

Education and Employment References Committee—General Motors Holden in Australia—from 12 November to 10 December 2020.

13 Notices

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

- (a) notes that Saturday 10 October 2020 marks World Mental Health Day 2020;
- (b) recognises that the theme of World Mental Health Day 2020 set by the World Health Organisation is ‘Move for mental health: let’s invest’ which identifies the need for a massive scale-up in investment in mental health around the world;
- (c) acknowledges that the final report from the Productivity Commission’s inquiry into mental health was handed to the Government on 30 June 2020; and
- (d) calls on the Government to look after Australia’s mental health by:
 - (i) releasing the Productivity Commission’s final report on mental health, and
 - (ii) using World Mental Health Day as an opportunity to commit to significant, long-term investment in mental health, including urgent commitments of funding to implement the recommendations from the Productivity Commission’s inquiry into mental health. (*general business notice of motion no. 829*)

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

- (a) notes that, in respect of responsible lending to consumers, and the provisions of the *National Consumer Credit Protection Act 2009* (NCCP Act) in particular, the final report of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (the Royal Commission):
 - (i) noted that there was little or no debate about the terms of the NCCP Act,
 - (ii) emphasised that the submission from Treasury stated that abidance by existing laws would likely enhance rather than detract from macroeconomic performance, and
 - (iii) concluded simply that the law should be applied as it stands;
- (b) further notes that the Government, in February 2019:
 - (i) accepted recommendation 1.1 of the Royal Commission that the NCCP Act not be amended to alter the obligation to assess unsuitability, and

- (ii) agreed to take action in relation to all 76 recommendations of the Royal Commission; and
- (c) calls on the Government to honour:
 - (i) its acceptance of Recommendation 1.1 of the Royal Commission, and
 - (ii) its promise to introduce legislation relating to the implementation of outstanding recommendations of the Royal Commission in two tranches by December 2020, and by June 2021. (*general business notice of motion no. 830*)

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

- (a) notes that the Government's Budget is spending billions to give tax breaks to big corporations and prioritising millionaires over the million unemployed Australians;
- (b) acknowledges that this recovery strategy is outsourcing responsibility of job creation to private companies in the vain hope they create jobs and is nothing more than a trickle-down con-job; and
- (c) resolves that the Government should instead invest in a green recovery by funding public infrastructure and public services to create jobs directly, including:
 - (i) building public housing,
 - (ii) creating renewable energy zones,
 - (iii) restoring free childcare,
 - (iv) rebuilding the public service, including the Australian Broadcasting Corporation,
 - (v) investing in public transport, including high speed rail,
 - (vi) research and development through public universities,
 - (vii) properly funding residential aged care and 100,000 home care packages,
 - (viii) restoring and protecting the environment, and
 - (ix) investing in arts and creative industries. (*general business notice of motion no. 831*)

Senators Whish-Wilson, Rice and Hanson-Young: To move on the next day of sitting—That the Senate—

- (a) notes that Julian Assange:
 - (i) is an Australian citizen,
 - (ii) is a father, a son and a husband, and
 - (iii) won the Walkley Award for Most Outstanding Contribution to Journalism;
- (b) acknowledges that during the recent extradition trial, the court heard evidence about:
 - (i) the enormous harm revealed by Wikileaks of war crimes, crimes against humanity and corruption,
 - (ii) the spying operation conducted against Julian Assange by UC Global on behalf of United States (US) intelligence agencies,
 - (iii) the seizure of legally privileged material from the Ecuadorian Embassy by the Federal Bureau of Investigation,

- (iv) plans to poison and kidnap Julian Assange, and
- (v) the devastating health consequences that Julian Assange is currently facing; and
- (c) further acknowledges that:
 - (i) hundreds of protests and vigils happened all over the world in support of Julian Assange during the extradition trial,
 - (ii) over 160 world leaders – current and former presidents, prime ministers and officials – have called for the release of Julian Assange,
 - (iii) a dozen councils have passed resolutions across Australia calling on the Australian Government to act, and
 - (iv) Judge Vanessa Baraitser agreed to delay the decision of the extradition trial until after the US election and is due to deliver the verdict on 4 January 2021. (*general business notice of motion no. 832*)

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

- (a) notes that:
 - (i) 24 September 2020 was World Maritime Day, and that the theme for 2020 was ‘sustainable shipping for a sustainable planet’,
 - (ii) in 2020, less than half of one percent of Australia’s seaborne trade is carried by Australian ships, and
 - (iii) for our island nation Australia, and our island state of Tasmania, the work of mariners is essential; and
- (b) records its appreciation of Australia’s maritime workers and believes that expanding our maritime sector is vital for our economic sovereignty and national security. (*general business notice of motion no. 833*)

Senators Wong and Keneally: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) the Australian Government is responsible for borders, quarantine, and assisting Australians in jeopardy and stranded overseas,
 - (ii) since the Prime Minister capped international passenger arrivals on 13 July 2020, the number of stranded Australians overseas has risen dramatically to more than 27,000,
 - (iii) the United Kingdom Government says that Australia is the only country in the world to have actively restricted its citizens returning,
 - (iv) on 5 October 2020, the Senate called the Government to take urgent steps to help every stranded Australian return home by:
 - (A) increasing the number of permitted arrivals under international flight caps through using Commonwealth resources to increase quarantine capacity,
 - (B) stopping price gouging by airlines flying into Australia, and
 - (C) putting all options on the table to return stranded Australians, especially from places like the United Kingdom, India, Philippines and Lebanon—including charter flights, and

- (v) the Morrison Government did not announce any funding or initiative as part of the 2020 Federal Budget to respond to the Senate's motion, and has no plan to help every stranded Australian return home; and
- (b) calls on the Morrison Government to bring our stranded Australians home.
(*general business notice of motion no. 834*)

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

- (a) notes that:
 - (i) the Rural and Regional Affairs and Transport References Committee has been conducting an inquiry into identification of leading practices in ensuring evidence-based regulation of farm practices that impact water quality outcomes in the Great Barrier Reef,
 - (ii) witnesses at the hearing on 28 August 2020 included Professor Ian Chubb AC, Chair of the Reef 2050 Plan Independent Expert Panel and former chief scientist of Australia, Dr Geoff Garrett AO, former chief scientist of Queensland, and Professor Ove Hoegh-Guldberg, professor of marine studies at the University of Queensland, and
 - (iii) these eminent Australians and others in the scientific community have raised concerns about witnesses being talked over and having their longstanding commitment to their scientific field transparently treated with contempt, all because their evidence did not fit the apparently preconceived and intransigent views of some of the senators participating in this inquiry;
- (b) recognises that all proceedings of Senate committees should be conducted respectfully and witnesses treated in a manner consistent with the standing orders and resolutions of the Senate; and
- (c) calls on the Leader and Deputy Leader of the Government in the Senate to ensure the conduct of Senator Rennick at this hearing is not repeated. (*general business notice of motion no. 835*)

Notices of motion withdrawn: The Chair of the Standing Committee for the Scrutiny of Delegated Legislation (Senator Fierravanti-Wells), pursuant to notice of intention given on 7 October 2020, withdrew business of the Senate notices of motion nos 1 and 2 standing in her name for eight sitting days after today for the disallowance of the following instruments:

ASIC Corporations (Foreign Financial Services Providers—Funds Management Financial Services) Instrument 2020/199 [F2020L00238].

ASIC Corporations (Foreign Financial Services Providers—Foreign AFS Licensees) Instrument 2020/198 [F2020L00237].

14 **Selection of Bills—Standing Committee—Report no. 9 of 2020**

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2020

1. The committee met in private session on Wednesday, 7 October 2020 at 7.26 pm.

2. The committee recommends that—
 - (a) the Defence Legislation Amendment (Enhancement of Defence Force Response to Emergencies) Bill 2020 be ***referred immediately*** to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 4 November 2020;
 - (b) the ***provisions*** of the Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020 be ***referred immediately*** to the Education and Employment Legislation Committee for inquiry and report by 27 November 2020;
 - (c) contingent upon introduction in the House of Representatives, the ***provisions*** of the National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020 be ***referred immediately*** to the Community Affairs Legislation Committee for inquiry and report by 5 November 2020; and
 - (d) contingent upon introduction in the House of Representatives, the ***provisions*** of the Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020 be ***referred immediately*** to the Community Affairs Legislation Committee **but was unable to reach agreement on a reporting date.**
3. The committee recommends that the following bills ***not*** be referred to committees:
 - Fair Work Amendment (Improving Unpaid Parental Leave for Parents of Stillborn Babies and Other Measures) Bill 2020
 - Health Insurance Amendment (Administration) Bill 2020
 - Royal Commissions Amendment (Confidentiality Protections) Bill 2020.
4. The committee deferred consideration of the following bills to its next meeting:
 - Aged Care Legislation Amendment (Improved Home Care Payment Administration No. 1) Bill 2020
 - Air Services Amendment Bill 2018
 - Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020
 - Bankruptcy (Estate Charges) Amendment (Norfolk Island) Bill 2020
 - Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
 - Customs Amendment (Safer Cladding) Bill 2019
 - Discrimination Free Schools Bill 2018
 - Export Market Development Grants Legislation Amendment Bill 2020
 - Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019
 - Great Australian Bight Environment Protection Bill 2019
 - Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020
 - Judges' Pensions Amendment (Pension Not Payable for Misconduct) Bill 2020
 - National Disability Insurance Scheme Amendment (Strengthening Banning Orders) Bill 2020
 - Native Title Amendment (Infrastructure and Public Facilities) Bill 2020
 - Regional Forest Agreements Legislation (Repeal) Bill 2017

Social Security Amendment (COVID-19 Supplement) Bill 2020
 Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
 Social Services Legislation Amendment (Payment Integrity) Bill 2019
 Territories Legislation Amendment Bill 2020.

5. The committee considered the following bills but was unable to reach agreement:
- Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020
 - Economic Recovery Package (JobMaker Hiring Credit) Amendment Bill 2020
 - Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020
 - Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020
 - Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020.

Dean Smith

Chair

8 October 2020.

Senator Dean Smith moved—That the report be adopted.

The Assistant Minister for Forestry and Fisheries (Senator Duniam) moved the following amendment:

At the end of the motion, add “and in respect of the:

- (a) Export Market Development Grants Legislation Amendment Bill 2020, the provisions of the bill be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 4 November 2020; and
- (b) following bills, the bills not be referred for inquiry and report:
 - (i) Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020;
 - (ii) Economic Recovery Package (JobMaker Hiring Credit) Amendment Bill 2020;
 - (iii) Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020;
 - (iv) Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020; and
 - (v) National Disability Insurance Scheme Amendment (Strengthening Banning Orders) Bill 2020”.

Senator Faruqi moved the following amendment to Senator Duniam’s proposed amendment:

Omit subparagraph (b)(ii) and add, at the end of the amendment:

- (c) Economic Recovery Package (JobMaker Hiring Credit) Amendment Bill 2020, the provisions of the bill be referred immediately to the Economics Legislation Committee for inquiry and report by 6 November 2020.

Question—That Senator Faruqi’s amendment be agreed to—put and passed.

Senator McKim moved the following amendment to Senator Duniam’s proposed amendment:

Omit subparagraph (b)(iv) and add, at the end of the amendment:

- (d) Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020, the provisions of the bill be referred immediately to the Economics Legislation Committee for inquiry and report by 1 December 2020.

Question—That Senator McKim’s amendment be agreed to—put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

Question—That Senator Duniam’s amendment, as amended, be agreed to—put and passed.

Senator Gallagher moved the following amendment:

At the end of the motion, add “and, in respect of the Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020, the Community Affairs Legislation Committee report by 26 November 2020”.

Question—That the amendment be agreed to—put and negatived. All Opposition and Australian Greens senators, by leave, recorded their votes for the ayes.

Senator Gallagher, by leave, moved the following amendment:

At the end of the motion, add “and, in respect of the Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020, the bill be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 11 November 2020”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 27

Senators—

Ayes	Gallagher	McCarthy	Smith, Marielle
Brown	Green	McKim	Sterle
Carr	Griff	Patrick	Thorpe
Chisholm	Hanson-Young	Polley	Urquhart*
Dodson	Lambie	Pratt	Waters
Farrell	Lines	Sheldon	Watt
Faruqi	McAllister	Siewert	

NOES, 27

Senators—

Abetz	Cormann	Hume	Ruston
Antic	Davey	McKenzie	Ryan
Askew	Duniam	McLachlan	Scarr
Birmingham	Fierravanti-Wells	McMahon	Seselja
Canavan	Hanson	O’Sullivan	Smith, Dean*
Chandler	Henderson	Reynolds	Stoker
Colbeck	Hughes	Roberts	

* Tellers

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

Main question, as amended, put and passed.

After 12.45 pm—

15 Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020

Limitation of debate: The time allotted for the consideration of the bill expired.

Question—That item 40 and Division 2 of Schedule 4 stand as printed—put.

The Senate divided—

AYES, 28

Senators—

Abetz	Cormann	Hume	Reynolds
Antic	Davey	McKenzie	Roberts
Askew	Duniam	McLachlan	Ruston
Birmingham	Fierravanti-Wells	McMahon	Ryan
Bragg	Griff	Molan	Scarr
Chandler	Hanson	O'Sullivan	Smith, Dean*
Colbeck	Hughes	Rennick	Stoker

NOES, 26

Senators—

Ayres	Gallagher	McKim	Smith, Marielle
Brown	Green	Patrick	Sterle
Carr	Hanson-Young	Polley	Thorpe
Chisholm	Lambie	Pratt	Urquhart*
Dodson	Lines	Sheldon	Waters
Farrell	McAllister	Siewert	Watt
Faruqi	McCarthy		

** Tellers*

Item and Division agreed to.

Explanatory memoranda: The Minister for Trade, Tourism and Investment (Senator Birmingham) tabled the following documents:

Supplementary explanatory memoranda [2] relating to the government amendments to be moved to the bill and an addendum to the explanatory memorandum.

The following amendments and request for an amendment circulated by the Government were considered:

Amendments:

Clause 2, page 2 (after table item 8), insert:

8A.	1 January 2021.	1 January 2021
Schedule 4A		

Clause 2, page 2 (before table item 9), insert:

8B. Schedule 4B	1 January 2022.	1 January 2022
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Schedule 1, item 14, page 15 (table item 5), omit “\$13,500”, substitute “\$13,250”.

Page 46 (before line 1), before Schedule 5, insert:

Schedule 4B—Student learning entitlement

Higher Education Support Act 2003

1 At the end of section 3-10

Add:

Chapter 3 also deals with a person's Student Learning Entitlement.

2 After paragraph 36-10(1)(c)

Insert:

- (d) if the course of study is a course of study other than an *enabling course—the unit is *covered by the person's Student Learning Entitlement; and

3 At the end of subsection 36-20(3)

Add:

; or (c) section 36-24BA applies in relation to the provider in relation to the unit.

4 After section 36-24B

Insert:

36-24BA Providers to repay amounts—person's SLE amount re-credited in special circumstances

- (1) This section applies if:
 - (a) a person has been enrolled as a *Commonwealth supported student with a higher education provider in a unit of study; and
 - (b) the person's *SLE amount has been re-credited under section 79-1 with an amount equal to the *EFTSL value of the unit.
- (2) The provider must:
 - (a) pay to the person an amount equal to the payment, or the sum of the payments, that the person made in relation to the person's *student contribution amount for the unit; and
 - (b) pay to the Commonwealth an amount equal to any *HECS-HELP assistance to which the person was entitled for the unit.

5 Section 65-1

Omit:

This Chapter provides for 4 kinds of assistance that the Commonwealth provides to students.

Note: The Commonwealth meets all or part of the higher education costs of students who are enrolled in places funded under Part 2-2.

substitute:

This Chapter deals with a person's Student Learning Entitlement and provides for 4 kinds of assistance that the Commonwealth provides to students.

Note: The Commonwealth meets all or part of the higher education costs of students who are enrolled in places funded under Part 2-2.

A person may be entitled to HECS-HELP assistance for a unit of study for which the person is a Commonwealth supported student if, among other things, the unit is covered by the person's Student Learning Entitlement. Part 3-1 deals with a person's Student Learning Entitlement.

6 Before Part 3-2

Insert:

Part 3-1—Student Learning Entitlement

Division 70—Introduction

70-1 What this Part is about

A person may be entitled to HECS-HELP assistance for a unit of study for which the person is a Commonwealth supported student if, among other things, the unit is covered by the person's Student Learning Entitlement.

Broadly speaking, a person will start with an SLE amount that is equivalent to 7 years of full-time study. However, the person's SLE amount may be added to for the purposes of certain courses of study or in certain circumstances.

A person's SLE amount is reduced as the person undertakes units of study as a Commonwealth supported student. The person's SLE amount may also be re-credited in certain circumstances.

70-5 The Student Learning Entitlement Guidelines

*Student Learning Entitlement is also dealt with in the Student Learning Entitlement Guidelines. The provisions of this Part indicate when a particular matter is or may be dealt with in these Guidelines.

Note: The Student Learning Entitlement Guidelines are made by the Minister under section 238-10.

Division 73—Student Learning Entitlement and SLE amount

73-1 Student Learning Entitlement and SLE amount

- (1) A person's *Student Learning Entitlement* is an entitlement that consists of:
 - (a) *ordinary SLE that the person has; and
 - (b) any *additional SLE that the person has; and
 - (c) any *lifelong SLE that the person has.
- (2) A person's *SLE amount* at a particular time is the sum of the following amounts:
 - (a) the amount of *ordinary SLE that the person has under subsection 73-5(3);
 - (b) the amount of any *additional SLE that the person has under subsection 73-10(3);
 - (c) the amount of any *lifelong SLE that the person has under subsection 73-15(3);
 taking into account any reduction that has occurred before that time under Division 76 and any re-crediting that has occurred before that time under amount Division 79.

73-5 Ordinary SLE

Persons who have ordinary SLE

- (1) If a person is an *eligible person on 1 January 2022, the person has, on that day, ordinary SLE.
- (2) If a person becomes (by birth or otherwise) an *eligible person on a day after 1 January 2022, the person has, on the earliest such day, ordinary SLE.

Amount of ordinary SLE

- (3) The amount of *ordinary SLE that the person has on the day referred to in subsection (1) or (2) (as the case may be) is an amount equal to 7 *EFTSL.

Eligible person

- (4) An *eligible person* is:
 - (a) an Australian citizen; or

- (b) a citizen of New Zealand; or
- (c) a *permanent visa holder.

73-10 Additional SLE

- (1) A person has additional SLE if:
 - (a) the person is enrolled in a *course of study with a higher education provider; and
 - (b) the course is specified, or is a course of a kind specified, in the Student Learning Entitlement Guidelines for the purposes of this paragraph; and
 - (c) the person meets any other requirements specified in the Student Learning Entitlement Guidelines.
- (2) The person has *additional SLE on the day that the person enrolls in the *course of study.
- (3) The amount of *additional SLE that the person has on that day is an amount (expressed in *EFTSL) worked out in accordance with the Student Learning Entitlement Guidelines.

73-15 Lifelong SLE

- (1) A person has lifelong SLE in the circumstances specified in the Student Learning Entitlement Guidelines.
- (2) The person has *lifelong SLE on the day specified in the Student Learning Entitlement Guidelines.
- (3) The amount of *lifelong SLE that a person has on that day is an amount (expressed in *EFTSL) worked out in accordance with the Student Learning Entitlement Guidelines.

73-20 Student Learning Entitlement is not transferable

A person's *Student Learning Entitlement cannot be transferred to, or used by, another person.

73-25 Ceasing to be an eligible person

- (1) A person ceases to have *Student Learning Entitlement if the person ceases to be an *eligible person.
- (2) If a person who ceased to be an *eligible person at a particular time (the *cessation time*) becomes an eligible person again at a later time, the person has, at that later time, the same *SLE amount (if any) that the person had at the cessation time.

Division 76—Reduction of a person's SLE amount

76-1 Reduction of a person's SLE amount

- (1) A higher education provider must, on the *Secretary's behalf, reduce a person's *SLE amount at a particular time if:
 - (a) the person enrolled in a unit of study as part of a *course of study with the provider; and
 - (b) at the end of the *census date for the unit, the person remained so enrolled; and
 - (c) the person is a *Commonwealth supported student in relation to the unit; and
 - (d) the unit is not:
 - (i) an *ineligible work experience unit for the person; or
 - (ii) a *replacement unit; and
 - (e) the person has, on or before the census date for the unit, completed, signed and given to an *appropriate officer of the provider a *request for Commonwealth assistance in relation to:
 - (i) the unit; or

- (ii) where the course of study of which the unit forms a part is undertaken with the provider—the course of study.

Note: A person's SLE amount must be re-credited in certain circumstances: see Division 79.

- (2) The amount of the reduction is an amount equal to the *EFTSL value of the unit of study.
- (3) The reduction takes effect immediately after the *census date for the unit of study.
- (4) If a higher education provider reduces a person's *SLE amount at a particular time under subsection (1), the provider must, in accordance with the Student Learning Entitlement Guidelines and on the *Secretary's behalf, reduce any one or more of the following amounts to take account of the reduction under that subsection:
 - (a) an amount of *ordinary SLE (if any) that the person has at that time;
 - (b) an amount of *additional SLE (if any) that the person has at that time;
 - (c) an amount of *lifelong SLE (if any) that the person has at that time.
- (5) If a higher education provider is unable to act for the purposes of subsection (1) or (4), the *Secretary may act as if any one or more of the references in that subsection to the provider were a reference to the Secretary.

Division 79—Re-crediting a person's SLE amount

Subdivision 79-A—Re-crediting a person's SLE amount in special circumstances

79-1 Re-crediting a person's SLE amount if special circumstances apply to the person

- (1) A higher education provider must, on the *Secretary's behalf, re-credit a person's *SLE amount at a particular time with an amount equal to the *EFTSL value of a unit of study if:
 - (a) the person has been enrolled in the unit with the provider; and
 - (b) the unit would, if completed, form part of a *course of study undertaken with that provider or another higher education provider; and
 - (c) the unit is not:
 - (i) an *ineligible work experience unit for the person; or
 - (ii) a *replacement unit; and
 - (d) the person has not completed the requirements for the unit during the period during which the person undertook, or was to undertake, the unit; and
 - (e) one or more *up-front payments have been made in relation to the unit and the amount of that payment, or the sum of those payments, is equal to 90% of the person's *student contribution amount for the unit; and
 - (f) the provider is satisfied that special circumstances apply to the person (see section 79-5); and
 - (g) the person applies, in writing, to the provider for the re-crediting of the person's SLE amount; and
 - (h) either:
 - (i) the application is made before the end of the application period for the application under section 79-10; or
 - (ii) the provider waives the requirement that the application be made before the end of that period on the ground that it would not be, or was not, possible for the application to be made before the end of that period.

Note: It is a condition of a grant to the provider under Part 2-2 that the provider repay certain amounts relating to the unit: see section 36-24BA.

- (2) If a higher education provider re-credits a person's *SLE amount at a particular time under subsection (1), the provider must, in accordance with the Student Learning Entitlement Guidelines and on the *Secretary's behalf, re-credit any one or more of the following amounts to take account of the re-credit under that subsection:
- (a) an amount of *ordinary SLE (if any) that the person has at that time;
 - (b) an amount of *additional SLE (if any) that the person has at that time;
 - (c) an amount of *lifelong SLE (if any) that the person has at that time.

Note: A refusal to re-credit one or more of those amounts is reviewable under Part 5-7.

- (3) If a higher education provider is unable to act for any one or more of the purposes of subsection (1) or (2), or section 79-5, 79-10 or 79-15, the *Secretary may act as if any one or more of the references in those provisions to the provider were a reference to the Secretary.

79-5 Special circumstances

- (1) For the purposes of paragraph 79-1(1)(f), special circumstances apply to a person who made an application under paragraph 79-1(1)(g) for the re-crediting of the person's *SLE amount if, and only if, the higher education provider receiving the application is satisfied that circumstances apply to the person that:
- (a) are beyond the person's control; and
 - (b) do not make their full impact on the person until on or after the *census date for the unit of study in question; and
 - (c) make it impracticable for the person to complete the requirements for the unit in the period during which the person undertook, or was to undertake, the unit.
- (2) The Student Learning Entitlement Guidelines may specify circumstances in which a higher education provider will be satisfied of a matter referred to in paragraph (1)(a), (b) or (c). A decision of a higher education provider under subsection (1) must be in accordance with any such guidelines.

79-10 Application period

- (1) If:
- (a) the person who applied under paragraph 79-1(1)(g) for the re-crediting of the person's *SLE amount with an amount equal to the *EFTSL value of a unit of study has withdrawn the person's enrolment in the unit with a higher education provider; and
 - (b) the provider gives notice to the person that the withdrawal has taken effect;
- the application period for the application is the period of 12 months after the day specified in the notice as the day the withdrawal takes effect.
- (2) If subsection (1) does not apply, the application period for an application made under paragraph 79-1(1)(g) is the period of 12 months after the end of the period during which the applicant undertook, or was to undertake, the unit of study.

79-15 Dealing with applications

- (1) If:
- (a) an application is made to a higher education provider under paragraph 79-1(1)(g) before the end of the application period for the application under section 79-10; or

- (b) a higher education provider waives the requirement that an application made to the provider under that paragraph be made before the end of that period on the ground that it would not be, or was not, possible for the application to be made before the end of that period;

the provider must, as soon as practicable, consider the application and notify the applicant of the decision on the application.

- (2) The notice must include a statement of the reasons for the decision.

Note: Refusals of applications are reviewable under Part 5-7.

Subdivision 79-B—Re-crediting a person’s SLE amount if the person’s HELP balance is re-credited

79-20 Re-crediting a person’s SLE amount if the person’s HELP balance is re-credited

- (1) A higher education provider must, on the *Secretary’s behalf, re-credit a person’s *SLE amount at a particular time with an amount equal to the *EFTSL value of a unit of study if the person’s *HELP balance is re-credited under any of the following provisions with an amount equal to the amount of *HECS-HELP assistance that the person received for the unit of study:
 - (a) subsection 97-25(2) (which deals with the main case of re-crediting a person’s HELP balance);
 - (b) subsection 97-27(1) (which deals with the re-crediting of a person’s HELP balance if the person does not have a tax file number);
 - (c) subsection 97-42(1) (which deals with the re-crediting of a person’s HELP balance if a higher education provider defaults);
 - (d) subsection 97-45(1) (which deals with the re-crediting of a person’s HELP balance if a higher education provider completes a *request for Commonwealth assistance);
 - (e) subsection 97-50(1) (which deals with the re-crediting of a person’s HELP balance if the person was not entitled to assistance).
- (2) If a higher education provider re-credits a person’s *SLE amount at a particular time under subsection (1), the provider must, in accordance with the Student Learning Entitlement Guidelines and on the *Secretary’s behalf, re-credit any one or more of the following amounts to take account of the re-credit under that subsection:
 - (a) an amount of *ordinary SLE (if any) that the person has at that time;
 - (b) an amount of *additional SLE (if any) that the person has at that time;
 - (c) an amount of *lifelong SLE (if any) that the person has at that time.
- (3) If a higher education provider is unable to act for the purposes of subsection (1) or (2), the *Secretary may act as if any one or more of the references in that subsection to the provider were a reference to the Secretary.

Division 82—Unit of study covered by a person’s Student Learning Entitlement

82-1 Unit of study covered by a person’s Student Learning Entitlement—person’s SLE amount not exceeded at enrolment

Person enrolled in one unit of study only

- (1) A unit of study is **covered by a person’s Student Learning Entitlement** if:
 - (a) the person enrolled in the unit (the **relevant unit**) as a part of a *course of study with a higher education provider; and

- (b) at the time of that enrolment, the person had not enrolled in any other units of study as a part of that course, or as a part of another course of study, with that provider or with another higher education provider that have *census dates that will occur after that time; and
- (c) the *EFTSL value of the relevant unit does not exceed the person's *SLE amount as at that time; and
- (d) if:
 - (i) the person's SLE amount as at that time includes an amount of *additional SLE in relation to a particular course of study; and
 - (ii) the EFTSL value of the relevant unit exceeds the amount worked out by subtracting that amount of additional SLE from the person's SLE amount as at that time;
 the person enrolled in the relevant unit as a part of that particular course of study.

Person enrolled in more than one unit of study

- (2) A unit of study is ***covered by a person's Student Learning Entitlement*** if:
 - (a) the person enrolled in the unit (the ***relevant unit***) as a part of a *course of study with a higher education provider; and
 - (b) at the time of that enrolment, the person had also enrolled in one or more other units of study as a part of that course, or as a part of another course of study, with that provider or with another higher education provider; and
 - (c) those other units have *census dates that will occur after that time; and
 - (d) the person is a *Commonwealth supported student in relation to each of those other units; and
 - (e) the sum of the following does not exceed the person's *SLE amount as at that time:
 - (i) the *EFTSL value of the relevant unit;
 - (ii) the sum of the EFTSL values of each of those other units; and
 - (f) if:
 - (i) the person's SLE amount as at that time includes an amount of *additional SLE in relation to a particular course of study; and
 - (ii) the EFTSL value of the relevant unit exceeds the amount worked out by subtracting that amount of additional SLE from the person's SLE amount as at that time;
 the person enrolled in the relevant unit as a part of that particular course of study.

82-5 Unit of study covered by a person's Student Learning Entitlement—person's SLE amount exceeded at enrolment

- (1) This section applies if:
 - (a) the person enrolled in unit of study (the ***relevant unit***) as a part of a *course of study with a higher education provider (the ***relevant provider***); and
 - (b) at the time of that enrolment (the ***enrolment time***), the person had also enrolled in one or more other units of study as a part of that course, or as a part of another course of study, with the relevant provider or with another higher education provider; and
 - (c) those other units have *census dates that will occur after the enrolment time; and
 - (d) the person is a *Commonwealth supported student in relation to each of those other units; and

- (e) the sum of the following exceeds the person's *SLE amount as at the enrolment time:
 - (i) the *EFTSL value of the relevant unit;
 - (ii) the sum of the EFTSL values of each of those other units.
- (2) The relevant unit is *covered by a person's Student Learning Entitlement* if:
 - (a) the person notifies an *appropriate officer of the relevant provider that the person does not wish to be a *Commonwealth supported student in relation to one or more of those other units of study (the *excluded units*); and
 - (b) the sum of the following does not exceed the person's *SLE amount as at the enrolment time:
 - (i) the *EFTSL value of the relevant unit;
 - (ii) the sum of the EFTSL values of each of those other units that are not excluded units; and
 - (c) if:
 - (i) the person's SLE amount as at that time includes an amount of *additional SLE in relation to a particular course of study; and
 - (ii) the EFTSL value of the relevant unit exceeds the amount worked out by subtracting that amount of additional SLE from the person's SLE amount as at that time;

the person enrolled in the relevant unit as a part of that particular course of study.
- (3) A notice under paragraph (2)(a) must be given:
 - (a) in writing; and
 - (b) on or before the *census date for the relevant unit.

7 Subsection 169-5(4)

After "this Act", insert "(including the person's *Student Learning Entitlement)".

8 At the end of subsection 169-10(5)

Add "(including the person's *Student Learning Entitlement)".

9 Section 206-1 (before table item 1B)

Insert:

1BA	Refusal to re-credit a person's *SLE amount with an amount equal to the *EFTSL value of a unit of study	subsection 79-1(1)	<ul style="list-style-type: none"> (a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary
1BB	Refusal to re-credit one or more of the amounts referred to in paragraphs 79-1(2)(a), (b) and (c) to take account of a re-credit of a person's *SLE amount under subsection 79-1(1)	subsection 79-1(2)	<ul style="list-style-type: none"> (a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary

10 Section 206-1 (note 1)

Before “1B,” insert “1BA, 1BB,”.

11 Subsection 238-10(1) (after table item 8A)

Insert:

10 Student Learning Entitlement Guidelines Part 3-1

12 Subclause 1(1) of Schedule 1

Insert:

additional SLE means additional SLE that a person has under subsection 73-10(1).

covered by a person’s Student Learning Entitlement has the meaning given by subsections 82-1(1) and (2) and 82-5(2).

eligible person has the meaning given by subsection 73-5(4).

lifelong SLE means lifelong SLE that a person has under subsection 73-15(1).

ordinary SLE means ordinary SLE that a person has under subsection 73-5(1) or (2).

SLE amount has the meaning given by subsection 73-1(2).

Student Learning Entitlement has the meaning given by subsection 73-1(1).

13 Application of amendments

- (1) The amendments of the *Higher Education Support Act 2003* made by items 2, 3 and 4 of this Schedule apply in relation to a unit of study that has a census date that is on or after 1 January 2022 (whether the unit of study is part of a course of study commenced before, on or after that day).
- (2) Divisions 76, 79 and 82 of the *Higher Education Support Act 2003*, as inserted by this Schedule, apply in relation to a unit of study that has a census date that is on or after 1 January 2022 (whether the unit of study is part of a course of study commenced before, on or after that day).

Schedule 5, page 48 (after line 6), after item 9, insert:

9A Subparagraph 137-10(2)(b)(i)

Omit “30 September 2020”, substitute “30 June 2021”.

9B After subparagraph 137-10(2)(b)(i)

Insert:

- (ia) for a unit of study with a census date on or after 1 July 2021—an amount equal to 120% of the loan; or

Request:

That the House of Representatives be requested to make the following amendment:

Page 45 (after line 31), after Schedule 4, insert:

Schedule 4A—Up-front payment discount***Higher Education Support Act 2003*****1 At the end of Subdivision 36-D**

Add:

36-50 Provider must not accept up-front payments of more than 90% of student contribution amounts

A higher education provider must not accept, from a person who:

- (a) is enrolled in a unit of study with the provider; and
- (b) is entitled to *HECS-HELP assistance for the unit;

*up-front payments in relation to the unit totalling more than 90% of the person's
*student contribution amount for the unit.

Note: For entitlement to HECS-HELP assistance: see Division 90.

2 Paragraph 90-1(f)

Repeal the paragraph, substitute:

- (f) the student either:
 - (i) *meets the tax file number requirements (see section 187-1); or
 - (ii) pays, as one or more *up-front payments in relation to the unit, 90% of the student's *student contribution amount for the unit; and

3 Subsection 93-15(1)

Omit "all or".

4 At the end of section 93-15

Add:

- (3) A payment made in relation to a unit of study for which a person is liable to pay the person's *student contribution amount is not an *up-front payment* in relation to the unit to the extent that:
 - (a) the payment; or
 - (b) if other such payments have already been made in relation to the unit—the sum of the payment and all of those other payments;

exceeds 90% of the person's *student contribution amount for the unit.

Note 1: For when the Commonwealth pays one-ninth of the up-front payments made in relation a unit of study, see sections 96-2 and 96-3.

Note 2: It is a condition of grants under Part 2-2 that a higher education provider not accept, from a student who is entitled to HECS-HELP assistance for a unit of study, up-front payments in relation the unit totalling more than 90% of a student's student contribution amount for the unit: see section 36-50.

5 Section 96-1 (at the end of the heading)

Add "—no upfront payment of student contribution amount".

6 Section 96-1

After "education provider", insert "and no *up-front payments are made in relation to the unit".

7 After section 96-1

Insert:

96-2 Payments to higher education providers—partial up-front payment of student contribution amount

Up-front payments made for one unit of study only

- (1) If:
 - (a) a student is entitled to an amount of *HECS-HELP assistance for a unit of study (the *relevant unit*) in which the student is enrolled with a higher education provider; and
 - (b) one or more *up-front payments have been made in relation to the relevant unit; and
 - (c) both of the following apply:
 - (i) the amount of that up-front payment, or the sum of those up-front payments, is less than 90% of the student's *student contribution amount for the relevant unit;
 - (ii) the amount of that up-front payment, or the sum of those up-front payments, is \$500 or more; and

(d) either:

- (i) the student is not enrolled with a provider as a *Commonwealth supported student in relation to any other units of study that have the same *census date as the relevant unit; or
- (ii) if the student is so enrolled in relation to one or more such other units of study, no up-front payments have been made for any of those units;

the Commonwealth must pay the amount of HECS-HELP assistance for the relevant unit in accordance with subsections (3) and (4).

Up-front payments made for more than one unit of study

(2) If:

- (a) a student is entitled to an amount of *HECS-HELP assistance for a unit of study (the **relevant unit**) in which the student is enrolled with a higher education provider; and
- (b) one or more *up-front payments have been made in relation to the relevant unit; and
- (c) the student is enrolled with the provider as a *Commonwealth supported student in relation to one or more other units of study that have the same *census date as the relevant unit; and
- (d) one or more up-front payments have been made in relation to one or more of those other units; and
- (e) both of the following apply:
 - (i) the sum of the up-front payments made in relation to the relevant unit and those other units is less than 90% of the sum of the student's *student contribution amounts for the relevant unit and those other units;
 - (ii) the sum of the up-front payments made in relation to the relevant unit and those other units is \$500 or more;

the Commonwealth must pay the amount of HECS-HELP assistance for the relevant unit in accordance with subsections (3) and (4).

Payment of loan amount

(3) The Commonwealth must:

- (a) as a benefit to the student, lend to the student an amount equal to the difference between the amount of *HECS-HELP assistance for the relevant unit and the *HECS-HELP discount for the relevant unit; and
- (b) pay to the provider the amount lent in discharge of that amount of the student's liability to pay the student's *student contribution amount for the relevant unit.

Payment of discount amount

- (4) The Commonwealth must, as a benefit to the student, pay to the provider an amount equal to the *HECS-HELP discount for the relevant unit in discharge of that amount of the student's liability to pay the student's *student contribution amount for the relevant unit.

HECS-HELP discount

- (5) The **HECS-HELP discount** for a unit of study is an amount equal to one-ninth of the *up-front payment, or the sum of all of the up-front payments made, in relation to the unit.

Example: Robert is required to pay a student contribution amount for a unit of study of \$2,745 by 31 January 2021, and makes an up-front payment in relation to the unit of \$900 on 20 January 2021.

Robert is entitled to HECS-HELP assistance for the unit of \$1,845 (\$2,745 minus \$900), which the Commonwealth must pay to the higher education provider.

The up-front payment in relation to the unit exceeded \$500 so there is a HECS-HELP discount of \$100 (one-ninth of \$900). The Commonwealth lends to Robert the remainder of the HECS-HELP assistance in relation to the unit, an amount of \$1,745 (\$1,845 minus \$100).

96-3 Payments to higher education providers—full up-front payment of student contribution amount

If:

- (a) a student is entitled to an amount of *HECS-HELP assistance for a unit of study in which the student is enrolled with a higher education provider; and
- (b) one or more *up-front payments have been made in relation the unit; and
- (c) the amount of that up-front payment, or the sum of those up-front payments, is equal to 90% of the student's *student contribution amount for the unit;

the Commonwealth must, as a benefit to the student, pay to the provider the amount of HECS-HELP assistance for the unit in discharge of that amount of the student's liability to pay the student's student contribution amount for the unit.

Note: The student does not incur a HECS-HELP debt in relation to the amount of HECS-HELP assistance paid by the Commonwealth to the provider under this section.

8 Subsection 137-5(1)

After "section 96-1", insert "or 96-2".

9 Paragraph 193-1(5)(b)

Omit "for the unit have been made totalling 100%", substitute "in relation to the unit have been made totalling 90%".

10 Paragraph 193-5(1)(d)

After "to the unit," insert "90% of".

11 Subclause 1(1) of Schedule 1

Insert:

HECS-HELP discount has the meaning given by subsection 96-2(5).

12 Application of amendments

The amendments made by this Schedule apply in relation to an up-front payment made in relation to a unit of study that has a census date on or after 1 January 2021.

Question—That the amendments and request for an amendment be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Abetz	Davey	Hume	Roberts
Antic	Duniam	McKenzie	Ruston
Askew	Fierravanti-Wells	McLachlan	Ryan
Birmingham	Griff	Molan	Scarr
Bragg	Hanson	O'Sullivan	Seselja
Chandler	Henderson	Rennick	Smith, Dean*
Colbeck	Hughes	Reynolds	Stoker
Cormann			

NOES, 26

Senators—

Ayres	Gallagher	McKim	Smith, Marielle
Brown	Green	Patrick	Sterle
Carr	Hanson-Young	Polley	Thorpe
Chisholm	Lambie	Pratt	Urquhart*
Dodson	Lines	Sheldon	Waters
Farrell	McAllister	Siewert	Watt
Faruqi	McCarthy		

* Tellers

Question agreed to.

Question—That item 16 of Schedule 5 stand as printed—put and negated

The following amendments circulated by the Government were agreed to:

Schedule 4, page 44 (before line 19), before item 40, insert:

39A Subparagraph 19-45(1)(c)(i)

Repeal the subparagraph, substitute:

- (i) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

39B Paragraph 19-45(4)(a)

Repeal the paragraph, substitute:

- (a) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

39C Paragraph 19-50(1)(a)

Repeal the paragraph, substitute:

- (a) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

39D Paragraph 19-50(2)(c)

Repeal the paragraph, substitute:

- (c) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

39E Subsection 19-60(1)

Omit “subsection 36-12(2) or 36-20(1)”, insert “subsection 36-12(2), paragraph 36-13(2)(b), subsection 36-20(1) or”.

Schedule 4, item 40, page 45 (lines 16 to 18), omit paragraph 36-13(2)(b), substitute:

- (b) in respect of which the provider is satisfied that special circumstances apply in relation to the student (see subsection (3)).

Schedule 4, item 40, page 45 (after line 18), at the end of section 36-13, add:

- (3) For the purposes of paragraph (2)(b), special circumstances apply in relation to the student in respect of a unit of study if, and only if, the higher education provider is satisfied that circumstances apply in relation to the student that:
 - (a) are beyond the student’s control; and
 - (b) do not make their full impact on the student until on or after the *census date for the unit of study; and
 - (c) make it impracticable for the student to complete the requirements for the unit during the period during which the student undertook, or was to undertake, the unit.
- (4) The Administration Guidelines may specify circumstances in which a higher education provider will be satisfied of a matter referred to in paragraph (3)(a) or (b).

- (5) A higher education provider will be satisfied of the matter referred to in paragraph (3)(c) in relation to a unit of study if the provider is satisfied that any of the following circumstances apply in relation to a student:
- (a) the student's medical condition changed or worsened to such an extent that the student was unable to complete the requirements for the unit;
 - (b) a member of the student's family died and it is unreasonable to expect the student to have completed the requirements for the unit;
 - (c) a member of the student's family had a serious medical condition and it is unreasonable to expect the student to have completed the requirements for the unit;
 - (d) financial difficulties experienced by the student, or a member of the student's family, are such that it is unreasonable to expect the student to have completed the requirements for the unit;
 - (e) the student's employment status or arrangements changed such that the student was unable to complete the requirements for the unit;
 - (f) changes made in relation to the unit by the provider, or another higher education provider, disadvantaged the student;
 - (g) it is unreasonable to expect the student to have completed the requirements for the unit because of a natural disaster, or other emergency, that occurred in Australia;
 - (h) any other circumstances that the provider considers relevant;
 - (i) any other circumstances specified in the Administration Guidelines for the purposes of this paragraph.
- (6) Without limiting paragraph (5)(i), the Administration Guidelines may specify circumstances relating to a matter mentioned in subsection (5).
- (7) If the Administration Guidelines specify circumstances for the purposes of subsection (4) or paragraph (5)(i), a decision of a higher education provider under this section must be in accordance with those guidelines.
- (8) If a higher education provider is unable to act for the purposes of this section (other than subsection (1)), the *Secretary may act as if one or more references in this section (other than subsection (1)) to a higher education provider were a reference to the Secretary.

Schedule 4, Division 1 of Part 2, page 45 (before line 19), at the end of the Division, add:

40A Section 206-1 (before item 1A)

Insert:

- | | | | |
|-----|--|-----------------------|--|
| 1AE | A decision that special circumstances do not apply in relation to a person | paragraph 36-13(2)(b) | <ul style="list-style-type: none"> (a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision that special circumstances do not apply—the Secretary |
|-----|--|-----------------------|--|

40B Subsection 209-1(2) (note 1)

Omit “subsection 36-12(2) or 36-20(1)”, insert “subsection 36-12(2), paragraph 36-13(2)(b), subsection 36-20(1)”.

40C Paragraph 238-1(2)(a)

Repeal the paragraph, substitute:

(a) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

40D Subsection 238-10(1) (table item 1)

Before “section 36-21;”, insert “section 36-13;”.

Question—That the remaining stages of this bill be agreed to subject to a request—put.

The Senate divided—

AYES, 28

Senators—

Abetz	Cormann	McKenzie	Roberts
Antic	Davey	McLachlan	Ruston
Askew	Duniam	McMahon	Ryan
Birmingham	Fierravanti-Wells	Molan	Scarr
Bragg	Griff	O’Sullivan	Seselja
Chandler	Hughes	Rennick	Smith, Dean*
Colbeck	Hume	Reynolds	Stoker

NOES, 26

Senators—

Ayres	Gallagher	O’Neill	Smith, Marielle
Brown	Green	Patrick	Sterle
Carr	Hanson-Young	Polley	Thorpe
Chisholm	Lambie	Pratt	Urquhart*
Dodson	Lines	Sheldon	Waters
Farrell	McCarthy	Siewert	Watt
Faruqi	McKim		

** Tellers*

Question agreed to.

16 Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Forestry and Fisheries (Senator Duniam)—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 Senator Duniam the bill was read a third time.

17 Family Law Amendment (Risk Screening Protections) Bill 2020

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Forestry and Fisheries (Senator Duniam)—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 Senator Duniam the bill was read a third time.

18 Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020

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

Message no. 253, dated 8 October 2020—A Bill for an Act to amend the law in relation to taxation, and for related purposes.

The Minister for Finance (Senator Cormann) 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 Cormann, by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to this bill, allowing it to be considered during this period of sittings.

Question put and passed. All Australian Greens senators, by leave, recorded their votes for the noes.

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

Debate ensued.

At 2 pm: Debate was interrupted while Senator McAllister was speaking.

19 Questions

Questions without notice were answered.

20 Routine of business—Variation

The Minister for Finance (Senator Cormann), by leave, moved—That divisions may take place on Friday, 9 October 2020.

Question put and passed.

21 Motions to take note of answers

Senator McAllister moved—That the Senate take note of the answers given by the Minister for Families and Social Services (Senator Ruston) to questions without notice asked by Senators McCarthy, Keneally and O'Neill today relating to the 2020-21 Budget and women.

Debate ensued.

Question put and passed.

Senator Hanson-Young moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Hanson-Young today relating to support for the arts.

Question put and passed.

22 Committee membership

The President informed the Senate that he had received letters requesting changes in the membership of committees.

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

Autism—Select Committee—

Discharged—Senator Marielle Smith

Appointed—

Senator Bilyk

Participating member: Senator Marielle Smith

Economics Legislation Committee—

Appointed—Substitute member: Senator Paterson to replace Senator Brockman for the consideration of the 2020-21 Budget estimates from 19 October to 2 November 2020

Environment and Communications Legislation and References Committees—

Discharged—Senator Marielle Smith

Appointed—

Senator Bilyk

Participating member: Senator Marielle Smith

Electoral Matters—Joint Standing Committee—

Discharged—Senator Marielle Smith

Appointed—

Senator Chisholm

Participating member [for the purposes of the committee's inquiry into the 2019 election]: Senator Marielle Smith

Financial Technology and Regulatory Technology—Select Committee—

Discharged—Senator Marielle Smith

Appointed—

Senator Kitching

Participating member: Senator Marielle Smith

Implementation of the National Redress Scheme—Joint Select Committee—

Discharged—Senator Marielle Smith

Appointed—

Senator Pratt

Participating member: Senator Marielle Smith

Publications—Standing Committee—

Discharged—Senator Marielle Smith

Appointed—Senator Farrell

Tobacco Harm Reduction—Select Committee—

Appointed—

Senators Sheldon and Urquhart

Participating members: Senator Ayres, Bilyk, Brown, Carr, Chisholm, Ciccone, Dodson, Farrell, Gallacher, Gallagher, Green, Keneally, Kitching, Lines, McAllister, McCarthy, O'Neill, Polley, Pratt, Sheldon, Marielle Smith, Sterle, Urquhart, Walsh, Watt and Wong

Trade and Investment Growth—Joint Standing Committee—

Discharged—Senator Marielle Smith

Appointed—Senator Ciccone

Treaties—Joint Standing Committee—

Discharged—Senator Marielle Smith

Appointed—Senator Kitching.

Question put and passed.

23 Death of former senator the Honourable Susan Maree Ryan AO

The President informed the Senate of the death, on 27 September 2020, of the Honourable Susan Maree Ryan AO, a former minister and senator for the Australian Capital Territory from 1975 to 1988.

The Leader of the Government in the Senate (Senator Cormann), by leave, moved—That the Senate records its deep regret at the death, on 27 September 2020, of the Honourable Susan Maree Ryan AO, former senator for the Australian Capital Territory and Minister for Education, Minister Assisting the Prime Minister for the Status of Women and Special Minister of State in the Hawke Government, places on record its appreciation for her service to the Parliament and the nation, and tenders its profound sympathy to her family in their bereavement.

The motion was supported and all senators present joined in a moment of silence.

Question passed.

24 Committee reports and government responses—Tabling and consideration

Senator Dean Smith, on behalf of the Standing Committee on Appropriations, Staffing and Security, tabled the following report:

Appropriations, Staffing and Security—Standing Committee—62nd report—
Estimates for the Department of the Senate 2020-21, dated October 2020.

Senator Dean Smith moved—That the Senate take note of the report.

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

Senator Dean Smith, on behalf of the Joint Select Committee on Australia's Family Law System, tabled the following report:

Australia's Family Law System—Joint Select Committee—Improvements in family law proceedings—Interim report, dated October 2020.

Senator Dean Smith moved—That the Senate take note of the report.

Debate ensued.

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

Pursuant to order, the Chair of the Procedure Committee (Senator Lines) tabled the following report:

Procedure—Standing Committee—Second report of 2020—COVID-19 and the Senate, dated October 2020.

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

Question put and passed.

Senator O'Sullivan, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following document:

Public Accounts and Audit—Joint Statutory Committee—Statement on the 2020-21 draft estimates for the Australian National Audit Office and the Parliamentary Budget Office, dated 7 October 2020.

Senator O'Sullivan moved—That the Senate take note of the document.

Debate adjourned till the next day of sitting, Senator O'Sullivan in continuation.

Pursuant to order, Senator Ayres, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Identification of leading practices in ensuring evidence-based regulation of farm practices that impact water quality outcomes in the Great Barrier Reef—Report, dated October 2020, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Debate ensued.

At 5.30 pm: Pursuant to order, debate was interrupted while Senator Green was speaking.

25 Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020

A message from the House of Representatives was reported indicating that the House had made the amendment to the following bill that the Senate requested:

Message no. 254, dated 8 October 2020—Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020.

The Minister for Finance (Senator Cormann) moved—That this bill be now read a third time.

Closure: Senator Cormann moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 26

Senators—

Abetz	Cormann	McLachlan	Roberts
Antic	Davey	McMahon	Ruston
Askew	Duniam	Molan	Ryan
Birmingham	Fierravanti-Wells	O'Sullivan	Scarr
Bragg	Henderson	Rennick	Smith, Dean*
Chandler	Hume	Reynolds	Stoker
Colbeck	McKenzie		

NOES, 26

Senators—

Ayres	Hanson-Young	Patrick	Sterle
Brown	Lambie	Polley	Thorpe
Carr	Lines	Pratt	Urquhart*
Dodson	McAllister	Sheldon	Waters
Farrell	McCarthy	Siewert	Watt
Faruqi	McKim	Smith, Marielle	Wong
Gallagher	O'Neill		

** Tellers*

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

Main question put.

The Senate divided—

AYES, 28

Senators—

Abetz	Colbeck	Hume	Reynolds
Antic	Cormann	McKenzie	Roberts
Askew	Davey	McLachlan	Ruston
Birmingham	Duniam	McMahon	Ryan
Bragg	Fierravanti-Wells	Molan	Scarr
Cash	Henderson	O'Sullivan	Smith, Dean*
Chandler	Hughes	Rennick	Stoker

NOES, 26

Senators—

Ayres	Hanson-Young	Patrick	Sterle
Brown	Lambie	Polley	Thorpe
Carr	Lines	Pratt	Urquhart*
Dodson	McAllister	Sheldon	Waters
Farrell	McCarthy	Siewert	Watt
Faruqi	McKim	Smith, Marielle	Wong
Gallagher	O'Neill		

** Tellers*

Question agreed to.

Bill read a third time.

Suspension of sitting: The sitting of the Senate was suspended at 5.43 pm till 8 pm.

After 8 pm—

26 Budget statement and documents 2020-21

Order of the day read for the adjourned debate on the motion of the Minister for Finance (Senator Cormann)—That the Senate take note of the statement and documents.

Debate resumed.

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

27 Committee membership

The Acting Deputy President (Senator McLachlan) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Minister for Families and Social Services (Senator Ruston), by leave, moved—That Senator Roberts be appointed as a participating member of the Select Committee on Tobacco Harm Reduction.

Question put and passed.

28 Committees—Leave to meet during sitting

The Minister for Families and Social Services (Senator Ruston), by leave, moved—That committees be authorised to meet during the sitting of the Senate on Friday, 9 October 2020, as follows:

Foreign Affairs, Defence and Trade References Committee—public meeting, from 9 am

Legal and Constitutional Affairs Legislation Committee—public meeting, from 9 am

National Broadband Network—Joint Standing Committee—public meeting followed by a private meeting otherwise than in accordance with standing order 33(1), from 9 am.

Question put and passed.

29 Selection of Bills—Standing Committee—Report no. 9 of 2020—Statement by leave

Senator Davey, at the request of the Chair of the Standing Committee for Selection of Bills (Senator Dean Smith), by leave, made a statement relating to the report tabled earlier today (*see entry no. 14*).

Suspension of sitting: The sitting of the Senate was suspended at 9.39 pm till 9 am, Friday, 9 October 2020.

Friday, 9 October 2020

At 9 am—

The sitting of the Senate resumed.

30 Prayers and acknowledgement of country

The President read prayers and made an acknowledgement of country.

31 Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020

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

Debate resumed.

Question put.

The Senate divided—

AYES, 30

Senators—

Antic	Cormann	McLachlan	Ruston
Askew	Davey*	McMahon	Ryan
Birmingham	Duniam	Molan	Scarr
Bragg	Gallagher	O'Sullivan	Seselja
Brown	Henderson	Patrick	Smith, Dean
Cash	Hughes	Rennick	Stoker
Chandler	McCarthy	Roberts	Wong
Colbeck	McKenzie		

NOES, 6

Senators—

Faruqi	McKim	Thorpe	Waters
Hanson-Young	Siewert*		

** Tellers*

Question agreed to.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Question—That the bill stand as printed—divided, at the request of Senator McKim, in respect of Schedule 1.

Question—That Schedule 1 stand as printed—put.

The committee divided—

AYES, 26

Senators—

Antic	Cormann	McKenzie	Roberts
Askew	Davey*	McLachlan	Ruston
Bragg	Duniam	Molan	Scarr
Brown	Gallagher	O'Sullivan	Seselja
Cash	Henderson	Patrick	Smith, Dean
Chandler	Hughes	Rennick	Stoker
Colbeck	McCarthy		

NOES, 6

Senators—

Faruqi	McKim	Thorpe	Waters
Hanson-Young	Siewert*		

** Tellers*

Schedule agreed to.

Senator McKim moved the following amendments together by leave:

Schedule 1, page 4 (after line 26), after item 4, insert:

4A Application—high-income resident taxpayers

- (1) This item applies in relation to a resident taxpayer that has an ordinary taxable income of more than \$1 million for the 2020-21, 2021-22, 2022-23 or 2023-24 year of income.
- (2) Despite the amendments made by items 1 to 4 to the tables mentioned in those items, those tables as in force immediately before the commencement of those items continue to apply in relation to the taxable income of the resident taxpayer for the relevant year of income.

Schedule 1, page 5 (after line 18), after item 8, insert:

8A Application—high-income non-resident taxpayers

- (1) This item applies in relation to a non-resident taxpayer that has an ordinary taxable income of more than \$1 million for the 2020-21, 2021-22, 2022-23 or 2023-24 year of income.
- (2) Despite the amendments made by items 5 to 8 to the tables mentioned in those items, those tables as in force immediately before the commencement of those items continue to apply in relation to the taxable income of the non-resident taxpayer for the relevant year of income.

Schedule 1, Part 1, page 6 (after line 7), at the end of the Part, add:

12A Application—high-income working holiday makers

- (1) This item applies in relation to a taxpayer that has a working holiday taxable income of more than \$1 million for the 2020-21, 2021-22, 2022-23 or 2023-24 year of income.
- (2) Despite the amendments made by items 9 to 12 to the tables mentioned in those items, those tables as in force immediately before the commencement of those items continue to apply in relation to the taxpayer's working holiday taxable income for the relevant year of income.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

Faruqi	Lambie	Patrick	Thorpe
Hanson-Young	McKim	Siewert*	Waters

NOES, 28

Senators—

Askew	Cormann	McKenzie	Ruston
Birmingham	Davey	McLachlan	Scarr
Bragg	Duniam	McMahon	Seselja
Brown	Gallagher	Molan	Smith, Dean
Cash	Henderson	O'Sullivan	Stoker
Chandler	Hughes	Rennick	Van
Colbeck	McCarthy*	Roberts	Watt

* Tellers

Question negatived.

Question—That the bill stand as printed—divided, at the request of Senator McKim, in respect of Schedule 2.

Question—That Schedule 2 stand as printed—put.

The committee divided—

AYES, 29

Senators—

Antic	Cormann	McCarthy	Rennick
Askew	Davey	McKenzie	Roberts
Birmingham	Duniam	McLachlan	Ruston
Bragg	Gallagher	McMahon	Scarr
Brown	Henderson	Molan	Seselja
Cash	Hughes	O'Sullivan	Smith, Dean*
Chandler	Lambie	Patrick	Stoker
Colbeck			

NOES, 6

Senators—

Faruqi	McKim	Thorpe	Waters
Hanson-Young	Siewert*		

* Tellers

Schedule agreed to.

Senator McKim moved the following amendments together by leave:

Schedule 7, item 1, page 83 (after line 2), at the end of section 40-150, add:

Exception—assets that are not Australian made

- (6) Despite subsection (1), you are not covered by this section for the asset unless the asset has been produced or manufactured in Australia.

Schedule 7, item 4, page 90 (after line 25), at the end of section 328-181, add:

Exception—assets that are not Australian made

- (6) Despite anything in the preceding subsections of this section, in the period beginning at the 2020 budget time and ending on 30 June 2022 you cannot deduct an amount under section 328-180 or 328-210 of the *Income Tax Assessment Act 1997* in relation to an asset unless the asset has been produced or manufactured in Australia.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 7

Senators—

Faruqi
Hanson-Young

Lambie
McKim

Siewert*
Thorpe

Waters

NOES, 26

Senators—

Askew
Birmingham
Bragg
Cash
Chandler
Colbeck
Cormann

Davey
Duniam
Gallagher
Henderson
Hughes
McCarthy*
McLachlan

McMahon
Molan
O'Sullivan
Patrick
Rennick
Roberts

Ruston
Scarr
Seselja
Smith, Dean
Stoker
Van

* Tellers

Question negatived.

Senator McKim moved the following amendments together by leave:

Schedule 7, item 1, page 83 (after line 2), at the end of section 40-150, add:

Exception—assets related to fossil fuel, defence or tobacco manufacture etc.

- (5) Despite subsection (1), you are not covered by this section for the asset if the asset relates to any of the following:
- (a) coal exploration, mining or extraction, or refining or manufacturing coal products;
 - (b) petroleum exploration or extraction, or refining, blending or manufacturing petroleum products;
 - (c) natural gas exploration or extraction, or processing, manufacturing or liquefaction of natural gas products;
 - (d) manufacturing of defence equipment;
 - (e) tobacco farming or manufacturing tobacco products.

Schedule 7, item 4, page 90 (after line 25), at the end of section 328-181, add:

Exception—assets related to fossil fuel, defence or tobacco manufacture etc.

- (5) Despite anything in the preceding subsections of this section, in the period beginning at the 2020 budget time and ending on 30 June 2022 you cannot deduct an amount under section 328-180 or 328-210 of the *Income Tax Assessment Act 1997* in relation to an asset that relates to any of the following:
- (a) coal exploration, mining or extraction, or refining or manufacturing coal products;
 - (b) petroleum exploration or extraction, or refining, blending or manufacturing petroleum products;

- (c) natural gas exploration or extraction, or processing, manufacturing or liquefaction of natural gas products;
- (d) manufacturing of defence equipment;
- (e) tobacco farming or manufacturing tobacco products.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 6

Senators—

Faruqi
Hanson-Young

McKim
Siewert*

Thorpe

Waters

NOES, 28

Senators—

Askew
Birmingham
Bragg
Cash
Chandler
Colbeck
Cormann

Davey
Duniam
Gallagher
Henderson
Hughes
Lambie
McCarthy*

McKenzie
McLachlan
McMahon
Molan
O'Sullivan
Patrick
Rennick

Roberts
Ruston
Scarr
Seselja
Smith, Dean
Stoker
Van

** Tellers*

Question negatived.

Question—That the bill stand as printed—divided, at the request of Senator McKim, in respect of Schedule 7.

Question—That Schedule 7 stand as printed—put.

The committee divided—

AYES, 27

Senators—

Antic
Askew
Birmingham
Bragg
Cash
Chandler
Colbeck

Cormann
Davey
Duniam
Gallagher
Henderson
Hughes
Lambie

McCarthy
McLachlan
Molan
O'Sullivan
Patrick
Rennick
Reynolds

Roberts
Ruston
Scarr
Seselja
Smith, Dean*
Stoker

NOES, 6

Senators—

Faruqi
Hanson-Young

McKim
Siewert*

Thorpe

Waters

** Tellers*

Schedule agreed to.

Bill agreed to and reported without amendment.

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

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

Debate ensued.

Question put.

The Senate divided—

AYES, 30

Senators—

Antic	Davey	McLachlan	Roberts
Askew	Duniam	McMahon	Ruston
Birmingham	Gallagher	Molan	Ryan
Bragg	Henderson	O'Sullivan	Scarr
Cash	Hughes	Patrick	Seselja
Chandler	Lambie	Rennick	Smith, Dean*
Colbeck	McCarthy	Reynolds	Stoker
Cormann	McKenzie		

NOES, 6

Senators—

Faruqi	McKim	Thorpe	Waters
Hanson-Young	Siewert*		

* Tellers

Question agreed to.

Bill read a third time.

32 **Social Security Amendment (COVID-19 Supplement) Bill 2020**

Senator Siewert, by leave, moved general business notice of motion no. 807—That the following bill be introduced:

A Bill for an Act to amend the law relating to social security, and for related purposes.

Question put and passed.

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

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

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

33 **Valedictory statements**

Senators made statements relating to the retirement of Senator Cormann.

34 **Adjournment**

Pursuant to order (*see entry no. 7*), the Senate adjourned at 1.27 pm till Monday, 9 November 2020 at 10 am.

35 Attendance

Present, all senators except Senators Bilyk*, Brockman*, Ciccone*, Gallacher*, Kitching*, McDonald*, McGrath*, Paterson*, Payne*, Rice*, Steele-John*, Van*, Walsh* and Whish-Wilson* (*on leave).

36 Documents

The Clerk tabled the following documents pursuant to statute:

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

Civil Aviation Act 1988—Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020 [F2020L01283].

Commonwealth Inscribed Stock Act 1911—Commonwealth Inscribed Stock (Maximum Total Face Value of Stock and Securities) Amendment Direction 2020 [F2020L01284].

Federal Financial Relations Act 2009—Federal Financial Relations (National Partnership Payments—2020-21 Payment No. 5) Determination 2020 [F2020L01282].

National Housing Finance and Investment Corporation Act 2018—National Housing Finance and Investment Corporation Investment Mandate Amendment (New Home Guarantee) Direction 2020 [F2020L01285].

Public Governance, Performance and Accountability Act 2013—

Commonwealth acquired shares in Australian Rail Track Corporation—26 September 2020 [2].

Vesting Orders regarding the sale of shares in Molopo Energy Limited held by Keybridge Capital Limited and Aurora Funds Management Limited—30 September 2020.

The Clerk tabled the following documents pursuant to order:

Departmental and agency appointments and vacancies—Budget estimates 2020-21—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Attorney-General's portfolio.

Education, Skills and Employment portfolio—Education.

Estimates hearings—Unanswered questions on notice—Additional estimates 2019-20—Statements pursuant to the order of the Senate of 25 June 2014—Foreign Affairs and Trade portfolio—

Australian Trade and Investment Commission.

Department of Foreign Affairs and Trade.

Tourism Australia.

Indexed lists of departmental and agency files for the period 1 January to 30 June 2020—Statements relating to the order of the Senate of 30 May 1996, as amended—
Agriculture, Water and the Environment portfolio.
Defence portfolio.

RICHARD PYE
Clerk of the Senate