2013-14

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 42

MONDAY, 14 JULY 2014

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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 **ORDER OF BUSINESS—REARRANGEMENT**

*Leave refused:* The Assistant Minister for Social Services (Senator Fifield) sought leave to move a motion relating to the order of government business for today. An objection was raised and leave was not granted.

*Suspension of standing orders:* Senator Fifield, at the request of the Leader of the Government in the Senate (Senator Abetz) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the order of government business for today.

Debate ensued.

Question put.

The Senate divided—

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| Hanson-Young       |
| Ludlam             |
| Milne              |
| Rhiannon           |
| Rice               |
| Siewert (Teller)   |
| Waters             |
| Whish-Wilson       |
| Wright             |

Question agreed to.

Senator Fifield moved—That a motion to vary the order of government business for today may be moved immediately and have precedence over all other business today until determined.

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

Question—That the question be now put—put.
The Senate divided—

**AYES, 54**

**Senators—**

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

**NOES, 10**

**Senators—**

Di Natale            Mihe          Siewert (Teller)  Whish-Wilson
Hanson-Young       Rhiannon    Siewert (Teller)  Whish-Wilson
Ludlam                Rice

Question agreed to.

Main question put and passed.

Senator Fifield moved—that government business orders of the day be called on and considered today in the following order:

No. 4  Agricultural and Veterinary Chemicals Legislation Amendment (Removing Re-approval and Re-registration) Bill 2014
No. 5  G20 (Safety and Security) Complementary Bill 2014
No. 3  Trade Support Loans Bill 2014
       Trade Support Loans (Consequential Amendments) Bill 2014
No. 6  Health Workforce Australia (Abolition) Bill 2014
No. 7  Australian National Preventive Health Agency (Abolition) Bill 2014
No. 2  Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2]
No. 8  Asset Recycling Fund Bill 2014

Question put and passed.

3  **AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (REMOVING RE-APPROVAL AND RE-REGISTRATION) BILL 2014**

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—\textit{and of the amendment moved by Senator Siewert}:

Schedule 1, page 7 (after line 14), after item 31, insert:

\textbf{31A At the end of section 31 of the Code set out in the Schedule}

\textit{Add:}

\begin{enumerate}
\item The APVMA must, as soon as is reasonable after the commencement of this subsection and in accordance with this Division, reconsider:
  \begin{enumerate}
  \item the approval of an active constituent for a proposed or existing chemical product, if subsection (5) applies to the active constituent; or
  \item the registration of a chemical product, if subsection (5) applies to the chemical product.
  \end{enumerate}
\item This subsection applies to an active constituent or chemical product if, at the commencement of this subsection, the active constituent or chemical product:
  \begin{enumerate}
  \item is included in Schedule 7 to the current Poisons Standard (within the meaning of the \textit{Therapeutic Goods Act 1989}); or
  \item is categorised as any of the following under the Globally Harmonised System of Classification and Labelling of Chemicals of the United Nations:
    \begin{enumerate}
    \item Category 1A or 1B carcinogen;
    \item Category 1A or 1B germ cell mutagen;
    \item Category 1A or 1B reproductive toxicant;
    \item Category 1 chronic hazard to the aquatic environment; or
    \end{enumerate}
  \item is included in Class 1a or 1b of the WHO Recommended Classification of Pesticides by Hazard of the World Health Organization; or
  \item is listed in Annex A to the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001, \textit{(the Stockholm Convention)}; or
  \begin{enumerate}
  \item taking into consideration the criteria in paragraph 1 of Annex D to the Stockholm Convention, exhibits the characteristics of persistent organic pollutants; or
  \item is listed in Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on 10 September 1998; or
  \begin{enumerate}
  \item the Convention is in Australian Treaty Series 2004 No. 23 ([2004] ATS 23) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).
  \end{enumerate}
  \end{enumerate}
  \item is a controlled substance (within the meaning of the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on 15 September 1987); or
\end{enumerate}
\end{enumerate}

(h) is an active constituent or chemical product possession of which is generally prohibited under the law of Canada, the European Union, New Zealand or the United States that corresponds to this Code; or

(i) has shown a high incidence of severe or irreversible adverse effects on human health or the environment.

Debate resumed.

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

Bill agreed to.

Bill 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 the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) the report from the committee was adopted and the bill read a third time.

4 **G20 (SAFETY AND SECURITY) COMPLEMENTARY BILL 2014**

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

Debate resumed.

Question put.

The Senate divided—

**AYES, 41**

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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.
On the motion of the Attorney-General (Senator Brandis) the bill was read a third time.

5 **TRADE SUPPORT LOANS BILL 2014**

**TRADE SUPPORT LOANS (CONSEQUENTIAL AMENDMENTS) BILL 2014**

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That these bills be now read a second time.
Debate resumed.
Senator Carr moved the following amendment in respect of the Trade Support Loans Bill 2014:

At the end of the motion, add “but the Senate notes that the Government has failed to:

(a) advise apprentices before the election that they would be abolishing the Tools for Your Trade program, thus leaving trade support loans as the only form of assistance for the purchase of tools;

(b) adequately ensure that clear and easily understood explanations of the loan, the indexing and the repayment requirements are provided to all apprentices in a consistent format, in particular for school-based apprentices;

(c) put in place adequate privacy protections for the large volumes of information that will be acquired through the Trade Support Loans Programme; and

(d) offer:

(i) fair and reasonable transition arrangements for current apprentices, and

(ii) apprentices the option of lump sum payments in order to purchase expensive items”.

Debate ensued.
*At 2 pm: Debate was interrupted.*

6 **QUESTIONS**

Questions without notice were answered.

7 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Cameron moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) to questions without notice asked by Senators Conroy and Singh today relating to the proposed repeal of the carbon tax.
Debate ensued.
Question put and passed.

The Leader of the Australian Greens (Senator Milne) moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Milne today relating to the proposed repeal of the carbon tax.
Question put and passed.
NOTICES

The Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi): To move on the next day of sitting—That the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 27 August 2014, from 3.30 pm. (*general business notice of motion no. 339*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into illegal fishing be extended to 29 October 2014. (*general business notice of motion no. 340*)

The Chair of the Economics Legislation Committee (Senator Edwards): To move on the next day of sitting—That the time for the presentation of reports of the Economics Legislation Committee be extended, as follows:

(a) Competition and Consumer Amendment (Misuse of Market Power) Bill 2014—to 4 December 2014; and

(b) Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013—to 4 December 2014. (*general business notice of motion no. 341*)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Senate—

(a) resolves that it is committed to the continuation of the Australian Renewable Energy Agency (ARENA);

(b) notes that on this day, 15 July 2014, the final two board members’ contracts expire, leaving the Secretary of the Department of Industry isolated as the only remaining member of the board; and

(c) on the basis of paragraph (a) above, calls on the Government to immediately appoint board members to assist the Secretary of the Department of Industry in developing new and emerging clean energy technologies for Australia to export to the world. (*general business notice of motion no. 342*)

Senator Hanson-Young: To move on 16 July 2014—That the following bill be introduced: A Bill for an Act to establish an independent Office of Guardian for Unaccompanied Non-citizen Children, and for related purposes. **Guardian for Unaccompanied Children Bill 2014.** (*general business notice of motion no. 343*)

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

(a) notes that:

(i) the campaign to eliminate the spiritual practice of Falun Gong practitioners began on 20 July 1999, and 20 July 2014 marks the 15th year of persecution,

(ii) in violation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the persecution of Falun Gong in China continues,

(iii) in the first half of 2014, there have been 49 verified deaths of Falun Gong practitioners as a result of persecution, and
(iv) there are continuing reports that organ transplants are taking place in
China without the free and informed consent of the donor, and remain a
cause for grave concern; and
(b) calls on the Government to oppose internationally the persecution and organ
harvesting of Falun Gong practitioners. (general business notice of motion
no. 344)
The Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley): To
move on the next day of sitting—That the amendments to standing orders set out in
Attachment B of the Procedure Committee’s First report of 2014 be adopted, with
effect from the next day of sitting. (general business notice of motion no. 345)
Senator McKenzie: To move on the next day of sitting—That the—
(a) congratulates Central Queensland University on the partnership with TAFE
[technical and further education] and notes that, as a consequence of the
Demand Driven Funding System, a number of universities have forged
partnerships with regional TAFEs to develop:
(i) new courses,
(ii) new regional university centres,
(iii) pathway programs in areas relevant to local regional industry, and
(iv) pathways to higher education; and
(b) recognises that further expansion to higher education access for all students,
whether studying at universities, TAFEs or private colleges, will provide a
further boost to regional economies by ensuring:
(i) greater student accessibility to higher education,
(ii) a more skilled regional workforce, and
(iii) the opportunity for education institutions to expand and thereby employ
more people and invest back into the local community. (general
business notice of motion no. 346)
Senator Rhiannon: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) the New South Wales Coalition Government has:
(A) announced the sale of 293 public housing properties at Millers
Point and The Rocks in Sydney, with the move expected to
displace more than 400 public housing tenants,
(B) made the announcement without notifying the tenants first,
(C) left residents without answers about the disruption to their
community and their lives,
(D) failed to undertake a complete assessment of the housing stock in
question, and
(E) failed to require provision of any serious amounts of affordable
housing units in the state’s largest construction site at
Barangaroo, adjacent to The Rocks,
(ii) the 1970s Green Bans organised by local residents and the Builders
Labourers Federation won protection for the low cost and public
housing in the Millers Point and The Rocks area, and
(iii) affordable and appropriate housing is a basic human right and there is
already too little social housing stock within Sydney’s CBD and
surrounds; and
calls on:

(a) the New South Wales Government to cease selling public housing in Millers Point, and

(b) the Federal Government to increase funding for affordable public housing. (general business notice of motion no. 347)

Senator Xenophon: To move on the next day of sitting—

(1) That the Senate:

(a) notes:

(i) the failure of the Minister for Defence (Senator Johnston) to comply with the order of the Senate of 9 July 2014 for the production of the report of the review of the Air Warfare Destroyer project,

(ii) the statement by the Minister claiming public interest immunity on the basis that the report was prepared for Cabinet and informed Cabinet deliberations, and

(iii) the public comments by the Minister citing the report, thereby placing the report in the public arena and abrogating such claims to public interest immunity; and

(b) orders the Minister to comply with the order by 4 pm on Thursday, 17 July 2014 or make a claim of public interest immunity which is in accordance with those accepted by the Senate.

(2) That, in the event that the Minister fails to meet the requirements of paragraph (1)(b), a senator may immediately move without notice a motion in relation to the Minister’s failure to either comply or provide an acceptable claim of public interest immunity. (general business notice of motion no. 348)

Senators Dastyari and Whish-Wilson: To move on the next day of sitting—That the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 102 and made under the Corporations Act 2001, be disallowed.

9 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notices of motion nos 4 to 6 standing in the name of Senator Leyonhjelm for today, proposing the disallowance of instruments, postponed till 26 August 2014.

10 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECHES

The Assistant Minister for Social Services (Senator Fifield), at the request of the Parliamentary Secretary to the Minister for Education (Senator Ryan), amended government business notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Wednesday, 27 August 2014—Senator Rice; and

(b) Wednesday, 3 September 2014—Senator Day.

Question put and passed.
11 **FOREIGN AFFAIRS—JAPAN**

Senator Bushby, at the request of Senator Macdonald and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 337—That the Senate—

(a) expresses its appreciation to the Prime Minister of Japan, His Excellency Mr Shinzo Abe, for his visit to Australia and to the Australian Parliament;

(b) notes the long history of the Japanese diplomatic relationship with Australia commencing with its first consulate in Townsville in 1896;

(c) assures the Japanese people of Australia’s ongoing goodwill; and

(d) notes the importance of Australia’s relationship with Japan, enhanced by the signing of the Economic Partnership Agreement between Japan and Australia and the agreement concerning the transfer of defence equipment and technology.

Question put and passed.

12 **EDUCATION—SCHOOLS FUNDING**

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 332—That the Senate—

(a) notes the motion passed by the NSW Nationals’ Annual General Conference calling on the Federal Government to honour the 6-year Gonski funding agreement between the Commonwealth and the New South Wales Government;

(b) acknowledges that rural schools will continue to be significantly disadvantaged as a result of the Abbott Government’s decision to fund only the first 4 years of this agreement; and

(c) supports the NSW Nationals’ courage in standing up to the Federal Government in the interest of their communities.

*Statements by leave*: Senators Williams and Wright, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 32**

Senators—

NOES, 29

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Question agreed to.

13 ECONOMICS—RESEARCH AND DEVELOPMENT

Senator Bushby, at the request of Senator McKenzie and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 338—That the Senate—

(a) recognises:

(i) that research and development is critical for Australia’s prosperity, economic growth and social wellbeing,

(ii) that investment in, and application of, research and development can lift productivity in Australia, and

(iii) the need for continued research and development to meet the goal of increasing Australia’s productivity, economic growth and employment in the 21st century; and

(b) congratulates the Government for providing $139.5 million over 4 years to continue the Future Fellowships scheme for outstanding mid-career Australian researchers to:

(i) enable Australian researchers to conduct their research in Australia,

(ii) attract and retain the best Australian mid-career researchers, and

(iii) support research into areas of crucial national importance.

Statement by leave: Senator Moore, by leave, made a statement relating to the motion.

Question put and negatived.

14 IMMIGRATION—ASYLUM SEEKERS

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 317—That the Senate—

(a) requests that the Government:

(i) update the Senate on operations undertaken on the high seas which relate to the two asylum seeker boats intercepted by Australian authorities in the past two weeks, and

(ii) disclose the whereabouts of the 153 people, including 37 children, who are believed to have left India over three weeks ago by boat; and

(b) calls on the Government to cease the current ‘on water’ screening and transfer practices which fall short of Australia’s international protection obligations.

Statement by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion.

The question was divided at the request of Senator Xenophon—

Question—That the motion in respect of paragraph (a) be agreed to—put.
The Senate divided—

AYES, 37

Senators—

Bilyk
Bullock
Cameron
Carr
Collins
Conroy
Dastyari
Di Natale
Faulkner
Gallacher

Hanson-Young
Ketter
Lambie
Lazarus
Leyonhjelm
Lines
Ludlam
Ludwig
Lundy
Madigan

McEwen (Teller)
Miline
Moore
Muir
O’Neill
Peris
Polley
Rhiannon
Rice
Siewert

Singh
Sterle
Wang
Waters
Whish-Wilson
Wright
Xenophon

NOES, 28

Senators—

Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck

Day
Edwards
Fawcett
Ferrarvanti-Wells
Fifield
Heffernan
Johnston

Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Payne
Reynolds

Ruston
Ryan
Scullion
Seselja
Sinodinos
Smith
Williams


Question agreed to.

Question—That the motion in respect of paragraph (b) be agreed to—put.

The Senate divided—

AYES, 30

Senators—

Bilyk
Bullock
Cameron
Carr
Collins
Dastyari
Di Natale
Faulkner

Gallacher
Hanson-Young
Ketter
Lines
Ludlam
Ludwig
Lundy

McEwen (Teller)
Milne
Moore
O’Neill
Peris
Polley
Rhiannon

Siewert
Singh
Sterle
Waters
Whish-Wilson
Wright
Xenophon

NOES, 30

Senators—

Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck
Day

Edwards
Fawcett
Ferrarvanti-Wells
Fifield
Heffernan
Johnston
Macdonald

McGrath
McKenzie
Nash
O’Sullivan
Payne
Reynolds
Ryan

Scullion
Seselja
Sinodinos
Smith
Williams
Xenophon

The ayes and noes were equal and so the question was negatived.
15 POSTPONEMENT
Senator Wright, by leave, moved—That business of the Senate notice of motion no. 3 standing in her name for today, proposing the disallowance of the Migration Amendment (Offshore Resources Activity) Regulation 2014, be postponed till 16 July 2014.
Question put and passed.

16 PRIVILEGES—STANDING COMMITTEE—REFERENCE
Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Standing Committee of Privileges for inquiry and report:
In the context of an inquiry by the Rural and Regional Affairs and Transport References Committee into aviation accident investigations:
(a) whether disciplinary action was taken against either a witness before the committee or a person providing information to the committee; and
(b) if so, whether any contempt was committed in respect of those matters.
Question put and passed.

17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FINANCE—REGULATION OF FINANCIAL ADVICE SERVICES
The Deputy President (Senator Marshall) 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 decision to wind back Future of Financial Advice reforms making consumers more vulnerable to dodgy financial advice.
The proposal was supported by four senators and the matter was discussed.

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

Discussion concluded.

18 SENATORS’ INTERESTS—STANDING COMMITTEE—DOCUMENT
The Chair of the Standing Committee of Senators’ Interests (Senator Bilyk) tabled the following document:

19 PRIVILEGES—STANDING COMMITTEE—157TH REPORT
Senator Bilyk, at the request of the Chair of the Standing Committee of Privileges (Senator Collins), tabled the following report:
Report ordered to be printed on the motion of Senator Bilyk.
Senator Bilyk, by leave, moved—that the report be adopted. Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

20 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY (ABOLITION) BILL 2014 AND HEALTH WORKFORCE AUSTRALIA (ABOLITION) BILL 2014**

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


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

21 **ECONOMICS LEGISLATION COMMITTEE—REPORT—ENERGY EFFICIENCY OPPORTUNITIES (REPEAL) BILL 2014**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following report and documents:


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

22 **DOCUMENTS**

The following documents were tabled by the Clerk:

[A 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—**


**Australian Research Council Act 2001—**

- Approval of Learned Academies Special Projects Proposals for funding commencing in 2014—Determination No. 126.
- Approval of Special Research Initiative Proposals for funding commencing in 2014—Determination No. 125.
- Determination No. 127.
- Funding Rules for schemes under the Linkage Program for 2014—Special Research Initiative for Tropical Health and Medicine [F2014L00983].

**Autonomous Sanctions Act 2011—**

Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—
Exemption — design of modification or repair for an aircraft that is to be operated under a special flight permit—CASA EX58/14 [F2014L00975].
Exemption — for certain aircraft to tow gliders—CASA EX53/14 [F2014L00974].
Commissioner of Taxation—Public Rulings—
Goods and Services Tax Advices—Notices of Withdrawals—GSTA TPP 042, GSTA TPP 049, GSTA TPP 053, GSTA TPP 054, GSTA TPP 075, GSTA TPP 088, GSTA TPP 089 and GSTA TPP 104.
Taxation Determinations TD 2014/18 and TD 2014/19.
Defence Act 1903—Determination under section 58H—ADF Allowances – Reserves – Amendment—No. 6 of 2014.
DisabilityCare Australia Fund Act 2013—DisabilityCare Australia Fund Investment Mandate Directions 2014 [F2014L00971].
Environment Protection and Biodiversity Conservation Act 1999—Amendment to the list of threatened species under sections 178, 181 and 183 (163) (3 July 2014) [F2014L00982].
Migration Act 1958—Migration Regulations 1994—
Health Service Provider—IMMI 14/041 [F2014L00980].
Required Health Assessment—IMMI 14/042 [F2014L00981].
National Consumer Credit Protection Act 2009—ASIC Class Order—CO 14/569 [F2014L00976].

23 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Back) informed the Senate that the President had received a letter requesting changes in the membership of a committee.
The Parliamentary Secretary to the Minister for Education (Senator Ryan), by leave, moved—That Senator McEwen replace Senator Urquhart on the Environment and Communications Legislation Committee from 21 July to 22 August 2014, and Senator Urquhart be appointed as a participating member.
Question put and passed.
No. 42—14 July 2014

24 **HIGHER EDUCATION (MAXIMUM AMOUNTS FOR OTHER GRANTS) DETERMINATION—DISALLOWANCE**

Senator Carr, pursuant to notice, moved business of the Senate notice of motion no. 1—that the Higher Education (Maximum Amounts for Other Grants) Determination 2013, made under subsections 41-45(1A) and (1B) of the *Higher Education Support Act 2003*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

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Question agreed to.

25 **MIGRATION AMENDMENT (BRIDGING VISAS—CODE OF BEHAVIOUR) REGULATION—PROPOSED DISALLOWANCE**

Senator Hanson-Young, pursuant to notice, moved business of the Senate notice of motion no. 2—that the Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 269 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

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26 ORDER OF BUSINESS—REARRANGEMENT

The Assistant Minister for Social Services (Senator Fifield), by leave, moved—that the order of government business for the remainder of today be as follows:

No. 3 Trade Support Loans Bill 2014
Trade Support Loans (Consequential Amendments) Bill 2014

No. 2 Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2]

No. 8 Asset Recycling Fund Bill 2014
Asset Recycling Fund (Consequential Amendments) Bill 2014

No. 6 Health Workforce Australia (Abolition) Bill 2014

No. 7 Australian National Preventive Health Agency (Abolition) Bill 2014.

Debate ensued.

Question put and passed.

27 TRADE SUPPORT LOANS BILL 2014
TRADE SUPPORT LOANS (CONSEQUENTIAL AMENDMENTS) BILL 2014

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That these bills be now read a second time—and on the amendment moved by Senator Carr in respect of the Trade Support Loans Bill 2014 (see entry no. 5).

Debate resumed.

Question—that the amendment be agreed to—put.

The Senate divided—

AYES, 36

Senators—

Bilyk  Hanson-Young  McLucas  Stiewert
Bullock  Ketter  Milne  Singh
Cameron  Lambie  Moore  Sterle
Carr  Lazarus  Muir  Urquhart (Teller)
Conroy  Lines  O'Neill  Wang
Dastyari  Ludlam  Peris  Waters
Di Natale  Ludwig  Polley  Whish-Wilson
Faulkner  Lundy  Rhiannon  Wong
Gallacher  McEwen  Rice  Wright
NOES, 32

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Question agreed to.

Senator Lines moved the following amendment in respect of the Trade Support Loans Bill 2014:

At the end of the motion, add “but the Senate calls on the Government to determine a method for achieving parental/guardian approval for apprentices under 18 years of age, in particular school-based apprentices, at the point of signing up for loan amounts”.

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

Main question, as amended, put.

The Senate divided—

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NOES, 15

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Question agreed to.

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.
Senator Rhiannon moved the following amendments and request for an amendment in respect of the Trade Support Loans Bill 2014 together by leave:

**Amendments:**

Clause 5, page 5 (line 17), omit “$20,000”, substitute “$10,000”.

Clause 5, page 7 (line 2), definition of *TSL debt indexation factor*, omit the definition.

Clause 30, page 21 (line 8), paragraph (a), omit the paragraph.

Clause 31, page 21 (lines 22 to 28), omit subclause (1) (not including the method statement), substitute:

1. A person’s former accumulated TSL debt, in relation to the person’s accumulated TSL debt for a financial year, is the amount worked out using the following method statement:

**Request:**

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

Page 18 (after line 26), at the end of Division 4, add:

**25A Additional payment**

1. If the Secretary must pay an instalment of trade support loan to a person on a day, the Secretary must pay an additional amount to the person on that day under this section.

2. The amount of the additional payment is equal to the amount of the instalment.

3. The additional payment is to be paid to the credit of the same bank account as the instalment (see section 25).

4. To avoid doubt, the additional payment is not trade support loan, and is not repayable.

5. Part 4.3 (Overpayment debts) applies in relation to an additional payment under this section in the same way as that part applies in relation to payments of trade support loan.

 Debate ensued.

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

Question—That the bills stand as printed—divided, at the request of Senator Rhiannon, in respect of clauses 32 and 34 of the Trade Support Loans Bill 2014.

Clauses 32 and 34 agreed to.

Senator Rhiannon moved the following amendments and requests for amendments in respect of the Trade Support Loans Bill 2014 together by leave:

**Amendments:**

Clause 3, page 3 (line 1), after “reaches”, insert “120% of”.

Clause 13, page 13 (after line 7), at the end of the clause, add:

3. The application must include the consent of the person’s parent or guardian, if the person is aged under 18.
28A  TSL debt discharged by termination of apprenticeship

(1)  Upon a person who owes a TSL debt to the Commonwealth ceasing to undertake a qualifying apprenticeship, the TSL debt is taken to have been paid, to the extent it relates to that apprenticeship.

Note:  See subsections 8(3) and (4) for circumstances in which a person is, or is not, taken to be undertaking a qualifying apprenticeship.

(2)  Subsection (1) does not apply to the person ceasing to undertake the qualifying apprenticeship:

(a)  because the person has completed the apprenticeship; or

(b)  at the person’s own initiative.

(3)  The rules may prescribe a method of working out the extent to which a TSL debt relates to a qualifying apprenticeship.

Clause 31, page 21 (lines 22 to 28), omit subclause (1) (not including the method statement), substitute:

(1)  A person’s former accumulated TSL debt, in relation to the person’s accumulated TSL debt for a financial year (the current year), is worked out by:

(a)  applying the following method statement to work out an amount (the unindexed debt); and

(b)  for each qualifying apprenticeship to which the unindexed debt relates:

(i)  working out how much of the unindexed debt relates to that qualifying apprenticeship; and

(ii)  multiplying that much of the unindexed debt by the amount that applies under subsection (3); and

(c)  summing the amounts worked out under subparagraph (b)(ii).

Clause 31, page 23 (after line 18), at the end of the clause, add:

(3)  The amount that applies for the purposes of subparagraph (1)(b)(ii) is the lesser of:

(a)  the TSL debt indexation factor for 1 June in the current year; and

(b)  the TSL debt indexation factor for the first 1 June after the person first incurred a TSL debt in relation to the qualifying apprenticeship.

(4)  For the purposes of subsection (3), disregard any law that:

(a)  amends, or otherwise alters the effect of, section 32 or 33; and

(b)  takes effect after the 1 June mentioned in paragraph (3)(b).

Clause 39, page 27 (line 5), after “reaches”, insert “120% of”.

Clause 39, page 27 (line 19), after “reaches”, insert “120% of”.

Clause 46, page 32 (line 5), after “exceeds”, insert “120% of”.

Clause 46, page 32 (after line 22), after subclause (1), insert:

(1A)  For the purposes of the definition of applicable percentage of repayment income in subsection (1), the person’s repayment income is taken to be five sixths of what it actually is.

Clause 100, page 61 (line 21), after “this Act”, insert “(other than subsection 13(3))”.
Requests:
That the House of Representatives be requested to make the following amendments:

Clause 39, page 27 (line 11), omit “20%”, substitute “40%”.

Clause 40, page 28 (line 8), omit “20%”, substitute “40%”.

Debate ensued.

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

The committee divided—

AYES, 15

Senators—

Di Natale
Ludlam
Rice
Whish-Wilson

Hanson-Young
Mihm
Siewert (Teller)
Wright

Lambie
Muir
Wang
Xenophon

Lazarus
Rhiannon
Waters

NOES, 39

Senators—

Back
Collins
Macdonald
Ruston

Bilyk (Teller)
Cormann
McGrath
Scullion

Birmingham
Day
McKenzie
Seselja

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Cameron
Ketter
O’Sullivan
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Canavan
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Peris
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Carr
Lines
Polley
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Ludwig
Reynolds

Question negatived.

On the motion of Senator Carr the following amendments in respect of the Trade Support Loans Bill 2014, taken together by leave, were debated and agreed to:

Clause 13, page 13 (after line 7), at the end of the clause, add:

(3) A form approved for the purposes of paragraph (2)(a) must provide for a parent or guardian (if any) of an applicant who is aged under 18 at the time the applicant makes the application to acknowledge that the applicant is fully aware of the commitment into which the applicant is entering.

Clause 100, page 61 (line 21), after “this Act”, insert “(other than subsection 13(3))”.


The Trade Support Loans Bill 2014 to be reported with amendments and the Trade Support Loans (Consequential Amendments) Bill 2014 to be reported without amendments.
The Acting Deputy President (Senator Seselja) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Minister for Finance (Senator Cormann) the report from the committee was adopted and the bills read a third time.

28 MINERALS RESOURCE RENT TAX REPEAL AND OTHER MEASURES BILL 2013 [No. 2]

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

Debate resumed.

Senator Waters moved the following amendment:

At the end of the motion, add “but the Senate is of the opinion that the repeal of the Low Income Superannuation Contribution should not be concealed in this legislation as it will:

(a) diminish, by around $27 000, the retirement savings of one in three Australians;
(b) negatively impact on almost one in two working women and 80 per cent of women who work part time; and
(c) place further pressures on future governments due to increased costs to the aged pension”.

At 9.50 pm: Debate was interrupted while Senator Waters was speaking.

29 ADJOURNMENT

The Acting Deputy President (Senator O’Neill) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.28 pm till Tuesday, 15 July 2014 at 12.30 pm.

30 ATTENDANCE

Present, all senators except Senator Ronaldson (on leave).

Rosemary Laing
Clerk of the Senate

Printed by authority of the Senate