

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 38

TUESDAY, 14 OCTOBER 2008

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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Attorney-General's Department—Report for 2007-08.

Australian Competition and Consumer Commission (ACCC)—Report for 2007-08, incorporating the report of the Australian Energy Regulator (AER).

Customs Act 1901—Conduct of Customs officers [Managed deliveries]—Report for 2007-08.

Defence Housing Australia—Statement of corporate intent 2008-09.

Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2007-08, including financial statements for Aboriginals Benefit Account and Aboriginal and Torres Strait Islander Land Account.

Final budget outcome 2007-08—Report by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner), September 2008.

Health Services Australia Limited (HSA Group)—Statement of corporate intent 2008 to 2011.

Inspector-General of Intelligence and Security (IGIS)—Report for 2007-08.

Inspector-General of Taxation—Report for 2007-08.

International Air Services Commission—Report for 2007-08.

Private Health Insurance Ombudsman—Report for 2007-08.

Public Service Commissioner—Report for 2007-08, incorporating report of the Merit Protection Commissioner.

Research Involving Human Embryos Act 2002—Report pursuant to subsection 16(8).

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at September 2008.

3 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That, on Tuesday, 14 October 2008:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.10 pm;
- (b) that from 7 pm, any question in respect of which a senator requires a division, and any questions consequent on the outcome of that division, shall stand postponed until the next day of sitting at a time fixed by the Senate;
- (c) the routine of business from 7 pm shall be government business only; and
- (d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

Question put and passed.

4 CONSIDERATION OF LEGISLATION

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 2—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Migration Amendment (Notification Review) Bill 2008

Migration Legislation Amendment (Worker Protection) Bill 2008.

Question put and passed.

Senator Ludwig, pursuant to notice, moved government business notice of motion no. 3—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008, allowing it to be considered during this period of sittings.

Debate ensued.

Question put and passed.

5 SAFE WORK AUSTRALIA BILL 2008

SAFE WORK AUSTRALIA (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2008

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

—————
In the committee

SAFE WORK AUSTRALIA BILL 2008—

Consideration resumed of the bill, as amended.

Bill, as amended, further debated.

On the motion of Senator Abetz the following amendments, taken together by leave, were debated and agreed to:

Clause 42, page 31 (line 31), omit “or (2)”.

Clause 42, page 32 (line 7), omit “and subparagraph (2)(a)(i)”.

On the motion of Senator Abetz the following amendments, taken together by leave, were debated and agreed to:

Clause 43, page 33 (line 13), omit “any direction”, substitute “certain directions”.

Clause 45, page 34 (lines 14 to 16), omit paragraph (3)(a).

Clause 46, page 35 (lines 1 and 2), omit paragraph (1)(a), substitute:

(a) about the performance of the CEO’s functions but not in relation to operational matters; or

Clause 46, page 35 (after line 17), at the end of the clause, add:

(5) In this section, *operational matters* are matters addressed in the strategic and operational plans of Safe Work Australia.

Question—That the bill, as amended, be agreed to—divided in respect of clause 57, subclause (3).

Clause 57, subclause (3) debated.

Question—That clause 57, subclause (3) stand as printed—put and negatived.

On the motion of Senator Abetz the following amendment was debated and agreed to:
Page 45 (after line 9), after clause 67, insert:

67A Audit committee

- (1) Safe Work Australia may establish an audit committee.
- (2) The functions of the audit committee shall be:
 - (a) to receive reports and request information from the CEO on the Safe Work Australia Special Account and the financial management of Safe Work Australia;
 - (b) to make recommendations on the financial management of Safe Work Australia.

Bill, as amended, agreed to.

**SAFE WORK AUSTRALIA (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS)
BILL 2008—**

Bill, taken as a whole by leave, agreed to.

The Safe Work Australia Bill 2008 to be reported with amendments and the Safe Work Australia (Consequential and Transitional Provisions) Bill 2008 to be reported without amendments.

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

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

6 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Migration Amendment (Notification Review) Bill 2008.

Question put and passed.

7 MIGRATION AMENDMENT (NOTIFICATION REVIEW) BILL 2008

Order read for the adjourned debate on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while the Minister for Immigration and Citizenship (Senator Evans) was speaking.

8 QUESTIONS

Questions without notice were answered.

9 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Cash moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Bernardi and Ryan today relating to pensions.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Siewert today relating to a police raid in Alice Springs, Northern Territory.

Question put and passed.

10 DEATH OF FORMER MEMBER STEPHEN EDWARD CALDER

The Deputy President (Senator Ferguson) informed the Senate of the death, on 30 September 2008, of Stephen Edward Calder, a member of the House of Representatives for the division of Northern Territory from 1966 to 1980.

Statement by leave: Senator Scullion, by leave, made a statement.

11 PETITION

The following petition, lodged with the Clerk by Senator Stephens, was received:

From 35 petitioners, requesting that the Senate amend the *Marriage Act 1961* to invalidate present or future relationship registers.

12 NOTICES

Notices of motion:

The Acting Chair of the Community Affairs Committee (Senator Siewert): To move on the next day of sitting—That the Community Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 3.30 pm, to take evidence for the committee's inquiries into the Poker Machine Harm Reduction Tax (Administration) Bill 2008, the Poker Machine Harm Minimisation Bill 2008 and the ATMs and Cash Facilities in Licensed Venues Bill 2008. (*general business notice of motion no. 246*)

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

(a) notes the following statement of claims from the Fair Go for Pensioners Coalition:

1. That the Federal Government increases the pension rate from 25% of average weekly earnings to 35% of average weekly earnings until a more appropriate pension measure is developed.
2. That proper and improved healthcare measures for pensioners are prioritised, including medical, dental, optical, hearing, pharmaceutical and culturally appropriate services.
3. That the level of funding for aged care services, including culturally appropriate services, is significantly increased and extended to meet the growing demand in this area.
4. That our pensions are not restricted due to overseas travel to visit loved ones.

5. That legislation/regulations be enacted to protect older people considering taking out reverse mortgages.
6. That a thorough review of the means test and GST impact for pensioners and concessions should be undertaken to ensure that pensioners are not losing out.'; and

(b) asks the Government to consider it for inclusion in the 2008-09 Budget. (*general business notice of motion no. 247*)

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

(a) notes that:

- (i) 19 October 2008 marks the 7th anniversary of a boat known as the Suspected Illegal Entry Vessel X (SIEV X), bound for Australia and carrying 421 passengers and crew,
- (ii) this boat sank with the tragic loss of 353 lives, including 146 children, and
- (iii) in Opposition, the Government repeatedly expressed its anger and frustration with the former Government's inaction on establishing a full judicial inquiry into the SIEV X tragedy;

(b) expresses its regret and sympathy at the tragic loss of so many innocent lives; and

(c) calls on the Government immediately to establish an independent judicial inquiry into all aspects of the 'People Smuggling Strike Team' operated by the Commonwealth Government from 2000 to date, in particular the boat known as SIEV X. (*general business notice of motion no. 248*)

Notice of motion withdrawn: The Leader of the Family First Party (Senator Fielding) withdrew general business notice of motion no. 123 standing in his name for today, relating to an amendment to the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008.

13 POSTPONEMENTS

The Leader of the Australian Greens (Senator Bob Brown), by leave, moved—That general business notice of motion no. 227 standing in his name for today, relating to termination payouts for executives, be postponed till the next day of sitting.

Question put and passed.

The following items of business were postponed:

General business notice of motion no. 156 standing in the name of Senator Siewert for 15 October 2008, proposing the introduction of the Food Safety (Trans Fats) Bill 2008, postponed till 26 November 2008.

General business notice of motion no. 233 standing in the name of Senator Xenophon for today, proposing an order for the production of a document relating to the Productivity Commission, postponed till 15 October 2008.

General business notice of motion no. 237 standing in the name of Senator Cormann for today, relating to the Peel Health Campus, postponed till 15 October 2008.

General business notice of motion no. 242 standing in the name of Senator Hutchins for today, relating to the assassination of the former Sri Lankan High Commissioner to Australia, Major General Janaka Perera and Mrs Perera, postponed till 15 October 2008.

14 ECONOMICS—STANDING COMMITTEE—VARIATION OF REFERENCE

Senator McEwen, at the request of the Chair of the Economics Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That—

- (a) the reference of residential and community aged care in Australia, referred to the Economics Committee on 25 September 2008, be transferred to the Finance and Public Administration Committee; and
- (b) in considering this matter, the Finance and Public Administration Committee may consider the relevant evidence and records of the Economics Committee.

Question put and passed.

15 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—EXTENSIONS OF TIME TO REPORT

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 229—That the time for the presentation of reports of the Environment, Communications and the Arts Committee be extended as follows:

- (a) effectiveness of the *Environment Protection and Biodiversity Conservation Act 1999* and other programs in protecting threatened species and ecological communities—to the last sitting day of February 2009; and
- (b) Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008—to 4 December 2008.

Question put and passed.

16 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 230—That the Environment, Communications and the Arts Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 4.30 pm, to take evidence for the committee's inquiry into the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008.

Question put and passed.

17 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of the Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 231—That the Education, Employment and Workplace Relations Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 10 am, to take evidence for the committee's inquiry into academic freedom in school and higher education.

Question put and passed.

18 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McEwen, at the request of the Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 232—That the time for the presentation of the report of the Education, Employment and Workplace Relations Committee on academic freedom in school and higher education be extended to 27 November 2008.

Question put and passed.

19 ECONOMICS—STANDING COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator McEwen, at the request of the Chair of the Economics Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 238—That the time for the presentation of the report of the Economics Committee on Australia's mandatory Last Resort Home Warranty Insurance scheme be extended to 13 November 2008.

Question put and passed.

Senator McEwen, at the request of the Chair of the Economics Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 239—That the time for the presentation of reports of the Economics Committee be extended as follows:

- (a) disclosure regimes for charities and not-for-profit organisations—to 4 December 2008; and
- (b) Australia's space science and industry sector—to 12 November 2008.

Question put and passed.

20 DEATH OF MS BRITT LAPHORNE

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 243—That the Senate—

- (a) notes with great sadness the death of young Melbourne backpacker Britt Laphorne;
- (b) offers its sincere condolences to her parents Elke and Dale, brother Darren, family and friends; and
- (c) recognises the courage and tenacity of the Laphorne family in their determination to find their missing daughter and bring her home from Croatia.

Question put and passed.

21 ECONOMICS—FINANCIAL INSTITUTION EXECUTIVES—PAY LEVELS

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 245—That the Senate calls on the Government to:

- (a) ensure that, as a minimum, no financial institution executives' pay will increase as a consequence of the Government purchasing residential mortgage-backed securities or guaranteeing deposits and wholesale term funding of Australian financial institutions; and

- (b) prohibit payment of severance benefits ('golden parachutes'/'golden handshakes') to chief executive officers of such banks or institutions.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob	Hanson-Young	Siewert (Teller)	Xenophon
Fielding	Ludlam		

NOES, 43

Senators—

Adams	Cash	Furner	Parry (Teller)
Arbib	Coonan	Heffernan	Payne
Barnett	Cormann	Humphries	Polley
Bernardi	Crossin	Hurley	Pratt
Bilyk	Eggleston	Kroger	Ryan
Birmingham	Ellison	Ludwig	Stephens
Boyce	Farrell	Macdonald	Sterle
Brown, Carol	Feeney	Marshall	Trood
Bushby	Ferguson	Mason	Williams
Cameron	Fisher	McEwen	Wortley
Carr	Forshaw	Nash	

Question negatived.

22 SOCIAL ISSUES—ANTI-POVERTY WEEK

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 235—That the Senate—

(a) notes that:

- (i) the week beginning 12 October 2008 is Anti-Poverty Week,
- (ii) Aboriginal and Torres Strait Islanders are over represented amongst those living in poverty in Australia,
- (iii) people living on income support payments including single parents, disability support pension and the age pension are over represented amongst those living in poverty in Australia, and
- (iv) Australia currently gives foreign aid to the value of 0.32 per cent of gross national income; and

(b) calls on the Government to:

- (i) support the development of effective benchmarks to measure poverty,
- (ii) institute policies that seek to eradicate poverty and strengthen social inclusion,
- (iii) increase the base pension rate by \$30 per week which would have the added benefit of directly increasing cash flows during this time of economic crisis, and
- (iv) increase the amount of foreign aid to 0.7 per cent in line with the recommendations of the United Nations.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob	Hanson-Young	Siewert (Teller)	Xenophon
Fielding	Ludlam		

NOES, 41

Senators—

Adams	Cash	Forshaw	Polley
Arbib	Coonan	Furner	Pratt
Barnett	Cormann	Humphries	Ryan
Bernardi	Crossin	Hurley	Stephens
Bilyk	Eggleston	Ludwig	Sterle
Birmingham	Ellison	Marshall	Trood
Boyce	Farrell	Mason	Williams
Brown, Carol	Feeney	McEwen	Wortley
Bushby	Ferguson	Nash	
Cameron	Fifield	Parry (Teller)	
Carr	Fisher	Payne	

Question negatived.

23 ENVIRONMENT—TRAVESTON CROSSING DAM—CONSTRUCTION

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 240—That the Senate—

- (a) notes the call by Griffith University Professor Angela Arthington, and by world fish expert Professor Gene Helfman of the Institute of Ecology at the University of Georgia, United States of America, for Australia to avoid the Traveston Crossing Dam in Queensland in order to protect the endangered Australian lungfish;
- (b) accepts that the Mary River is the single most vital remaining spawning ground and nursery for the lungfish, and for the Mary River cod and Mary River turtle; and
- (c) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to explain to the Senate how these spawning grounds and nurseries could be protected if the dam were built.

Question put and passed.

24 FOREIGN AFFAIRS—CHINA—SPACE WALK

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 241—That the Senate congratulates the People's Republic of China for its first spacewalk and this great contribution to the global community's future adventure into the cosmos.

Question put and passed.

25 POSTPONEMENT

Senator Xenophon, by leave, moved—That general business notice of motion no. 234 standing in his name for today, relating to compensation for passengers injured on international flights, be postponed till the next day of sitting.

Question put and passed.

26 HEALTH—WORLD SIGHT DAY

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 236—That the Senate—

(a) notes:

(i) that 9 October 2008 was World Sight Day, the theme for 2008 is vision and ageing, and

(ii) the importance of preventive measures and early detection of eye conditions in maintaining vision in later years of life; and

(b) calls on the Government to ensure that Australians have access to good eye care services regardless of their age, geographical location and income.

Question put and passed.

27 PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2008

Senator Parry, at the request of the Chair of the Procedure Committee (Senator Ferguson), tabled the following report:

Procedure—Standing Committee—Second report of 2008—Questions to chairs of committees and other senators, dated October 2008.

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

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

Question put and passed.

28 COMMUNITY AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—DRAFT NATIONAL HEALTH (PHARMACEUTICAL BENEFITS — CHARGES) REGULATIONS 2008

Senator McEwen, at the request of the Chair of the Community Affairs Committee (Senator Moore), tabled the following document:

Community Affairs—Standing Committee—Report—Draft National Health (Pharmaceutical Benefits — Charges) Regulations 2008—Additional information.

29 ECONOMICS—STANDING COMMITTEE—REPORT—NATIONAL FUELWATCH (EMPOWERING CONSUMERS) BILL 2008 AND RELATED BILL

Senator McEwen, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report and documents:

Economics—Standing Committee—National Fuelwatch (Empowering Consumers) Bill 2008 and National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008—Report, dated October 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

30 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORTS

Senator Marshall, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following reports:

Intelligence and Security—Joint Statutory Committee—

Annual report of committee activities 2007-08, dated October 2008.

Review of the re-listing of Al-Qa`ida, Jemaah Islamiyah and Al-Qa`ida in the Lands of the Islamic Maghreb—Report, dated October 2008.

Senator Marshall, by leave, moved—That the Senate take note of the reports.

Question put and passed.

31 DOCUMENTS

The following documents were tabled by the Clerk:

Anti-Money Laundering and Counter-Terrorism Financing Act—Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 6) [F2008L03746]*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA EX67/08—Exemption – carriage of passengers of EADS CASA 212-400 aircraft within Antarctica [F2008L03465]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/B737/343—Cracks in Fuselage Skin [F2008L03709]*.

AD/BAe 146/135—Wing-to-Fuselage & Main Landing Gear Door Fairing Panel Grommets [F2008L03659]*.

AD/BELL 206/29—Cover Assembly P/N 206-001-012-1 or P/N 206-001-012-7 – Inspection and Modification [F2008L03651]*.

AD/BELL 206/30—Main Transmission Magnetic Plug – Inspection [F2008L03652]*.

AD/BELL 206/31—Main Transmission – Modification [F2008L03653]*.

AD/BELL 206/37—Anti Torque Control Idler Assembly P/N 206-001-746-5 – Inspection and Rework [F2008L03655]*.

AD/BELL 206/40—Tail Rotor Control Tube Tunnel – Modification [F2008L03656]*.

AD/BELL 206/43—Heater Fuel Line P/N 206-070-705-1 – Inspection [F2008L03657]*.

AD/BELL 206/118—Bogus Tension Torsion Straps [F2008L03603]*.

AD/CESSNA 206/16—Main Gear Wheel Assemblies [F2008L03604]*.

AD/DH 60/1—Compression Leg Tie-Rod – Inspection [F2008L03605]*.

AD/DHC-2/6—Safety Harness Inertia Reel – Installation [F2008L03638]*.

AD/DHC-2/14—Main Undercarriage Lower Forward Attachment – Modification [F2008L03641]*.

AD/DHC-2/16—Aileron Centre Hinge Bracket – Inspection [F2008L03640]*.

AD/DHC-2/17—Fin Rear Attachment – Inspection [F2008L03639]*.

AD/EC 225/4—Main Rotor Hub Dome Fairing Attachment Screws [F2008L03642]*.

Commissioner of Taxation—Public Rulings—

Class Rulings—

CR 2008/61.

Notice of Withdrawal—CR 2007/113.

Product Rulings—

Notice of Withdrawal—PR 2008/15.

PR 2008/65.

Currency Act—Currency (Royal Australian Mint) Determination 2008 (No. 7) [F2008L03583]*.

Customs Act—Tariff Concession Orders—

0807302 [F2008L03551]*.
 0809061 [F2008L03588]*.
 0809121 [F2008L03589]*.
 0809127 [F2008L03590]*.
 0809129 [F2008L03591]*.
 0809407 [F2008L03592]*.
 0809733 [F2008L03593]*.
 0809963 [F2008L03594]*.
 0810096 [F2008L03596]*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of threatened ecological communities, dated 12 September 2008 [F2008L03637]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 103 – 2008 [F2008L03741]*.

Social Security (Administration) Act—

Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 31)) Revocation Determination 2008 [F2008L03747]*.

Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 32)) Determination 2008 [F2008L03748]*.

* Explanatory statement tabled with legislative instrument.

32 DEPARTMENTAL AND AGENCY APPOINTMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency appointments—Supplementary budget estimates—Statements of compliance—

Attorney-General's portfolio agencies.

Education, Employment and Workplace Relations portfolio agencies.

Families, Housing, Community Services and Indigenous Affairs portfolio agencies.

Finance and Deregulation portfolio agencies.

Human Services portfolio agencies.

Veterans' Affairs portfolio agencies.

33 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Supplementary budget estimates—Statements of compliance—

Attorney-General's portfolio agencies.

Families, Housing, Community Services and Indigenous Affairs portfolio agencies.

Finance and Deregulation portfolio agencies.

Human Services portfolio agencies.

Innovation, Industry, Science and Research portfolio agencies.

Veterans' Affairs portfolio agencies.

**34 TAX LAWS AMENDMENT (POLITICAL CONTRIBUTIONS AND GIFTS) BILL 2008
FINANCIAL TRANSACTION REPORTS AMENDMENT (TRANSITIONAL
ARRANGEMENTS) BILL 2008**

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

Message no. 165, dated 13 October 2008—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 166, dated 13 October 2008—A Bill for an Act to amend the *Financial Transaction Reports Act 1988*, and for related purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Carr moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Carr moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**35 TAX LAWS AMENDMENT (MEDICARE LEVY SURCHARGE THRESHOLDS) BILL
(NO. 2) 2008**

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

Message no. 167, dated 13 October 2008—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) 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 Carr moved—That this bill be now read a second time.

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

**36 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—
INDEPENDENT REVIEWER OF TERRORISM LAWS BILL 2008 [NO. 2]**

Senator Sterle, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), tabled the following report and documents:

Legal and Constitutional Affairs—Standing Committee—Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]—Report, dated October 2008, Hansard record of proceedings, additional information and submissions.

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

Senator Ludlam, by leave, moved—That the Senate take note of the report.

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

37 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—SUPERANNUATION) BILL 2008

Senator Sterle, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), tabled the following report and documents:

Legal and Constitutional Affairs—Standing Committee—Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008—Report, dated October 2008, Hansard record of proceedings, additional information and submissions.

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

38 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—GENERAL LAW REFORM) BILL 2008

Senator Sterle, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), tabled the following report and documents:

Legal and Constitutional Affairs—Standing Committee—Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008 [Provisions]—Report, dated October 2008, Hansard record of proceedings, additional information and submissions.

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

39 MIGRATION AMENDMENT (NOTIFICATION REVIEW) BILL 2008

Order read for the adjourned debate on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Immigration and Citizenship (Senator Evans) the bill was read a third time.

40 FAMILY LAW AMENDMENT (DE FACTO FINANCIAL MATTERS AND OTHER MEASURES) BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—That this bill be now read a second time.

Debate resumed.

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the debate was adjourned till the next day of sitting.

**41 SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—
SUPERANNUATION) BILL 2008**

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

Debate resumed.

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the debate was adjourned till the next day of sitting.

42 ADJOURNMENT

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.34 pm till Wednesday, 15 October 2008 at 9.30 am.

43 ATTENDANCE

Present, all senators except Senators Johnston, Milne*, Moore*, O'Brien*, Troeth* and Wong* (* on leave).

HARRY EVANS
Clerk of the Senate