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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 NATIONAL RENTAL AFFORDABILITY SCHEME BILL 2008
NATIONAL RENTAL AFFORDABILITY SCHEME (CONSEQUENTIAL AMENDMENTS)
BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That these bills be now read a second time.

Debate resumed.

Senator Payne moved the following amendment in respect of the National Rental Affordability Scheme Bill 2008:

At the end of the motion, add “but the Senate calls on the Government to make such amendments to the National Rental Affordability Scheme as would:

- (a) provide for incentives to be given on a sliding scale to take account of the different development and land costs in different locations;
- (b) provide for successful applicants to transfer their tax offsets on a once-only basis to project financiers in return for a lower cost of funds, including providing such tax offsets to not-for-profit entities for this purpose;
- (c) require that state and territory governments match the incentives provided by the Commonwealth under the scheme;
- (d) extend project eligibility criteria to include conversions to affordable housing from existing residential stock, particularly where such projects involve substantial redevelopment to provide for specific needs groups such as aged or disabled accommodation;
- (e) extend the upper level income limits for tenant income eligibility criteria by 30 per cent in each band to ensure greater access for key workers and those seeking to save to buy their first homes;
- (f) provide ‘as of right’ eligibility for the federal Government’s solar panel rebate and solar hot water rebate schemes; and
- (g) extend the establishment phase criteria that approximately 20 per cent of incentives be available for projects of not less than 20 dwellings, to the entire scheme”.

Debate ensued.

At 2 pm: Debate was interrupted while the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) was speaking.

3 RESTRUCTURING QUESTION TIME—STATEMENT BY PRESIDENT

The President made a statement relating to the new rules for question time that have been adopted for a trial period.

4 QUESTIONS

Questions without notice were answered.

5 MOTIONS TO TAKE NOTE OF ANSWERS

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

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to the National Academy of Music.

Question put and passed.

6 PETITION

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

From 15 337 petitioners, requesting that the Senate disallow item 16525 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007 to stop the funding of second trimester and late abortions.

7 NOTICES

Notices of motion:

Senator McEwen: To move on the next day of sitting—That the Joint Committee on the Broadcasting of Parliamentary Proceedings be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 25 November 2008, from 4 pm. (*general business notice of motion no. 283*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 25 November 2008, from 6 pm, to take evidence for the committee's inquiry into the provisions of the COAG Reform Fund Bill 2008 and two related bills. (*general business notice of motion no. 284*)

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

- (a) notes the comments of various industry figures that the Rudd Government's so-called consultation with the industry over the Carbon Pollution Reduction Scheme is a 'one way street';
- (b) agrees with Tasmanian Labor Premier, Mr David Bartlett, who said that the Prime Minister (Mr Rudd) and the Minister for Climate Change and Water (Senator Wong) have 'got it wrong' on their proposed emissions trading scheme; and
- (c) calls on the Rudd Government to make consultation over the Carbon Pollution Reduction Scheme a 'two way street' and ensure it does not drive Australian jobs offshore. (*general business notice of motion no. 285*)

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

- (a) notes:
 - (i) the European Parliament's Committee on Environment, Public Health and Food Safety vote to ban the use of highly toxic pesticides which endanger human health and to require the use of safer alternatives for other pesticides, and

- (ii) the committee's recommendations that farmers should be obliged to inform retailers of the pesticides they use; and
- (b) calls on the Minister for Agriculture, Fisheries and Forestry (Mr Burke) to respond to the Senate on the committee's recommendations that pesticide makers must prove their products do not have a harmful effect on bees before they can be authorised, in contrast to Australia's House of Representatives Standing Committee on Primary Industries and Resources report, *More than honey: the future of the Australian honey bee and pollination industries*, which has only recommended better labelling of pesticides that affect bees. (*general business notice of motion no. 286*)

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

- (a) notes that the GROCERYchoice website is of limited usefulness because its surveys are too infrequent and it does not identify individual supermarkets;
- (b) calls on the Government and the Australian Competition and Consumer Commission to make the GROCERYchoice surveys and website more useful by:
 - (i) providing on the website a weekly list of the 10 cheapest supermarkets in each region, and
 - (ii) conducting weekly price surveys on 100 goods in each supermarket to create these lists; and
- (c) considers that if changes to make GROCERYchoice more useful to consumers prove cost-prohibitive or impractical, the project should be abandoned and allocated funding be returned to consolidated revenue. (*general business notice of motion no. 287*)

Senator Eggleston: To move on the next day of sitting—That the time for the presentation of the report of the Economics Committee on the provisions of the Corporations Amendment (Short Selling) Bill 2008 be extended to 6 February 2009. (*general business notice of motion no. 288*)

Senators Hanson-Young and Ludlam: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) 25 November 2008 marks the 9th anniversary of White Ribbon Day, the symbol of the United Nations' International Day for the Elimination of Violence Against Women, and
 - (ii) White Ribbon Day marks the start of 16 Days of Activism Against Gender Violence, a global event calling on action to end violence against women;
- (b) recognises:
 - (i) the report released by the White Ribbon Foundation of Australia, *An assault on our future: The impact of violence on young people and their relationships*, and
 - (ii) this report identified that one in seven girls aged 12 to 20 have experienced sexual assault or rape, with half a million teenagers revealing they live with violence in the home; and

- (c) calls on the Rudd Government, as part of the National Plan to Reduce Violence against Women and their Children, to work constructively to support the introduction of violence prevention programs in all universities and schools as a priority, as part of Australia's commitment as a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women. (*general business notice of motion no. 289*)

Senator Hanson-Young: To move on 4 December 2008—That the Senate—

- (a) notes that:
- (i) 9 December 2008 is the 60th anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, and
 - (ii) 10 December 2008 is the 60th anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights;
- (b) pays tribute to those Australians who played leading roles in the development and adoption of these important instruments of international law and who, since then, have contributed to their implementation;
- (c) recognises, with regret and disappointment, that in the intervening 60 years, violations of human rights have continued to occur in Australia and in other countries;
- (d) affirms that 'the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want [is] the highest aspiration of the common people';
- (e) declares its own 'faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women'; and
- (f) renews its commitment to the principles contained within the Universal Declaration of Human Rights, and to their promotion within Australia and through Australia's international policies and activities. (*general business notice of motion no. 290*)

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

- (a) notes that:
- (i) Thursday, 20 November 2008 marked the day on which the United Nations General Assembly adopted the Declaration of the Rights of the Child in 1959, and the Convention on the Rights of the Child in 1989, and
 - (ii) in 2000, world leaders outlined eight Millennium Development Goals, endorsed by 189 nations, to reduce poverty and hunger, to tackle ill-health, gender inequality, lack of education, lack of access to clean water and environmental degradation;
- (b) recognises:
- (i) that more than 11 million children under the age of five die each year, mostly from preventable diseases, and
 - (ii) Target 4a of the Millennium Development Goals aims to reduce by two-thirds, between 1990 and 2015, the under five mortality rate; and
- (c) calls on the Australian Government to declare its commitment to achieving the international aid target of 0.7 per cent gross national income by 2015 which represents the minimum level required to help developing countries achieve substantial development gains. (*general business notice of motion no. 291*)

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

- (a) notes that:
 - (i) in January 2008, the Humane Society International secured:
 - (A) a ruling from the Australian Federal Court that Japanese whaling in Australia's Whale Sanctuary in Antarctica is illegal, and
 - (B) an order that it be stopped, and
 - (ii) the Australian Government has taken no action to enforce this ruling; and
- (b) urges the Australian Government to:
 - (i) commence legal proceedings in an international court to stop illegal Japanese whaling, and
 - (ii) send a vessel into the Southern Ocean to monitor Japanese whaling operations for the 2008-09 whaling season. (*general business notice of motion no. 292*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That, upon its introduction in the House of Representatives, the provisions of the Fair Work Bill 2008 be referred to the Education, Employment and Workplace Relations Committee for inquiry and report by 27 February 2009.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Government to detail, before Parliament rises in 2008, the actions it will take in relation to the concerns about excessive executive salaries expressed by the Prime Minister (Mr Rudd) in both Australian and international forums. (*general business notice of motion no. 293*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration Committee on the Plebiscite for an Australian Republic Bill 2008 be extended to 15 June 2009. (*general business notice of motion no. 294*)

Senator Hanson-Young: To move on the next day of sitting—That the following matters be referred to the Education, Employment and Workplace Relations Committee for inquiry and report by 12 March 2009:

- (a) the financial, social and industry impact of the ABC Learning collapse on the provision of child care in Australia;
- (b) alternative options and models for the provision of child care;
- (c) the role of governments at all levels in:
 - (i) funding for community, not-for-profit and independent service providers,
 - (ii) consistent regulatory frameworks for child care across the country,
 - (iii) licensing requirements to operate child care centres, and
 - (iv) nationally-consistent training and qualification requirements for child care workers;
- (d) the feasibility of establishing a national authority to oversee the child care industry in Australia; and
- (e) other related matters.

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 and 6 standing in her name for 7 sitting days after today for the disallowance of the following instruments:

Defence Force (Home Loans Assistance) Amendment Regulations 2008 (No. 1), as contained in Select Legislative Instrument 2008 No. 138 and made under the *Defence Force (Home Loans Assistance) Act 1990*.

Wool Services Privatisation (Research Body) Declaration 2008, made under subsection 30(1) of the *Wool Services Privatisation Act 2000*.

Senator Wortley, by leave, made a statement relating to the notice of intention.

8 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Adams from 24 November to the end of the 2008 sittings, for personal reasons.

Question put and passed.

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Furner for today, on account of parliamentary business.

Question put and passed.

9 ECONOMICS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, by leave and at the request of the Chair of the Economics Committee (Senator Hurley), moved—That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Corporations Amendment (Short Selling) Bill 2008.

Question put and passed.

10 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Milne for today, proposing the disallowance of the Environmental and Natural Resource Management Guidelines, 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 report by the Productivity Commission, postponed till 1 December 2008.

11 ECONOMICS—STANDING COMMITTEE—REFERENCE

Senator Xenophon amended business of the Senate notice of motion no. 2 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matters be referred to the Economics Committee for inquiry and report by 26 February 2009:

- (a) the economic, social and employment impacts of the recent mergers among Australian banks;
- (b) the measures available to enforce the conditions on the Westpac Banking Corporation/St George Bank Limited merger and any conditions placed on future bank mergers;

- (c) the capacity for the Australian Competition and Consumer Commission to enforce divestiture in the banking sector if it finds insufficient competition;
- (d) the adequacy of section 50 of the *Trade Practices Act 1974* in preventing further concentration of the Australian banking sector, with specific reference to the merits of a 'public benefit' assessment for mergers;
- (e) the impact of mergers on consumer choice;
- (f) the extent to which Australian banks have 'off-shored' services such as credit card and loan processing, information technology, finance and payroll functions;
- (g) the impact 'off-shoring' has on employment for Australians; and
- (h) alternative approaches to applying section 50 of the *Trade Practices Act 1974* in respect of future mergers, with a focus on alternative approaches to measuring competition.

Question put and passed.

12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—RUDD GOVERNMENT

The Deputy President (Senator Ferguson) informed the Senate that Senator Mason had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Rudd Government's *annus horribilis* of missed opportunities, broken promises and absence of genuine leadership.

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

13 IMMIGRATION—CITIZEN TEST REVIEW—MINISTERIAL STATEMENT—DOCUMENTS

The Special Minister of State (Senator Faulkner) tabled the following documents:

Immigration—Citizen test review—

Ministerial statement by the Minister for Immigration and Citizenship (Senator Evans), dated 24 November 2008.

Report by the Australian Citizenship Test Review Committee—Moving forward ... Improving pathways to citizenship, dated August 2008.

Senator Fierravanti-Wells, by leave, moved—That the Senate take note of the documents.

Question put and passed.

14 ECONOMICS—STANDING COMMITTEE—REPORT—TEMPORARY RESIDENTS' SUPERANNUATION LEGISLATION AMENDMENT BILL 2008 AND SUPERANNUATION (DEPARTING AUSTRALIA SUPERANNUATION PAYMENTS TAX) AMENDMENT BILL 2008

The Acting Deputy President (Senator Ellison) tabled the following report and documents received on 18 November 2008:

Economics—Standing Committee—Temporary Residents' Superannuation Legislation Amendment Bill 2008 [Provisions] and Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008 [Provisions]—Report, dated November 2008, Hansard record of proceedings and submissions.

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

15 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—AGED CARE AMENDMENT (2008 MEASURES NO. 2) BILL 2008

The Acting Deputy President (Senator Ellison) tabled the following report and documents received on 20 November 2008:

Community Affairs—Standing Committee—Aged Care Amendment (2008 Measures No. 2) Bill 2008 [Provisions]—Report, dated November 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REPORTS—WATER AMENDMENT BILL 2008

The Acting Deputy President (Senator Ellison) tabled the following reports and documents received on the dates indicated:

Rural and Regional Affairs and Transport—Standing Committee—Water Amendment Bill 2008 [Provisions]—

Interim report, dated 19 November 2008. [*Received 19 November 2008*]

Report, dated November 2008, Hansard record of proceedings and submissions. [*Received 21 November 2008*]

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

17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REPORT—INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL (NO. 2) 2008 AND ROAD CHARGES LEGISLATION REPEAL AND AMENDMENT BILL 2008

The Acting Deputy President (Senator Ellison) tabled the following report and documents received on 21 November 2008:

Rural and Regional Affairs and Transport—Standing Committee—Interstate Road Transport Charge Amendment Bill (No. 2) 2008 [Provisions] and Road Charges Legislation Repeal and Amendment Bill 2008 [Provisions]—Report, dated November 2008, Hansard record of proceedings and submissions.

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

18 GOVERNMENT DOCUMENTS

The Acting Deputy President (Senator Ellison) tabled the following documents received on the dates indicated:

Department of Immigration and Citizenship—Report for 2007-08—Corrections. [*Received 14 November 2008*]

National Health and Medical Research Council (NHMRC)—Report for 2007-08. [*Received 20 November 2008*]

Sugar Research and Development Corporation—Report for 2007-08. [*Received 20 November 2008*]

19 ENVIRONMENT—MURRAY-DARLING BASIN SYSTEM—DOCUMENT

The Acting Deputy President (Senator Ellison) tabled the following document:

Environment—Murray-Darling Basin system—Letter to the President of the Senate from the Premier of Queensland (Ms Bligh) responding to the resolution of the Senate of 16 September 2008, dated 10 November 2008.

20 WORLD DAY AGAINST THE DEATH PENALTY—DOCUMENT

The Acting Deputy President (Senator Ellison) tabled the following document:

World Day Against the Death Penalty—Letter to the President of the Senate from the Attorney-General (Mr McClelland) responding to the resolution of the Senate of 13 October 2008, dated 14 November 2008.

21 FAMILY AND COMMUNITY SERVICES—SINGLE AGE PENSIONS—DOCUMENT

The Acting Deputy President (Senator Ellison) tabled the following document:

Family and Community Services—Single age pensions—Letter to the President of the Senate from the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin) responding to the resolution of the Senate of 16 September 2008, dated 14 November 2008.

22 ECONOMICS—STANDING COMMITTEE—DOCUMENT—TAX LAWS AMENDMENT (2008 MEASURES NO. 5) BILL 2008

Senator Farrell, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following document:

Economics—Standing Committee—Report—Tax Laws Amendment (2008 Measures No. 5) Bill 2008—Additional comments by Opposition senators.

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

23 ECONOMICS—STANDING COMMITTEE—DOCUMENT—TEMPORARY RESIDENTS' SUPERANNUATION LEGISLATION AMENDMENT BILL 2008 AND SUPERANNUATION (DEPARTING AUSTRALIA SUPERANNUATION PAYMENTS TAX) AMENDMENT BILL 2008

Senator Farrell, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following document:

Economics—Standing Committee—Report—Temporary Residents' Superannuation Legislation Amendment Bill 2008 [Provisions] and Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008 [Provisions]—Minority report by Senator Xenophon.

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

24 TREATIES—JOINT STANDING COMMITTEE—96TH REPORT

Senator McGauran, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—96th report—Treaties tabled on 16 September 2008, dated November 2008.

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

Question put and passed.

25 DOCUMENTS

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Acts Interpretation Act—Statement pursuant to subsection 34C(6) relating to the extension of specified period for presentation of a report—Central Land Council—Report for 2007-08.

- Airspace Act—Airspace Regulations—Instruments Nos CASA OAR—
 171/08—Determination of airspace and controlled aerodromes etc [F2008L04343]*.
 173/08—Determination of conditions for use of air routes [F2008L04342]*.
- Australian Bureau of Statistics Act—Proposal No. 10 of 2008—Survey of Cultural Funding by Government.
- Civil Aviation Act—
 Civil Aviation Regulations—Instruments Nos—
 CASA 562/08—Instructions – minimum runway width for aeroplanes [F2008L04177]*.
 CASA 608/08—Instructions – use of Global Positioning System (GPS) [F2008L04327]*.
- Civil Aviation Safety Regulations—
 Airworthiness Directives—Part 105—
 AD/A330/95—Air Data Inertial Reference Unit Operational Procedure [F2008L04378]*.
 AD/B737/249 Amdt 1—Forward Lower Lobe Fuselage Skin [F2008L04311]*.
 AD/B737/316 Amdt 1—Floor Beam Web [F2008L04317]*.
 AD/B737/347—Centre Wing Tank Autoshutoff Wiring [F2008L04376]*.
 AD/B767/157 Amdt 1—Slat Track Housing Drain Tube [F2008L04375]*.
 AD/CL-600/83 Amdt 1—Wing Anti-Ice Ducts [F2008L04313]*.
 AD/GY80/8—Aeroplane Operating Manual – Fuel Conversion Tables [F2008L04322]*.
 AD/PA-25/7—Main Undercarriage Safety Cable – Installation [F2008L04078]*.
 AD/PA-25/8—Improved Protection from Crash Fires [F2008L04079]*.
 AD/PA-25/9—Sealing of Rear Fuel Tank Bay [F2008L04080]*.
 AD/PA-25/14—Fire Protection – Modification – Relocation of Primer Line [F2008L04116]*.
 AD/PA-25/22—Fuel Tank Vent System – Modification [F2008L04117]*.
 AD/PA-25/23—Fuel Tank Placard – Modification [F2008L04118]*.
 Instrument No. CASA EX75/08—Exemption – take-off weight limitations [F2008L04282]*.
 Manual of Standards Part 172 Amendment (No. 1) 2008 [F2008L04329]*.
- Commissioner of Taxation—Public Rulings—
 Class Rulings—
 Addendum—CR 2007/29.
 CR 2008/73-CR 2008/76.
 Goods and Services Tax Ruling—Addendum—GSTR 2001/4.
 Miscellaneous Taxation Rulings—MT 2008/1-MT 2008/3.
 Taxation Ruling—Addendum—TR 2001/14.
- Commonwealth Authorities and Companies Act—Notices under section 45—
 Australian Energy Market Operator (Transitional) Limited.
 Film Finance Corporation Australia Limited.
- Corporations Act—ASIC Class Order [CO 08/824] [F2008L04330]*.

Customs Act—

Tariff Concession Orders—

0802659 [F2008L03877]*.
0803005 [F2008L03859]*.
0804739 [F2008L03876]*.
0810493 [F2008L03880]*.
0811231 [F2008L03889]*.
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0811281 [F2008L03875]*.
0811332 [F2008L04252]*.
0811455 [F2008L04209]*.
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0817111 [F2008L04062]*.
0817139 [F2008L04197]*.
0817140 [F2008L04194]*.
0817469 [F2008L04102]*.
0817470 [F2008L04100]*.
0817472 [F2008L04099]*.
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0817642 [F2008L03917]*.
0817675 [F2008L04042]*.
0817806 [F2008L04231]*.
0817917 [F2008L03905]*.
0817919 [F2008L04236]*.
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0818807 [F2008L04037]*.
0818812 [F2008L04144]*.
0818839 [F2008L04146]*.
0818848 [F2008L04147]*.
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0818899 [F2008L04183]*.
0818903 [F2008L04188]*.
0818938 [F2008L04216]*.
0818944 [F2008L04228]*.
0818981 [F2008L04187]*.
0819130 [F2008L04212]*.
0819314 [F2008L04217]*.
0819324 [F2008L04227]*.
0819440 [F2008L04200]*.
0819770 [F2008L04214]*.
0819772 [F2008L04211]*.
0819860 [F2008L04136]*.
0819863 [F2008L04135]*.
0819864 [F2008L04213]*.
0820284 [F2008L04138]*.
0820351 [F2008L04215]*.
0820353 [F2008L04204]*.
0820476 [F2008L04203]*.
0820753 [F2008L04207]*.
0821124 [F2008L04191]*.
0822228 [F2008L04190]*.
0822669 [F2008L04206]*.
0822710 [F2008L04232]*.
0822804 [F2008L04238]*.
0823067 [F2008L04233]*.
0823598 [F2008L04239]*.
0823945 [F2008L04248]*.
0824134 [F2008L04251]*.
0824233 [F2008L04249]*.
0824360 [F2008L04247]*.
0824443 [F2008L04241]*.
0824639 [F2008L04250]*.
0824733 [F2008L04244]*.
0825351 [F2008L04240]*.
0825495 [F2008L04237]*.
0825551 [F2008L04242]*.
0825579 [F2008L04245]*.
0825580 [F2008L04246]*.
0825940 [F2008L04235]*.
0825941 [F2008L04234]*.

Tariff Concession Revocation Instruments—

- 70/2008 [F2008L03846]*.
- 71/2008 [F2008L03847]*.
- 72/2008 [F2008L03848]*.
- 73/2008 [F2008L03849]*.
- 74/2008 [F2008L03850]*.
- 75/2008 [F2008L03851]*.
- 76/2008 [F2008L03852]*.
- 77/2008 [F2008L03853]*.
- 78/2008 [F2008L03856]*.
- 79/2008 [F2008L03857]*.
- 80/2008 [F2008L03858]*.
- 81/2008 [F2008L03860]*.
- 82/2008 [F2008L03861]*.
- 83/2008 [F2008L03862]*.

Defence Act—Determination under section 58B—Defence Determination 2008/59—Post indexes – amendment.

Environment Protection and Biodiversity Conservation Act—

Amendments of lists of exempt native specimens—

- EPBC303DC/SFS/2008/31 [F2008L04363]*.
- EPBC303DC/SFS/2008/33 [F2008L04312]*.
- EPBC303DC/SFS/2008/36 [F2008L04364]*.

Conservation themes for prioritising nominations for listing threatened species, threatened ecological communities and key threatening processes for the assessment period commencing 1 October 2009, dated 10 November 2008 [F2008L04328]*.

Export Market Development Grants Act—Export Market Development Grants (Iran Sanctions) Declaration 2008 [F2008L04314]*.

Financial Management and Accountability Act—Determination 2008/68—Section 32 (Transfer of Functions from DIISR to Austrade) [F2008L04323]*.

Health Insurance Act—

- Health Insurance (Positron Emission Tomography) Determination 2008 (No. 2) [F2008L04320]*.
- Health Insurance (Positron Emission Tomography) Facilities Determination 2008 [F2008L04319]*.

Migration Act—Migration Agents Regulations—MARA Notice MN46-08c of 2008—Migration Agents (Continuing Professional Development – Attendance at a seminar, workshop, conference or lecture) [F2008L04315]*.

National Health Act—Instruments Nos PB—

- 110 of 2008—Amendment determination – responsible persons [F2008L04302]*.
- 111 of 2008—Amendment determination – conditions [F2008L04303]*.
- 112 of 2008—Amendment determination – exempt items [F2008L04304]*.

Private Health Insurance Act—Private Health Insurance (Health Benefits Fund Administration) Amendment Rules 2008 (No. 2) [F2008L04308]*.

Social Security Act—

- Social Security (Australian Government Disaster Recovery Payment) Determination 2008 (No. 3) [F2008L04358]*.

Social Security (Deeming Threshold Rates) (DEEWR) Determination 2008 (No. 2) [F2008L04318]*.

Social Security (Deeming Threshold Rates) (FaHCSIA) Determination 2008 (No. 2) [F2008L04316]*.

Social Security (Administration) Act—

Social Security (Administration) (Declared child protection State or Territory — Western Australia) Determination 2008 [F2008L04352]*.

Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 34)) Determination 2008 [F2008L04310]*.

Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 35)) Determination 2008 [F2008L04344]*.

Social Security (Administration) (Declared voluntary income management areas — Western Australia (No. 1)) Determination 2008 [F2008L04351]*.

Social Security (Administration) (Deductible portion — section 123XI) Specification 2008 [F2008L04353]*.

Social Security (Administration) (Deductible portion — section 123XPA) Specification 2008 [F2008L04350]*.

Student Assistance Act—Student Assistance (Education Institutions and Courses) Determination 2008 (No. 1) [F2008L04305]*.

Therapeutic Goods Act—

Medical Device Standards Order (Standards for Medical Devices required to be sterile) 2008 [F2008L04336]*.

Medical Device Standards Order (Standards for Natural Latex Rubber Condoms) 2008 [F2008L04335]*.

Therapeutic Goods (Emergency) Exemption 2008 (No. 4) [F2008L04340]*.

* Explanatory statement tabled with legislative instrument.

26 COMMITTEE MEMBERSHIPS

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

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens), by leave, moved—That senators be discharged from and appointed to committees as follows:

Environment, Communications and the Arts—Standing Committee—

Discharged—Senator Parry

Appointed—Senator Troeth

Finance and Public Administration—Standing Committee—

Discharged—Senator Fierravanti-Wells

Appointed—Senator Parry.

Question put and passed.

27 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (ECONOMIC SECURITY STRATEGY) BILL 2008

APPROPRIATION (ECONOMIC SECURITY STRATEGY) BILL (NO. 1) 2008-2009

APPROPRIATION (ECONOMIC SECURITY STRATEGY) BILL (NO. 2) 2008-2009

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

Message no. 206, dated 13 November 2008—A Bill for an Act to amend laws in order to provide economic security strategy payments, and for related purposes.

Message no. 205, dated 13 November 2008—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to the Economic Security Strategy, and for related purposes.

Message no. 204, dated 13 November 2008—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to the Economic Security Strategy, and for related purposes.

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) 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.

Consideration of legislation: Senator Stephens, by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to these bills, allowing them to be considered during this period of sittings.

Document: Senator Stephens tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the bills in the 2008 spring sittings.

Question put and passed.

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

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

28 NATIONAL MEASUREMENT AMENDMENT BILL 2008

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

Message no. 207, dated 13 November 2008—A Bill for an Act to amend the law in relation to measurement, and for related purposes.

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) 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 Stephens moved—That this bill be now read a second time.

On the motion of Senator Stephens the debate was adjourned till the next day of sitting.

29 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—REPORT—SOCIAL SECURITY LEGISLATION AMENDMENT (EMPLOYMENT SERVICES REFORM) BILL 2008

Pursuant to order, the Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall) tabled the following report and documents:

Education, Employment and Workplace Relations—Standing Committee—Social Security Legislation Amendment (Employment Services Reform) Bill 2008 [Provisions]—Report, dated November 2008, Hansard record of proceedings and submissions.

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

**30 NATIONAL RENTAL AFFORDABILITY SCHEME BILL 2008
NATIONAL RENTAL AFFORDABILITY SCHEME (CONSEQUENTIAL AMENDMENTS)
BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That these bills be now read a second time—and on the amendment moved by Senator Payne in respect of the *National Rental Affordability Scheme Bill 2008* (see entry no. 2).

Debate resumed.

The question was divided—

Question—That the amendment in respect of paragraphs (a) to (e) be agreed to—put and negatived.

Question—That the amendment in respect of paragraphs (f) and (g) be agreed to—put and passed.

Senator Ludlam moved the following amendment in respect of the National Rental Affordability Scheme Bill 2008:

At the end of the motion, add “but the Senate calls on the Government to:

- (a) include energy and water efficiency over the life-cycle of the building, sustainable building materials and sustainable waste management as criteria that National Rental Affordability Scheme (NRAS) proposals must meet;
- (b) require the Minister to evaluate how the successful NRAS proposals have performed when benchmarked against relevant state and federal standards for each of the mandatory criteria (that is, those listed in Schedule 1, Set 1, paragraph (1)(c) of the draft National Rental Affordability Scheme Regulations 2008) within 3 months of each round of NRAS allocations being announced;
- (c) if any dwellings are found not to be meeting these high standards, require the Minister to review the criteria with the objective of improving the standard of properties approved under the NRAS; and
- (d) provide that NRAS properties must be close to public transport, noting that Schedule 1, Set 1, paragraph (1)(c)(i) of the draft regulations currently provides for proximity of dwellings to transport, but does not specify public transport”.

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

Main question, as amended, put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the National Rental Affordability Scheme (Consequential Amendments) Bill 2008.

On the motion of Senator Stephens the following amendments in respect of the National Rental Affordability Scheme (Consequential Amendments) Bill 2008, taken together by leave, were debated and agreed to:

Title, page 1 (line 1), after “**amend**”, insert “**the *Extension of Charitable Purpose Act 2004 and***”.

Page 15 (after line 13), at the end of the bill, add:

Schedule 2—Amendment of the Extension of Charitable Purpose Act 2004

1 Section 3

Insert:

allocation has the same meaning as in the *National Rental Affordability Scheme Act 2008*.

2 Section 3

Insert:

entity has the same meaning as in the *Income Tax Assessment Act 1997*.

3 Section 3

Insert:

first 2 NRAS years means:

- (a) the period referred to in paragraph (a) of the definition of *NRAS year* in the *National Rental Affordability Scheme Act 2008*; and
- (b) the year beginning on 1 May 2009.

4 Section 3

Insert:

incentive period has the same meaning as in the *National Rental Affordability Scheme Act 2008*.

5 Section 3

Insert:

National Rental Affordability Scheme has the same meaning as in the *National Rental Affordability Scheme Act 2008*.

6 Section 3

Insert:

rental dwelling has the same meaning as in the *National Rental Affordability Scheme Act 2008*.

7 Section 3

Insert:

taxation law has the same meaning as in the *Income Tax Assessment Act 1997*.

8 After section 4

Insert:

4A Provision of a rental dwelling under National Rental Affordability Scheme is a charitable purpose

- (1) Without limiting what constitutes a charitable purpose, *charitable purpose* includes the provision of a rental dwelling if:
 - (a) the rental dwelling is provided by an entity that is:
 - (i) endorsed as exempt from income tax by the Commissioner of Taxation under section 50-105 of the *Income Tax Assessment Act 1997*; and
 - (ii) an approved participant in the National Rental Affordability Scheme; and
 - (b) either:
 - (i) an allocation in relation to the rental dwelling has been made to the approved participant by the Secretary that specifies a date in the first 2 NRAS years from which the allocation will operate or is taken to have operated; or
 - (ii) an allocation in relation to the rental dwelling has been reserved and it is genuinely intended by the approved participant that the conditions on which the allocation has been reserved will be fulfilled in the first 2 NRAS years.
- (2) To avoid doubt, the provision of the rental dwelling by the entity has effect as a charitable purpose only during the incentive period for the allocation.
- (3) This section applies:
 - (a) for the purposes of a provision of a taxation law or any instrument made, granted or issued under a taxation law; and
 - (b) for the purpose of determining whether an entity that has been endorsed as exempt from income tax by the Commissioner of Taxation under section 50-105 of the *Income Tax Assessment Act 1997*, remains, for the purposes of a provision of a taxation law or any instrument made, granted or issued under a taxation law, entitled to be so endorsed.

The National Rental Affordability Scheme Bill 2008 agreed to and the National Rental Affordability Scheme (Consequential Amendments) Bill 2008, as amended, agreed to. The National Rental Affordability Scheme Bill 2008 to be reported without amendments and the National Rental Affordability Scheme (Consequential Amendments) Bill 2008 to be reported with an amendment and an amendment to the title.

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

On the motion of Senator Stephens the report from the committee was adopted and the bills read a third time.

31 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008).

Question put and passed.

32 SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—GENERAL LAW REFORM) BILL 2008

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, as amended.

On the motion of the Minister for Climate Change and Water (Senator Wong) the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 3 (table item 17), omit the table item.

Clause 2, pages 3 and 4 (table item 18), omit the table item.

Clause 2, page 4 (table item 19), omit the table item.

Clause 2, page 4 (table item 20), omit the table item.

Clause 2, page 4 (table item 21), omit the table item.

Schedule 2, item 4, page 10 (lines 23 to 30), omit the definition of *child*, substitute:

child: without limiting who is a child of a person for the purposes of paragraph (a) of the definition of *near relative* in this subsection, someone is the *child* of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 2, item 9, page 12 (lines 2 to 8), omit the definition of *child*, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the *child* of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 2, item 11, page 12 (lines 19 to 25), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”

Schedule 2, item 34, page 15 (lines 7 to 13), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 2, item 41, page 17 (lines 19 to 25), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this section, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 2, item 43, page 18 (lines 5 to 11), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”

Schedule 2, item 61, page 21 (lines 24 to 30), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”

Schedule 2, item 67, page 22 (line 27) to page 23 (line 2), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 2, item 73, page 23 (lines 24 to 30), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 2, item 76, page 24 (lines 25 to 31), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”

Schedule 2, item 85, page 27 (line 31) to page 28 (line 2), omit the definition of **parent**, substitute:

parent: without limiting who is a parent of anyone for the purposes of this Act, a person is the **parent** of another person if the other person is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 3, item 2, page 30 (lines 23 to 28), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”

Schedule 3, item 6, page 31 (lines 9 to 15), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 3, item 12, page 32 (lines 17 to 24), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of Part 2A and this Schedule, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 4, item 2, page 35 (lines 13 to 15), omit subparagraph (a)(ii) of the definition of **child**, substitute:

(ii) a child of the person within the meaning of the *Family Law Act 1975*; and

Schedule 4, item 2, page 35 (line 19), omit the note.

Schedule 4, item 47, page 41 (lines 14 to 20), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of subsection (3), someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 4, item 51, page 42 (lines 22 to 29), omit the definition of **parent**, substitute:

parent: without limiting who is a parent of anyone for the purposes of this Act, a person is the **parent** of another person if the other person is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 5, item 2, page 44 (lines 11 to 17), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this section, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 5, item 9, page 45 (line 31) to page 46 (line 4), omit subclause (3) of Schedule 1, substitute:

(3) For the purposes of paragraph (2)(b), one person is the **child** of another person because of this subclause if he or she is a child of the other person within the meaning of the *Family Law Act 1975*.

Schedule 5, item 11, page 46 (lines 15 to 21), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 5, item 27, page 49 (lines 17 to 23), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 5, item 40, page 52 (lines 10 to 16), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this section, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 6, item 1, page 53 (lines 9 to 15), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 6, item 7, page 54 (lines 24 to 30), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 6, item 18, page 57 (lines 8 to 13), omit subsection 23(6), substitute:

- (6) If a child (other than an adopted child) is a relationship child of a person because he or she is a child of the person, and of another person, within the meaning of the *Family Law Act 1975*, the person and the other person are taken to be the child's only parents for the purposes of paragraph (c) of the definition of **qualifying period** in subsection (5).

Schedule 6, item 35, page 59 (lines 24 to 30), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 6, item 68, page 64 (line 30) to page 65 (line 2), omit subsection 993(3), substitute:

- (3) If a young person (other than an adopted child) is a relationship child of a person because he or she is a child of the person, and of another person, within the meaning of the *Family Law Act 1975*, the person and the other person are taken to be the young person's only parents for the purposes of this section.

Schedule 6, item 70, page 65 (lines 7 to 11), omit subsection 994(2), substitute:

- (2) If a young person (other than an adopted child) is a relationship child of a person because he or she is a child of the person, and of another person, within the meaning of the *Family Law Act 1975*, the person and the other person are taken to be the young person's only parents for the purposes of this section.

Schedule 6, item 71, page 65 (lines 14 to 18), omit subsection 995(3), substitute:

- (3) If a young person (other than an adopted child) is a relationship child of a person because he or she is a child of the person, and of another person, within the meaning of the *Family Law Act 1975*, the person and the other person are taken to be the young person's only parents for the purposes of this section.

Schedule 6, item 73, page 65 (lines 25 to 30), omit subsection 1061PL(8), substitute:

- (8) If a person (other than a person who is an adopted child) is a relationship child of another person because he or she is a child of the other person, and of a third person, within the meaning of the *Family Law Act 1975*, the other person and the third person are taken to be the person's only parents for the purposes of subsections (3), (4), (5), (6) and (7).

Schedule 6, item 85, page 67 (lines 3 to 8), omit subsection 1067A(13), substitute:

- (13) If a person (other than a person who is an adopted child) is a relationship child of another person because he or she is a child of the other person, and of a third person, within the meaning of the *Family Law Act 1975*, the other person and the third person are taken to be the person's only parents for the purposes of subsections (5), (6), (7), (8), (9) and (11).

Schedule 6, item 88, page 67 (lines 16 to 20), omit subsection 1067B(2), substitute:

- (2) If a person (other than a person who is an adopted child) is a relationship child of another person because he or she is a child of the other person, and of a third person, within the meaning of the *Family Law Act 1975*, the other person and the third person are taken to be the person's only parents for the purposes of paragraph (1)(b).

Schedule 6, item 101, page 69 (lines 10 to 14), omit subsection 1067D(4), substitute:

- (4) If a person (other than a person who is an adopted child) is a relationship child of another person because he or she is a child of the other person, and of a third person, within the meaning of the *Family Law Act 1975*, the other person and the third person are taken to be the person's only parents for the purposes of paragraph (1)(b).

Schedule 6, item 110, page 70 (lines 14 to 18), omit subsection 1067J(2), substitute:

- (2) If a person (other than a person who is an adopted child) is a relationship child of another person because he or she is a child of the other person, and of a third person, within the meaning of the *Family Law Act 1975*, the other person and the third person are taken to be the person's only parents for the purposes of subsection (1).

Schedule 6, item 125, page 72 (lines 5 to 11), omit all the words from and including "is the product" to and including "relationship.", substitute "is a child of the person within the meaning of the *Family Law Act 1975*."

Schedule 6, item 127, page 72 (lines 23 to 29), omit all the words from and including "is the product" to and including "relationship.", substitute "is a child of the beneficiary within the meaning of the *Family Law Act 1975*."

Schedule 7, item 1, page 73 (lines 7 to 12), omit all the words from and including "who is the product" to and including "relationship.", substitute "of the person within the meaning of the *Family Law Act 1975*."

Schedule 7, item 9, page 74 (lines 22 to 28), omit the definition of *child*, substitute:

child: without limiting who is a child of a person for the purposes of this Part, someone is the *child* of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 7, heading to Part 2, page 85 (line 2), omit the heading, substitute:

Part 2—Superannuation amendments

Schedule 7, page 85 (after line 6), after item 53, insert:

53A At the end of section 51

Add:

- (7) The reference in paragraph (6)(a) to the birth of a child of the person includes a reference to the birth of a child who is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 7, page 85 (after line 9), after item 54, insert:

54A At the end of section 51A

Add:

- (8) The reference in subparagraph (1)(b)(i) to the birth of a child of a person includes a reference to the birth of a child who is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 7, item 55, page 85 (line 13), omit “(whether Part 2, 3 or 4)”.

Schedule 8, item 7, page 90 (lines 23 to 30), omit the definition of *child*, substitute:

child: without limiting who is a child of an individual for the purposes of this Act, someone is the *child* of an individual if he or she is a child of the individual within the meaning of the *Family Law Act 1975*.

Schedule 8, item 14, page 92 (lines 12 to 18), omit the definition of *child*, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the *child* of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 9, item 8, page 95 (lines 20 to 22), omit paragraph (b) of the definition of *child*, substitute:

- (b) someone who is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 9, item 8, page 95 (lines 23 to 25), omit the note.

Schedule 9, item 14, page 96 (lines 16 to 21), omit the definition of *parent* (including the note), substitute:

parent: without limiting who is a parent of a child for the purposes of this Part, a person is the *parent* of a child if the child is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 9, item 19, page 97 (lines 23 to 25), omit paragraph (c) of the definition of *parent*, substitute:

- (c) the child is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 9, item 19, page 97 (lines 26 to 28), omit the note.

Schedule 9, item 21, page 98 (lines 8 to 10), omit paragraph 84(3B)(c), substitute:
 (c) someone who is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 9, item 21, page 98 (lines 11 and 12), omit the note.

Schedule 9, item 30, page 101 (lines 12 to 14), omit paragraph (c) of the definition of **child**, substitute:

(c) someone who is a child of the person within the meaning of the *Family Law Act 1975*;

Schedule 9, item 30, page 101 (lines 18 to 21), omit all the words from and including “For the purposes” to and including “relationship.”.

Schedule 10, item 1, page 104 (lines 9 to 15), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”.

Schedule 10, item 7, page 105 (lines 7 to 18), omit section 8, substitute:

8 Children born as a result of artificial conception procedures or surrogacy arrangements

(1) This section applies if a child is:

(a) a child of a person under section 60H or 60HB of the *Family Law Act 1975*; and

(b) either:

(i) a child of the person’s spouse or de facto partner under that section; or

(ii) a biological child of the person’s spouse or de facto partner.

(2) The child is taken for the purposes of this Act:

(a) to be the child of the person and the spouse or de facto partner; and

(b) not to be the child of anyone else.

Schedule 10, item 79, page 120 (lines 6 to 13), omit the definition of **parent**, substitute:

parent: without limiting who is a parent of anyone for the purposes of this Act, a person is the **parent** of another person if the other person is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 11, item 3, page 122 (lines 7 to 13), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 11, item 8, page 124 (lines 7 to 13), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 11, item 16, page 126 (lines 8 to 15), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of Part 3 and this Schedule, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 11, item 23, page 129 (lines 4 to 10), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 12, item 4, page 133 (lines 16 to 22), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this section, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 13, item 1, page 135 (lines 20 to 26), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of subsection (10), someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 13, item 3, page 136 (lines 3 to 9), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the individual within the meaning of the *Family Law Act 1975*.”.

Schedule 14, item 91, page 152 (lines 9 to 15), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the individual within the meaning of the *Family Law Act 1975*.”.

Schedule 14, item 98, page 154 (lines 8 to 14), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 14, item 110, page 157 (lines 6 to 12), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 14, item 113, page 158 (lines 16 to 22), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 14, item 125, page 160 (lines 15 to 21), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 14, item 130, page 162 (lines 6 to 12), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 15, item 6, page 165 (lines 23 to 30), omit the definition of **parent**, substitute:

parent: without limiting who is a parent of anyone for the purposes of this Act, a person is the **parent** of another person if the other person is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 15, item 34, page 168 (lines 21 to 27), omit the definition of **child**, substitute:

child: without limiting who is a child of a person for the purposes of this Act, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 15, item 68, page 175 (lines 3 to 8), omit subsection 5Q(5), substitute:

- (5) For the purposes of this Act, if under a provision of this Act one person is the child of another person because the person is a child of the other person within the meaning of the *Family Law Act 1975*, relationships traced to or through the person are to be determined on the basis that the person is the child of the other person.

Schedule 15, item 68, page 175 (lines 9 to 13), omit the note, substitute:

Note: Paragraph 10(1)(b) and paragraph (b) of the definition of **child** in section 5ZO are examples of provisions under which one person may be the child of another person because the person is a child of the other person within the meaning of the *Family Law Act 1975*.

Schedule 15, item 70, page 175 (lines 26 to 28), omit paragraph 10(1)(b), substitute:

- (b) a child who is a child of the veteran within the meaning of the *Family Law Act 1975*; or

Schedule 15, item 70, page 175 (lines 32 to 35), omit subsection 10(2).

Schedule 15, item 73, page 176 (lines 8 to 15), omit subsection 10A(1), substitute:

- (1) Without limiting who is a parent of anyone for the purposes of this Act, a person is the **parent** of another person (other than an adopted child) if the other person is a child of the person within the meaning of the *Family Law Act 1975*.

Schedule 15, item 90, page 178 (lines 6 to 12), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”.

Schedule 15, item 92, page 178 (lines 24 to 30), omit all the words from and including “is the product” to and including “relationship.”, substitute “is a child of the person within the meaning of the *Family Law Act 1975*.”

Schedule 15, item 93, page 179 (lines 1 to 3), omit paragraph (ba) of the definition of **child**, substitute:

- (ba) someone who was a child of the deceased within the meaning of the *Family Law Act 1975*; or

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 4, items 1 and 9; Schedule 7, Parts 3 and 4; Schedule 9, items 4 and 18; and Schedule 15, items 94 and 95.

Question—That Schedule 4, items 1 and 9; Schedule 7, Parts 3 and 4; Schedule 9, items 4 and 18; and Schedule 15, items 94 and 95 stand as printed—put and negatived.

On the motion of Senator Wong the following amendment was agreed to:

Schedule 2, item 36, page 15 (line 20) to page 16 (line 9), omit the definition of **parent**, substitute:

parent: without limiting who is a parent of a person for the purposes of this Act, someone (the **adult**) is the **parent** of a person if:

- (a) the adult is legally entitled to, and has, custody of the person; or
 (b) the adult is legally responsible for the day-to-day care, welfare and development of the person and has the person in his or her care.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 6, items 13 to 16, 45, 104 to 106 and 118; Schedule 7, items 49, 50 and 52; and Schedule 9, items 6, 23, 24, 26, 36 and 37.

Schedule 6, items 13 to 16, 45, 104 to 106 and 118; Schedule 7, items 49, 50 and 52; and Schedule 9, items 6, 23, 24, 26, 36 and 37 debated.

Question—That Schedule 6, items 13 to 16, 45, 104 to 106 and 118; Schedule 7, items 49, 50 and 52; and Schedule 9, items 6, 23, 24, 26, 36 and 37 stand as printed—put and negatived.

On the motion of Senator Wong the following request for an amendment was debated and agreed to:

That the House of Representatives be requested to make the following amendment: Schedule 2, page 20 (after line 3), after item 52, insert:

Family Law Act 1975

52A Subsection 4(1) (paragraphs (b) and (c) of the definition of *step-parent*)

Repeal the paragraphs, substitute:

- (b) is, or has been, married to or a de facto partner (within the meaning of section 60EA) of, a parent of the child; and
 (c) treats, or at any time while married to, or a de facto partner of, the parent treated, the child as a member of the family formed with the parent.

52B Paragraph 66M(3)(b)

After “marriage to”, insert “, or relationship with,”.

52C Application to the *Child Support (Registration and Collection) Act 1988*

To the extent that the amendment of the *Family Law Act 1975* made by this Schedule affects the definition of *step-parent* in subsection 4(1) of the *Child Support (Registration and Collection) Act 1988*, it applies in relation to that definition on and after 1 July 2009.

On the motion of Senator Wong the following request for an amendment was agreed to:

That the House of Representatives be requested to make the following amendment: Schedule 6, page 58 (after line 4), after item 22, insert:

Child Support (Assessment) Act 1989

22A Subsection 5(1) (paragraph (b) of the definition of *member of a couple*)

Repeal the paragraph, substitute:

- (b) a person who is living with another person as the partner of the other person on a genuine domestic basis although not legally married to the other person; or
- (c) a person whose relationship with another person (whether of the same sex or a different sex) is registered under a law of a State or Territory prescribed for the purposes of section 22B of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section, and is not living separately and apart from the other person on a permanent or indefinite basis.

22B Subsection 5(1) (definition of *parent*)

Repeal the definition, substitute:

parent:

- (a) when used in relation to a child who has been adopted—means an adoptive parent of the child; and
- (b) when used in relation to a child born because of the carrying out of an artificial conception procedure—means a person who is a parent of the child under section 60H of the *Family Law Act 1975*; and
- (c) when used in relation to a child born because of a surrogacy arrangement—includes a person who is a parent of the child under section 60HB of the *Family Law Act 1975*.

22C Subsection 5(1)

Insert:

relative has a meaning affected by subsection (4).

22D At the end of section 5

Add:

Relatives

- (4) For the purposes of section 26A and subparagraph 150(4E)(b)(ii), the relatives of a person are taken to include the following (without limitation):
 - (a) a partner of the person;

- (b) someone who is a parent of the person, or someone of whom the person is a parent, because of the definition of *parent* in this section;
- (c) anyone else who would be a relative of the person if someone mentioned in paragraph (a) or (b) is taken to be a relative of the person.

22E Paragraph 29(2)(d)

Omit “the father or mother”, substitute “a parent”.

22F At the end of subsection 29(2)

Add:

- ; or (i) that the person is a parent of the child under section 60H or section 60HB of the *Family Law Act 1975*.

22G Sub-subparagraph 163A(2)(b)(v)(B)

Repeal the sub-subparagraph, substitute:

- (B) in a de facto relationship with each other;

22H Subsection 163A(5)

Repeal the subsection, substitute:

- (5) In this section:

de facto relationship means:

- (a) a relationship between 2 persons (whether of the same sex or different sexes) who, although not legally married to each other, live with each other on a genuine domestic basis in a relationship as a couple; or
- (b) a relationship between 2 persons (whether of the same sex or different sexes) that is registered under a law of a State or Territory prescribed for the purposes of section 22B of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section.

Child Support (Registration and Collection) Act 1988**22J Subsection 4(1)**

Insert:

relative has a meaning affected by subsection (5).

22K At the end of section 4

Add:

- (5) For the purposes of this Act, the relatives of a person are taken to include the following (without limitation):
 - (a) a partner (within the meaning of the Assessment Act) of the person;
 - (b) someone who is the parent of the person, or someone of whom the person is a parent, because of the definition of *parent* in the Assessment Act;
 - (c) anyone else who would be a relative of the person if someone mentioned in paragraph (a) or (b) is taken to be a relative of the person.

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

Schedule 10, page 107 (before line 5), before item 13, insert:

12A Subsection 5(1)

Insert:

adoption has the same meaning as in the regulations.

Schedule 10, item 20, page 108 (lines 9 to 18), omit subsection 5CA(1), substitute:

- (1) Without limiting who is a child of a person for the purposes of this Act, each of the following is the *child* of a person:
- (a) someone who is a child of the person within the meaning of the *Family Law Act 1975* (other than someone who is an adopted child of the person within the meaning of that Act);
 - (b) someone who is an adopted child of the person within the meaning of this Act.

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

Schedule 11, page 125 (after line 21), after item 13, insert:

13A Paragraph 15(d)

After “spouse” (wherever occurring), insert “, de facto partner”.

Schedule 11, Part 3, page 125 (after line 35), at the end of the Part, add:

14A Paragraph 38(d)

After “spouse” (wherever occurring), insert “, de facto partner”.

Bill, as amended, agreed to, subject to requests.

Bill to be reported with amendments and requests.

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

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

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

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

Message no. 208, dated 24 November 2008—Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008.

The Minister for Climate Change and Water (Senator Wong) moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

34 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (ECONOMIC SECURITY STRATEGY) BILL 2008

APPROPRIATION (ECONOMIC SECURITY STRATEGY) BILL (NO. 1) 2008-2009

APPROPRIATION (ECONOMIC SECURITY STRATEGY) BILL (NO. 2) 2008-2009

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens)—That these bills be now read a second time.

Debate resumed.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment in respect of the Social Security and Other Legislation Amendment (Economic Security Strategy) Bill 2008:

At the end of the motion, add “but the Senate calls on the Government to introduce a new top marginal tax rate of 50 per cent for earnings over one million dollars”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 5

Senators—

Brown, Bob	Ludlam	Milne	Siewert (Teller)
Hanson-Young			

NOES, 38

Senators—

Arbib	Eggleston	Ludwig	Scullion
Bishop	Farrell	Marshall	Sherry
Boyce	Feeney	McLucas	Stephens
Brown, Carol	Ferguson	Moore	Sterle
Cameron	Fielding	Nash	Troeth
Carr	Fierravanti-Wells	Parry (Teller)	Trood
Cash	Forshaw	Payne	Williams
Collins	Hogg	Polley	Wortley
Cormann	Hurley	Pratt	
Crossin	Hutchins	Ronaldson	

Question negatived.

Main question put and passed.

Bills read a second time.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bills were read a third time.

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.15 pm till Tuesday, 25 November 2008 at 12.30 pm.

36 ATTENDANCE

Present, all senators except Senators Adams*, Furner* and O'Brien* (* on leave).

HARRY EVANS
Clerk of the Senate