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1 **MEETING OF SENATE**

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

2 **VACANCY IN THE REPRESENTATION OF QUEENSLAND—CHOICE OF JOHN CHERRY**

The President announced the resignation, on 27 July 2001, of Senator Woodley and advised the Senate that, pursuant to section 21 of the Constitution, she had notified the Governor of Queensland that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

Vacancy in the representation of Queensland—

Copy of letter from the President of the Senate to the Governor of Queensland (His Excellency Major General Peter Arnison, AC), dated 27 July 2001.

Letter and facsimile copy of letter from Senator Woodley to the President of the Senate, dated 27 July 2001.

The President further announced that she had received, through the Governor-General, from the Governor of Queensland, a facsimile copy of the certificate of the choice by the Parliament of Queensland of John Cherry to fill the vacancy caused by the resignation of Senator Woodley.

The President tabled the copy of the certificate as follows:

Government House
Queensland
2 August 2001

His Excellency the Right Reverend Dr Peter Hollingworth, AC, OBE
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I have received a letter from the Honourable the Speaker of the Legislative Assembly of Queensland informing me that on 1 August 2001 Mr John Cherry, Economist, of 33 Villa Street Annerley, Brisbane has, on 31 July 2001 been chosen to hold the place in the Senate of the Parliament of the Commonwealth rendered vacant through the resignation of Senator John Woodley.

Yours sincerely,
Peter Arnison
Governor.

Senator sworn: Senator Cherry, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

3 MIGRATION LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Bartlett moved the following amendment:

Schedule 1, item 39, page 9 (lines 16 to 19) omit the item, substitute:

39 At the end of subsection 240(3)

Add:

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see section 13.3 of the *Criminal Code*).

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

4 SUPERANNUATION LEGISLATION AMENDMENT (POST-RETIREMENT COMMUTATIONS) BILL 2000

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

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

5 QUESTIONS

Questions without notice were answered.

6 MR JOHN SEYFFER—PIGGERY DOCUMENTS—ANSWER TO QUESTION

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Hill) to a question without notice asked by Senator Faulkner today relating to Mr John Seyffer and documents concerning the piggery interests of former Prime Minister, Mr Keating.

Debate ensued.

Question put and passed.

7 AUDITOR-GENERAL—COMMONWEALTH ESTATE PROPERTY SALES—ANSWER TO QUESTION

Senator Allison moved—That the Senate take note of the answer given by the Special Minister of State (Senator Abetz) to a question without notice asked by Senator Allison today relating to a report of the Auditor-General on Commonwealth estate property sales.

Question put and passed.

8 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by Senator Tambling concerning his vote on the Interactive Gambling Bill 2001.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, she had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following document:

Facsimile copy of letter from Senator Tambling to the President, dated 19 July 2001 and attachments [4].

Notice of motion: Senator Tambling gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Committee of Privileges:

- (a) whether any person or body purported to direct Senator Tambling as to how he should exercise a vote in the Senate;
- (b) whether a penalty was imposed on Senator Tambling in consequence of his vote in the Senate; and
- (c) whether contempts of the Senate were committed in that regard.

9 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 60 petitioners, requesting that the Senate support the phasing out of prawn trawling in the Great Barrier Reef World Heritage Area by 2005.

Senator Bourne, from 14 petitioners, requesting that the Senate reject the Administrative Decisions (Effects of International Instruments) Bill 1999.

Senator Bourne, from 106 petitioners, requesting that the Senate support the Corporate Code of Conduct Bill 2000.

Senator Cooney, from 24 petitioners, requesting that the Senate take action to conduct a plebiscite on whether Australia should become a republic with an Australian as head of state in place of the Queen.

10 NOTICES

The Chair of the Economics Legislation Committee (Senator Gibson): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Patents Amendment Bill 2001 be extended to 9 August 2001.

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney): To move on the next day of sitting—That so much of standing order 36 be suspended as would prevent the Scrutiny of Bills Committee holding a private deliberative meeting on 8 August 2001, from 8 am to 10 am, with students from the University of Alabama in attendance.

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot): To move on the next day of sitting—That the time for the presentation of the report of the Joint Standing Committee on the National Capital and External Territories on the sale of the Christmas Island resort be extended to 27 September 2001.

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 9 August 2001, from 4 pm, to take evidence for the committee's inquiry into the Maritime Legislation Amendment Bill 2000.

Senator Murray: To move on the second sitting day in December 2001—

Establishment of a select committee

- (1) That a select committee, to be known as the Select Committee on the Australian Tax System, be established to inquire into and report, by 30 June 2002, on the manner in which the Australian tax system is catering for the social, environmental and economic needs of Australia.

Matters to be explored by the committee

- (2) That, in conducting its inquiry, the committee:
 - (a) examine the following matters:
 - (i) the New Tax System, including the goods and services tax (GST) and any proposals for modifications to the GST,
 - (ii) the business tax measures recommended by the Ralph review, including measures which have, and have not, been implemented, and
 - (iii) the estimated additional revenue required to provide government services and programs demanded by the Australian community, and possible sources of revenue;
 - (b) establish the cost benefits and impacts, and strengths and weaknesses of the measures and proposals outlined in subparagraphs (a)(i) to (iii);

- (c) in examining the implementation of the new tax system and the Ralph business tax measures—compare the impacts of these tax changes with the claims and estimates that underpinned the proposals for change; and
- (d) examine how low income persons could benefit from changes to the tax system.

Composition of the committee

- (3) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by the Leader of the Australian Democrats.
- (4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (5) That:
 - (a) senators may be appointed to the committee as substitutes for members of the committee in respect of particular matters before the committee;
 - (b) on the nominations of the Australian Greens, Pauline Hanson's One Nation or independent senators, participating members may be appointed to the committee; and
 - (c) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.
- (6) That the chair of the committee be elected by and from the members of the committee.
- (7) That the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.
- (8) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

Powers and administration of the committee

- (9) That the committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (10) That the quorum of the committee shall be a majority of the members of the committee.
- (11) That the committee not commence its inquiry until the date on which the second quarter's Business Activity Statement for the 2001-02 financial year is due to be lodged.
- (12) That the committee advertise for submissions and hold hearings in each state and territory as required.
- (13) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee, including to provide economic modelling, with the approval of the President.

- (14) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it and a daily Hansard be published of such proceedings as take place in public.

Senator Murray: To move on 8 August 2001—That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 3 December 2001:

Whether the *Trade Practices Act 1974* should be amended to:

- (a) provide for a reversal of the onus of proof under section 46 in actions brought by the Australian Competition and Consumer Commission (ACCC) where it can first be shown that the corporation has a substantial degree of market power and has taken advantage of that power; and
- (b) give the ACCC a power to order divestiture where an ownership situation exists that has the effect of substantially lessening competition.

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

- (a) recognises NAIDOC Week from 8 to 15 July 2001, and National Aborigines Day on 13 July 2001, as events of national importance to all Australians, which celebrate the survival of Aboriginal and Torres Strait Islander cultures and the contribution they make to the national identity;
- (b) recognises and congratulates the recipients of National NAIDOC Awards for the outstanding contributions they have made to their communities and the nation:
 - (i) Mr Kutcha Edwards, NAIDOC Person of the Year,
 - (ii) Ms Alice 'Mummy Mick' Clark, NAIDOC Female Elder of the Year,
 - (iii) Mr Cec Fisher, NAIDOC Male Elder of the Year,
 - (iv) Mr Warren Lawton, NAIDOC Sportsman of the Year,
 - (v) Dr Cheryl Kickett-Tucker, NAIDOC Scholar of the Year,
 - (vi) Ms Vanessa Elliot, NAIDOC Youth of the Year, and
 - (vii) Mr Todd Phillips, NAIDOC Aboriginal Trainee of the Year;
- (c) notes that the theme for NAIDOC Week 2001 was reconciliation and a treaty, in keeping with the tradition that National Aboriginal and Islander Day of Celebration is an opportunity to bring to the attention of governments and all Australians the issues that are of concern to them; and
- (d) reaffirms its commitment to the goal of true and lasting national reconciliation between Indigenous and non-Indigenous Australians.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—That the government business orders of the day relating to the following bills may be taken together for their remaining stages:

Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000,
and

Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2000.

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

- (a) notes that during a visit to Newcastle by the Minister for Defence (Mr Reith) union protesters caused thousands of dollars in damage to a Commonwealth car and also caused damage to other vehicles, including a car belonging to a private citizen;
- (b) condemns this behaviour by protesters on a day when community and business leaders in the area were trying to promote the Hunter Valley for future investment opportunities;
- (c) further condemns the use of violence by union thugs, with no regard to the safety of vehicle passengers or the protestors themselves, and which may deter new business from setting up in the Hunter Valley; and
- (d) calls on unions and their members to sanction against violent protests and to work in a positive and cooperative manner with all levels of government and the community to create employment opportunities in the Hunter Valley.

11 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 945 standing in the name of Senator Cook for today, relating to the establishment of a select committee on the impacts of the new tax system, postponed till 9 August 2001.

12 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Legal and Constitutional References Committee (Senator McKiernan), pursuant to notice of motion not objected to as a formal motion, moved—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on 6 August 2001, from 7.30 pm, to take evidence for the committee's inquiry into the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000.

Question put and passed.

13 PENSION LEVELS—BENCHMARK

Senator O'Brien, at the request of the Leader of the Opposition in the Senate (Senator Faulkner) and pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the false claim made by the Minister for Family and Community Services (Senator Vanstone) on the *7.30 Report* on 20 March 2001, that 'Labor was never prepared to ... make sure that pensioners will have 25 per cent of male total average weekly earnings';
- (b) recalls that it was the Labor Government that introduced the benchmark of 25 per cent of male total average weekly earnings in 1990 and kept the pension above that benchmark at every adjustment between 1990 and 1996;
- (c) notes that it was the Howard Government that allowed the standard rate of pension to drop below the 25 per cent benchmark in March 1998;

- (d) reminds Senator Vanstone:
 - (i) that it was the National Commission of Audit (established by the Howard Government on taking office) which, in June 1996, recommended removing this benchmark, and
 - (ii) that it was only when challenged by the Opposition about its intentions in the light of the recommendation by the National Commission of Audit and when threatened in the Senate with an opposition amendment to prevent government backsliding, that the Government agreed to bring forward its own legislation to give the 25 per cent benchmark a legislative basis; and
- (e) urges Senator Vanstone to brief herself on the facts, desist from making any further such false claims and take action to correct the public record at the earliest opportunity.

Question put and passed.

14 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—HEALTH SERVICES ON NORFOLK ISLAND

The Deputy President (Senator West) tabled the following report and documents received on 9 July 2001:

In the pink or in the red? Health services on Norfolk Island, dated July 2001, *Hansard* record of the committee's proceedings [3 vols] and submissions [2 vols].

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

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

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

15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—INTERIM REPORT—PROPOSED IMPORTATION OF FRESH APPLE FRUIT FROM NEW ZEALAND

The Deputy President (Senator West) tabled the following report and documents received on 18 July 2001:

Proposed importation of fresh apple fruit from New Zealand: Interim report, dated July 2001, *Hansard* record of the committee's proceedings, answers to questions on notice, additional information and submissions [63].

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

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

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

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—SECOND REPORT—OVINE JOHNE'S DISEASE IN THE AUSTRALIAN SHEEP FLOCK

The Deputy President (Senator West) tabled the following report and documents received on 25 July 2001:

The incidence of Ovine Johne's disease in the Australian sheep flock: Second report, dated July 2001, *Hansard* record of the committee's proceedings, documents presented to the committee, additional information and submissions [83].

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

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

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

17 GOVERNMENT DOCUMENTS—PRESENTED SINCE LAST SITTING OF SENATE

The Deputy President (Senator West) tabled the following documents received since the last sitting of the Senate:

Aged Care Standards and Accreditation Agency Limited—Reports—

1998-99. [*Received 1 August 2001*]

1999-2000. [*Received 2 August 2001*]

Australia and the Asian Development Bank—Report for 1999-2000. [*Received 2 July 2001*]

Australia and the IMF—Report for 1999-2000. [*Received 2 July 2001*]

Australia and the World Bank—Report for 1999-2000. [*Received 2 July 2001*]

Australian Dried Fruits Board—Report for the period 1 July 2000 to 31 January 2001 (Final report). [*Received 18 July 2001*]

Commonwealth Grants Commission—Report—Review of the operation of the *Local Government (Financial Assistance) Act 1995*, June 2001. [*Received 11 July 2001*]

Council of Financial Regulators—Report for 2000. [*Received 31 July 2001*]

Department of Employment, Workplace Relations and Small Business—Report—Enquiry arising from Senate estimates hearings on 4-5 June 2001 into matters concerning Job Network, July 2001. [*Received 20 July 2001*]

Employment Advocate—Report—The building industry. [*Received 26 July 2001*]

**18 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
GOVERNMENT RESPONSE—SECOND AUSTRALIAN GOVERNMENT LOAN TO PAPUA NEW
GUINEA: VARIATION TO LOAN AGREEMENT**

The Deputy President (Senator West) tabled the following document received on 11 July 2001:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Second Australian Government loan to Papua New Guinea: Variation to loan agreement—Government response.

**19 AUDITOR-GENERAL—AUDIT REPORTS NO. 54 OF 2000-2001 AND NOS 1 TO 4 OF
2001-2002**

The Deputy President (Senator West) tabled the following documents received since the last sitting of the Senate:

Auditor-General—

Audit report for 2000-2001—No. 54—Compliance assessment audit—Engagement of consultants. [*Received 29 June 2001*]

Audit reports for 2001-2002—

No. 1—Financial statement audit—Control structures as part of the audits of the financial statements of major Commonwealth entities for the year ended 30 June 2001. [*Received 9 July 2001*]

No. 2—Examination of allegations relating to sales tax fraud: Australian Taxation Office. [*Received 10 July 2001*]

No. 3—Performance audit—The Australian Taxation Office's administration of taxation rulings—Australian Taxation Office. [*Received 17 July 2001*]

No. 4—Performance audit—Commonwealth estate property sales: Department of Finance and Administration. [*Received 1 August 2001*]

20 BUSINESS OF THE SENATE—1 JANUARY TO 30 JUNE 2001—DOCUMENT

The Deputy President (Senator West) tabled the following document:

Business of the Senate—1 January to 30 June 2001.

21 QUESTIONS ON NOTICE—SUMMARY—DOCUMENT

The Deputy President (Senator West) tabled the following document:

Questions on notice—Summary for the period 10 November 1998 to 30 June 2001.

22 PRESIDING OFFICERS AND CLERKS CONFERENCE—DOCUMENT

The Deputy President (Senator West) tabled the following document:

Presiding Officers and Clerks Conference, 32nd, Wellington, New Zealand, 2 to 6 July 2001—Report by Senator the Honourable Margaret Reid, President of the Senate, dated August 2001.

23 ENVIRONMENT—SOUTH PACIFIC WHALE SANCTUARY—DOCUMENT

The Deputy President (Senator West) tabled the following document:

Environment—South Pacific whale sanctuary—Letter to the President of the Senate from the Deputy High Commissioner of the British High Commission (Mr Court), responding to the resolution of the Senate of 25 June 2001, dated 29 June 2001.

24 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Deputy President (Senator West) tabled the following document:

Departmental and agency contracts—Order for production of documents—Letter to the President of the Senate from the Auditor-General (Mr Barrett), responding to the resolution of the Senate of 20 June 2001, dated 29 June 2001.

25 ABORIGINES—NORTHERN TERRITORY LEGISLATION—DOCUMENT

The Deputy President (Senator West) tabled the following document:

Aborigines—Northern Territory legislation—Letter to the President of the Senate from the Chief Minister of the Northern Territory (Mr Burke), responding to the resolution of the Senate of 27 June 2001, dated 25 July 2001.

**26 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2000-01**

Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled additional information received by the committee (Additional Estimates 2000-01—vol. 3).

27 TREATIES—JOINT STANDING COMMITTEE—40TH REPORT

Senator O'Brien, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

40th report—Extradition: A review of Australia's law and policy, dated August 2001, *Hansard* record of the committee's proceedings, minutes of proceedings and submissions.

Senator O'Brien, by leave, moved—That the Senate take note of the report.

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

**28 DEPARTMENT OF EMPLOYMENT, WORKPLACE RELATIONS AND SMALL BUSINESS—
ENQUIRY ARISING FROM SENATE ESTIMATES HEARINGS—DOCUMENT—
CONSIDERATION**

Senator Collins, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 17*).

Debate ensued.

Debate adjourned till Thursday at general business, Senator Carr in continuation.

29 EMPLOYMENT ADVOCATE—THE BUILDING INDUSTRY—DOCUMENT—CONSIDERATION

Senator Collins, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 17*).

Debate ensued.

Question put and passed.

30 DOCUMENTS

The following documents were tabled by the Clerk:

Aged Care Act—

Determination under section—

44—ACA Ch. 3 No. 2/2001-ACA Ch. 3 No. 6/2001, ACA Ch. 3 No. 8/2001-ACA Ch. 3 No. 11/2001 and ACA Ch. 3 No. 14/2001.

48—ACA Ch. 3 No. 12/2001.

52—ACA Ch. 3 No. 13/2001.

User Rights Amendment Principles 2001 (No. 1).

Air Force Act—Regulations—Statutory Rules 2001 No. 175.

Airports Act—Regulations—Statutory Rules 2001 No. 170.

Australian Communications Authority Act and Radiocommunications Act—Radiocommunications (Interpretation) Amendment Determination 2001 (No. 3).

Australian National University Act—Academic Board Statute 2001.

- Australian Securities and Investments Commission Act—Regulations—Statutory Rules 2001 No. 192.
- Charter of the United Nations Act—Regulations—Statutory Rules 2001 No. 181.
- Child Support (Assessment) Act—Regulations—Statutory Rules 2001 No. 204.
- Child Support (Registration and Collection) Act—Regulations—Statutory Rules 2001 No. 205.
- Christmas Island Act—Ordinance No. 1 of 2001 (Utilities and Services Amendment Ordinance 2001 (No. 1)).
- Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—
- Civil Aviation Amendment Order (No. 10) 2001.
 - Civil Aviation Amendment Order (No. 11) 2001.
 - Civil Aviation Amendment Order (No. 12) 2001.
 - Civil Aviation Amendment Order (No. 13) 2001.
- Directive—Part—
- 105, dated 22 [5], 25, 26 [9], 27 [6], 29 [16] June; 2 [3], 3 [5], 4 [2], 12, 17 [2], 18 [3] and 25 [3] July 2001.
 - 106, dated 29 [3] June; and 2 July 2001.
 - 107, dated 29 June; and 2 [2] July 2001.
- Exemptions Nos CASA EX11/2001 and CASA EX13/2001-CASA EX15/2001.
- Instruments Nos CASA 184/01 and CASA 261/01.
- Class Rulings CR 2001/24-CR 2001/33.
- Cocos (Keeling) Islands Act—Ordinance No. 1 of 2001 (Utilities and Services Amendment Ordinance 2001 (No. 1)).
- Commonwealth Authorities and Companies Act—
- Notice pursuant to paragraphs 45(1)(a) and (c)—Participation in formation and membership of General Practice Education and Training Limited.
- Regulations—Statutory Rules 2001 No. 180.
- Corporations Act 1989*—Regulations—Statutory Rules 2001 No. 187.
- Corporations Act 2001*—Regulations—Statutory Rules 2001 Nos 193 and 208.
- Corporations (Fees) Act—Regulations—Statutory Rules 2001 No. 194.
- Currency Act—Currency (Perth Mint) Determination 2001 (No. 2).
- Customs Act—Regulations—Statutory Rules 2001 No. 171.
- Datacasting Charge (Imposition) Act—Datacasting Charge (Amount) Determination 2001.
- Defence Act—
- Determination under section—
 - 58B—Defence Determinations 2001/18-2001/20.
 - 58H—Defence Force Remuneration Tribunal—Determinations Nos 11 and 12 of 2001.
- Regulations—Statutory Rules 2001 No. 176.

- Diesel and Alternative Fuels Grants Scheme Act—Regulations—Statutory Rules 2001 No. 200.
- Environment Protection and Biodiversity Conservation Act—
Macquarie Island Marine Park—
Comments on representations on the draft management plan, dated May 2001.
Management Plan.
Regulations—Statutory Rules 2001 No. 179.
- Environment Protection (Sea Dumping) Act—Regulations—Statutory Rules 2001 No. 199.
- Extradition Act—Regulations—Statutory Rules 2001 No. 196.
- Family Law Act—Rules of Court—Statutory Rules 2001 No. 191.
- Federal Court of Australia Act—
Regulations—Statutory Rules 2001 No. 172.
Rules of Court—Statutory Rules 2001 No. 201.
- Federal Magistrates Act—Rules of Court—Statutory Rules 2001 No. 195.
- Financial Management and Accountability Act—
Financial Management and Accountability (Amendment of Special Account)
Determination 2001/04.
Regulations—Statutory Rules 2001 No. 198.
- Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 2001 No. 188.
- Fuel Sales Grants Act—Regulations—Statutory Rules 2001 No. 189.
- Goods and Services Tax Ruling GSTR 2001/5.
- Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2001 Nos 178 and 197.
- Hazardous Waste (Regulation of Exports and Imports) Act—Regulations—Statutory Rules 2001 No. 203.
- Health Insurance Act—
Health Insurance (Accredited Pathology Laboratories — Approval) Amendment
Principles 2001 (No. 2).
Regulations—Statutory Rules 2001 Nos 157 and 158.
- Higher Education Funding Act—Determinations under section 15—Determinations
Nos T17-T21 of 2001.
- Horticulture Marketing and Research and Development Services Act—Regulations—
Statutory Rules 2001 No. 151.
- Import Processing Charges Act—Regulations—Statutory Rules 2001 No. 155.
- Income Tax Assessment Act 1936*—Regulations—Statutory Rules 2001 No. 163.
- International Organisations (Privileges and Immunities) Act—Regulations—Statutory
Rules 2001 No. 182.
- Interstate Road Transport Act—
Determination RTR 2001/2—Determination of B-Double Routes.

Interstate Road Transport Regulations—Determination RTR 2001/5—
Determination of mass management compliance assurance schemes.

Revocation RTR 2001/1—Revocation of Determinations of B-Double Routes.

Jervis Bay Territory Acceptance Act—Ordinance No. 1 of 2001 (Administration
Amendment Ordinance 2001 (No. 1)).

Life Insurance Act—Variation of Prudential Rules No. 47.

Migration Act—

Regulations—Statutory Rules 2001 Nos 162 and 206.

Statement for period 1 January to 30 June 2001 under section—
33.

48B [5].

345 [3].

351 [58].

417 [117].

Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 2001
No. 202.

National Environment Protection Council Act—National Environment Protection
(Diesel Vehicle Emissions) Measure, dated 29 June 2001, accompanied by the impact
statement, summary of submissions and the Council's response to submissions.

National Health Act—

Declarations Nos PB 7 and PB 8 of 2001.

Determination—

No. PB 9 of 2001.

Under Schedule 1—PHI 16/2001, PHI 17/2001 and PHI 19/2001.

Naval Defence Act—Regulations—Statutory Rules 2001 No. 177.

Passports Act—Regulations—Statutory Rules 2001 No. 156.

Patents Act—Regulations—Statutory Rules 2001 No. 184.

Petroleum (Submerged Lands) Fees Act—Regulations—Statutory Rules 2001 No. 207.

Primary Industries and Energy Research and Development Act and Horticulture
Marketing and Research and Development Services (Repeals and Consequential
Provisions) Act—Regulations—Statutory Rules 2001 No. 150.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2001 No. 152.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules
2001 No. 153.

Private Health Insurance Incentives Act—Regulations—Statutory Rules 2001 No. 183.

Product Ruling—

Addendum—

PR 1999/4, PR 1999/10, PR 1999/18, PR 1999/23, PR 1999/24, PR 1999/29,
PR 1999/33, PR 1999/47, PR 1999/56, PR 1999/71A, PR 1999/72, PR 1999/84,
PR 1999/92 and PR 1999/96.

PR 2000/39, PR 2000/40, PR 2000/45, 2000/46, PR 2000/50-PR 2000/52,
PR 2000/60, PR 2000/66, PR 2000/73, PR 2000/74 and PR 2000/88.

PR 2001/94-PR 2001/124.

Protection of Movable Cultural Heritage Act—Regulations—Statutory Rules 2001 No. 173.

Quarantine Act—Regulations—Statutory Rules 2001 No. 154.

Radiocommunications Act—

Radiocommunications (Aircraft Station) Class Licence 2001.

Radiocommunications (Cordless Telecommunications Devices) Class Licence 2001.

Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2001.

Remuneration Tribunal Act—Determination—

2001/12: Remuneration and allowances for various public office holders.

2001/13: Classification Structure for Principal Executive Offices.

2001/16: Statement on Principal Executive Office (PEO) Holders.

Safety, Rehabilitation and Compensation Act—

Notice of Declaration—Notice No. 5 of 2001.

Notice of Revocation of Declaration—Notice No. 3 of 2001.

Seafarers Rehabilitation and Compensation Act—Notice No. 1 of 2001.

Seat of Government (Administration) Act—Ordinance—

No. 1 of 2001 (Reserved Laws (Administration) Amendment Ordinance 2001 (No. 1)).

No. 2 of 2001 (Unlawful Assemblies Repeal Ordinance 2001).

Space Activities Act—Regulations—Statutory Rules 2001 No. 186.

Superannuation (Productivity Benefit) Act—

Declaration—Statutory Rules 2001 Nos 166-168.

Determination—Statutory Rules 2001 No. 169.

Taxation Administration Act—Regulations—Statutory Rules 2001 No. 164.

Taxation Determinations TD 2001/16 and TD 2001/17.

Taxation Ruling—

TR 2000/18 (Addendum).

TR 2001/4-TR 2001/6.

Telecommunications Act—

Regulations—Statutory Rules 2001 No. 174.

Telecommunications Numbering Plan Amendment 2001 (No. 2).

Telecommunications Technical Standard (Customer Equipment and Customer Cabling) — ACA TS 102-1998 Amendment Standard 2001 (No. 1).

Telecommunications (Consumer Protection and Service Standards) Act—

Statement of reasons for diverging from Australian Communication Authority's advice in relation to Universal Service Subsidies (2001-03 Contestable Areas)

Determination (No. 1) 2001 (Amendment No. 1 of 2001).

Telstra Carrier Charges—Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2001.

Universal Service Areas Determination (No. 1) 2001 (Amendment No. 1 of 2001).

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2001 (No. 3).

Therapeutic Goods Act—Regulations—Statutory Rules 2001 Nos 159 and 160.

Therapeutic Goods (Charges) Act—Regulations—Statutory Rules 2001 No. 161.

Trade Marks Act—Regulations—Statutory Rules 2001 No. 185.

Trade Practices Act—

Instrument under section 10.03—

Instrument No. 1 of 2001—Declaration of designated outwards secondary shipper body.

Instrument No. 2 of 2001—Declaration of designated inwards secondary shipper body.

Regulations—Statutory Rules 2001 No. 165.

Veterans' Entitlements Act—

Instrument under section—

88A—Instrument No. 10/2001—Veterans' Entitlements (counselling and psychiatric assessment – older former children of Vietnam veterans) Determination 2001.

90—Veterans' Entitlements (Treatment Principles – Enhanced Residential Care for Victoria Cross Recipients) Instrument 12/2001.

196B—Instruments Nos 49-56 of 2001.

Regulations—Statutory Rules 2001 No. 209.

31 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF ACTS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following Acts to come into operation on the dates specified:

Australian Research Council Act 2001—1 July 2001 (*Gazette* No. GN 25, 27 June 2001).

Corporations Act 2001—15 July 2001 (*Gazette* No. S 285, 13 July 2001).

Electoral and Referendum Amendment Act (No. 1) 2001—16 July 2001 (*Gazette* No. S 284, 13 July 2001).

32 COMMITTEES—APPOINTMENT OF MEMBER

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

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling), by leave, moved—That Senator Ridgeway be appointed to the Rural and Regional Affairs and Transport Legislation and References Committees.

Question put and passed.

33 WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) BILL 2001

PATENTS AMENDMENT BILL 2001

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

Message no. 751, dated 28 June 2001—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Message no. 752, dated 28 June 2001—A Bill for an Act to amend the *Patents Act 1990*, and for related purposes.

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) 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 Tambling moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Tambling moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

34 TAXATION LAWS AMENDMENT BILL (NO. 5) 1999
HEALTH LEGISLATION AMENDMENT (MEDICAL PRACTITIONERS' QUALIFICATIONS AND OTHER MEASURES) BILL 2001

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 757, dated 29 June 2001—Taxation Laws Amendment Bill (No. 5) 1999.

Message no. 758, dated 29 June 2001—Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Bill 2001.

35 CHILD SUPPORT LEGISLATION AMENDMENT BILL (NO. 2) 2000

A message from the House of Representatives was reported as follows:

Message no. 759, dated 6 July 2001—Child Support Legislation Amendment Bill (No. 2) 2000, agreeing to amendments nos 1 and 3 to 5 made and insisted on by the Senate, not insisting on amendments nos 2 to 5 and 7 made by the House and disagreed to by the Senate, agreeing to amendments made by the Senate to amendments nos 1 and 8 made by the House in place of certain Senate amendments and agreeing to the further amendment made by the Senate.

36 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

28 June 2001—Message—

No. 20—

Corporations Act 2001 (Act No. 50, 2001)

Australian Securities and Investments Commission Act 2001 (Act No. 51, 2001)

Corporations (Fees) Act 2001 (Act No. 52, 2001)

Corporations (Futures Organisations Levies) Act 2001 (Act No. 53, 2001)

Corporations (National Guarantee Fund Levies) Act 2001 (Act No. 54, 2001)

Corporations (Repeals, Consequential and Transitionals) Act 2001 (Act No. 55, 2001)

Corporations (Securities Exchanges Levies) Act 2001 (Act No. 56, 2001)

No. 21—

Governor-General Legislation Amendment Act 2001 (Act No. 57, 2001)

Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Act 2001 (Act No. 58, 2001)

No. 22—

Health Legislation Amendment Act (No. 2) 2001 (Act No. 59, 2001)

Export Market Development Grants Amendment Act 2001 (Act No. 60, 2001)

Family Law Legislation Amendment (Superannuation) Act 2001 (Act No. 61, 2001)

Primary Industries and Energy Research and Development Amendment Act 2001 (Act No. 62, 2001)

Trade Practices Amendment Act (No. 1) 2001 (Act No. 63, 2001)

29 June 2001—Message—

No. 23—*Appropriation Act (No. 1) 2001-2002* (Act No. 64, 2001)

No. 24—

Appropriation Act (No. 2) 2001-2002 (Act No. 65, 2001)

Appropriation (Parliamentary Departments) Act (No. 1) 2001-2002 (Act No. 66, 2001)

30 June 2001—Message—

No. 25—

Excise Tariff Amendment Act (No. 2) 2001 (Act No. 67, 2001)

Customs Tariff Amendment Act (No. 3) 2001 (Act No. 68, 2001)

Dried Vine Fruits (Rate of Primary Industry (Customs) Charge) Validation Act 2001 (Act No. 69, 2001)

Dried Vine Fruits (Rate of Primary Industry (Excise) Levy) Validation Act 2001 (Act No. 70, 2001)

Family and Community Services Legislation (Simplification and Other Measures) Act 2001 (Act No. 71, 2001)

No. 26—

Taxation Laws Amendment Act (No. 1) 2001 (Act No. 72, 2001)

Taxation Laws Amendment Act (No. 3) 2001 (Act No. 73, 2001)

Appropriation (HIH Assistance) Act 2001 (Act No. 74, 2001)
Child Support Legislation Amendment Act 2001 (Act No. 75, 2001)
New Business Tax System (Capital Allowances) Act 2001 (Act No. 76, 2001)
New Business Tax System (Capital Allowances—Transitional and Consequential) Act 2001 (Act No. 77, 2001)
New Business Tax System (Simplified Tax System) Act 2001 (Act No. 78, 2001)
Passenger Movement Charge Amendment Act 2001 (Act No. 79, 2001)

No. 27—*Social Security Legislation Amendment (Concession Cards) Act 2001* (Act No. 80, 2001)

10 July 2001—Message No. 28—*Australia New Zealand Food Authority Amendment Act 2001* (Act No. 81, 2001)

11 July 2001—Message No. 29—

Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 2001 (Act No. 82, 2001)
Agricultural and Veterinary Chemicals Legislation Amendment Act 2001 (Act No. 83, 2001)
Interactive Gambling Act 2001 (Act No. 84, 2001)

18 July 2001—Message No. 30—

Migration Legislation Amendment (Immigration Detainees) Act 2001 (Act No. 85, 2001)
Higher Education Funding Amendment Act 2001 (Act No. 86, 2001)
Parliamentary Contributory Superannuation Amendment Act 2001 (Act No. 87, 2001)
Vocational Education and Training Funding Amendment Act 2001 (Act No. 88, 2001)
Taxation Laws Amendment (Superannuation Contributions) Act 2001 (Act No. 89, 2001)
Import Processing Charges Act 2001 (Act No. 90, 2001)
Customs Depot Licensing Charges Amendment Act 2001 (Act No. 91, 2001)

20 July 2001—Message No. 31—

Broadcasting Legislation Amendment Act (No. 2) 2001 (Act No. 92, 2001)
Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Act 2001 (Act No. 93, 2001)
Dairy Produce Legislation Amendment (Supplementary Assistance) Act 2001 (Act No. 94, 2001)
Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001 (Act No. 95, 2001).

37 **SUPERANNUATION LEGISLATION AMENDMENT (POST-RETIREMENT COMMUTATIONS)** **BILL 2000**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Senator Sherry moved the following amendment:

At the end of the motion, add “but the Senate:

- (a) notes that the Government:
 - (i) has not disclosed in the 2001 Budget papers the projected revenue to be raised in the forward years from the surcharge/tax, but has it hidden in general tax revenue raised from superannuation, and
 - (ii) has failed to disclose the revenue figure at Senate estimates hearings; and
- (b) calls on the Government to disclose the figures forthwith”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Allison moved the following amendments together by leave:

Schedule 1, item 16, page 9 (line 28) to page 12 (line 3), omit “spouse” (wherever occurring), substitute “partner”.

Schedule 1, item 16, page 9 (line 28) to page 12 (line 3), omit “spouse’s” (wherever occurring), substitute “partner’s”.

Schedule 1, item 18, page 12 (line 6) to page 14 (line 21), omit “spouse” (wherever occurring), substitute “partner”.

Schedule 1, item 22, page 15 (lines 7 to 18), omit “spouse” (wherever occurring), substitute “partner”.

Schedule 2, item 1, page 18 (lines 5 to 12), omit “spouse” (wherever occurring), substitute “partner”.

Schedule 2, item 1, page 18 (lines 5 to 12), omit “spouse’s” (wherever occurring), substitute “partner’s”.

Schedule 2, item 2, page 18 (lines 13 to 19), omit “spouse” (wherever occurring), substitute “partner”.

Schedule 2, item 2, page 18 (lines 13 to 19), omit “spouse’s” (wherever occurring), substitute “partner’s”.

Schedule 2, item 4, page 18 (line 28) to page 30 (line 4), omit “spouse” (wherever occurring), substitute “partner”.

Schedule 2, item 4, page 18 (line 28) to page 30 (line 4), omit “spouse’s” (wherever occurring), substitute “partner’s”.

Page 33 (after line 2), at the end of the bill, add:

**Schedule 4—Amendments to remove discrimination in
access to superannuation entitlements**

Defence Force Retirement and Death Benefits Act 1973

1 Section 3 (definition of *child*)

Omit “spouse”, substitute “partner”.

2 Section 3 (definition of *eligible orphan*)

Omit “widow’s”, substitute “surviving partner’s”.

3 Section 3

Insert:

partner’s pension means a pension payable under Division 1 of Part VI.

4 Section 3 (definition of *pension benefit*)

Omit “widow’s”, substitute “surviving partner’s”.

5 Section 3 (definition of *spouse pension*)

Repeal the definition.

6 Section 6A

Repeal the section, substitute:

6A Partnership relationship

- (1) For the purposes of this Act, a *partnership relationship* means a relationship that is genuine and continuing between 2 people:
 - (a) who are not siblings or otherwise in a prohibited relationship within the meaning of section 23 of the *Marriage Act 1961*; and
 - (b) who live together on a genuine domestic basis; and
 - (c) who have a mutual commitment to a shared life to the exclusion of any other partnership relationship.
- (2) For the purposes of paragraph (1)(c), 2 people are to be regarded as having a mutual commitment to a shared life at a particular time if they have been living together as partners, to the exclusion of any other partnership relationship, for a continuous period of at least 3 years up to that time.
- (3) For the purposes of paragraph (1)(c), the Board may form the view, having regard to any relevant evidence, that 2 people have a mutual commitment to a shared life if they have been living together as partners, to the exclusion of any other partnership relationship, for a period of less than 3 years.
- (4) For the purposes of subsection (3), relevant evidence includes, but is not limited to:
 - (a) any joint ownership of real estate or other major assets; and
 - (b) any joint liabilities; and

- (c) the extent of any pooling of financial resources, particularly in relation to major financial commitments; and
- (d) whether one person owes any legal obligation to the other person; and
- (e) any joint responsibility for the care and support of children, if any; and
- (f) the persons' living arrangements; and
- (g) whether the persons represent themselves to other persons as being in a partnership relationship.

7 Section 6B

Repeal the section, substitute:

6B Partner who survives a deceased person

- (1) In this section:

deceased person means a person who was, at the time of his or her death, a contributing member, a recipient member or a person in respect of whom deferred benefits were applicable.

- (2) For the purposes of this Act, a person is a partner who survives a deceased person if:

- (a) the person had a partnership relationship with the deceased person at the time of the death of the deceased person (*the death*); and
- (b) in the case of a deceased person who was a recipient member at the time of the death:
 - (i) the partnership relationship began before the recipient member became a recipient member; or
 - (ii) the partnership relationship began after the recipient member became a recipient member but before the recipient member reached 60; or
 - (iii) where neither subparagraph (i) nor (ii) applies—the partnership relationship had continued for a period of at least 5 years up to the time of the death.

8 Division 1 of Part VI (heading)

Repeal the heading, substitute:

Division 1—Partner's pension

9 Part VI (sections 38 to 49)

Omit "spouse" (wherever occurring), substitute "partner".

10 Part VI (sections 38 to 49)

Omit "spouses" (wherever occurring), substitute "partners".

11 Part VI (sections 38 to 49)

Omit "spouse's" (wherever occurring), substitute "partner's".

12 Part VI (sections 38 to 49)

Omit "widow" (wherever occurring), substitute "surviving partner".

13 Part VI (sections 38 to 49)

Omit “widow’s” (wherever occurring), substitute “surviving partner’s”.

14 Part VI (sections 38 to 49)

Omit “widower” (wherever occurring).

15 Part VI (sections 38 to 49)

Omit “widower’s” (wherever occurring).

16 Subsection 41A(1A)

Repeal the subsection.

17 Subsection 75(5)

Omit “widow’s”, substitute “surviving partner’s”.

18 Section 98B

Omit “widow” (wherever occurring), substitute “surviving partner”.

19 Section 98D

Omit “widow” (wherever occurring), substitute “surviving partner”.

20 Section 98J

Omit “widow’s” (wherever occurring), substitute “surviving partner’s”.

21 Section 98K

Omit “widow’s” (wherever occurring), substitute “surviving partner’s”.

22 Section 133

Omit “widow or widower” (wherever occurring), substitute “surviving partner”.

23 Section 136

Omit “widow or widower” (wherever occurring), substitute “surviving partner”.

Judges’ Pensions Act 1968**24 Subsection 4(1) (definition of *child of a marital relationship*)**

Repeal the definition, substitute:

child of a partnership relationship means:

- (a) a child born of the partnership relationship; or
- (b) a child adopted by the persons engaged in that relationship during the period of the relationship.

25 Section 4AB

Repeal the section, substitute:

4AB Partnership relationship

- (1) For the purposes of this Act, a *partnership relationship* means a relationship that is genuine and continuing between 2 people:
 - (a) who are not siblings or otherwise in a prohibited relationship within the meaning of the *Marriage Act 1961*; and
 - (b) who live together on a genuine domestic basis; and

- (c) who have a mutual commitment to a shared life to the exclusion of any other partnership relationship.
- (2) For the purposes of paragraph (1)(c), 2 people are to be regarded as having a mutual commitment to a shared life at a particular time if they have been living together as partners, to the exclusion of any other partnership relationship, for a continuous period of at least 3 years up to that time.
- (3) For the purposes of paragraph (1)(c), the Trust may form the view, having regard to any relevant evidence, that 2 people have a mutual commitment to a shared life if they have been living together as partners, to the exclusion of any other partnership relationship, for a period of less than 3 years.
- (4) For the purposes of subsection (3), relevant evidence includes, but is not limited to:
 - (a) any joint ownership of real estate or other major assets; and
 - (b) any joint liabilities; and
 - (c) the extent of any pooling of financial resources, particularly in relation to major financial commitments; and
 - (d) whether one person owes any legal obligation to the other person; and
 - (e) any joint responsibility for the care and support of children, if any; and
 - (f) the persons' living arrangements; and
 - (g) whether the persons represent themselves to other persons as being in a partnership relationship.

26 Section 4AC

Repeal the section, substitute:

4AC Partner who survives a deceased person

- (1) In this section:
deceased person means a person who was, at the time of his or her death, an eligible employee or a retirement pensioner.
- (2) For the purposes of this Act, a person is a partner who survives a deceased person if:
 - (a) the person had a partnership relationship with the deceased person at the time of the death of the deceased person (*the death*); and
 - (b) in the case of a deceased person who was a retirement pensioner at the time of the death:
 - (i) the partnership relationship began before the retirement pensioner became a retirement pensioner; or
 - (ii) the partnership relationship began after the retirement pensioner became a retirement pensioner but before the retirement pensioner reached 60; or

- (iii) where neither subparagraph (i) nor (ii) applies—the partnership relationship had continued for a period of at least 5 years up to the time of the death.

27 Section 7

Omit “spouse” (wherever occurring), substitute “partner”.

28 Section 8

Omit “spouse” (wherever occurring), substitute “partner”.

29 Section 8A

Omit “remarriage”, substitute “commencing another partnership relationship”.

30 Section 8A

Omit “remarried”, substitute “commenced another partnership relationship”.

31 Section 9

Omit “spouse” (wherever occurring), substitute “partner”.

32 Section 10

Omit “spouse” (wherever occurring), substitute “partner”.

33 Section 10

Omit “marital relationship” (wherever occurring), substitute “partnership relationship”.

34 Section 11

Omit “spouse” (wherever occurring), substitute “partner”.

35 Section 11

Omit “marital relationship” (wherever occurring), substitute “partnership relationship”.

36 Section 12

Omit “spouse” (wherever occurring), substitute “partner”.

37 Section 12

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

38 Section 12

Omit “marital relationship” (wherever occurring), substitute “partnership relationship”.

39 Section 15

Omit “spouse” (wherever occurring), substitute “partner”.

40 Section 15A

Omit “spouse” (wherever occurring), substitute “partner”.

41 Section 15A

Omit “spouses” (wherever occurring), substitute “partners”.

Military Superannuation and Benefits Act 1991**42 Section 48**

Omit “spouse”, substitute “partner”.

43 Subrule 2(1) of the Schedule of Rules to the Trust Deed

After “month”, insert “mutual commitment to a shared life”.

44 Subrule 2(1) of the Schedule of Rules to the Trust Deed

After “Parliamentary Candidates Act”, insert “partner”.

45 Subrule 2(1) of the Schedule of Rules to the Trust Deed

After “partner”, insert “partnership relationship”.

45A Subrule 2(1) of the Schedule of Rules to the Trust Deed

After “partnership relationship”, insert “partner’s pension”.

46 Subrule 2(1) of the Schedule of Rules to the Trust Deed

Omit “spouse”.

47 Subrule 2(1) of the Schedule of Rules to the Trust Deed

Omit “spouse’s pension”.

48 Subrule 7(3) of the Schedule of Rules to the Trust Deed

Omit “spouse”, substitute “partner”.

49 Subrule 7(4) of the Schedule of Rules to the Trust Deed

Repeal the subrule, substitute:

(4) In this rule:

partner, in relation to a member, means a person who has a partnership relationship with the member as defined in the Glossary in Schedule 1.

50 Heading to Part 5 of the Schedule of Rules to the Trust Deed

Repeal the heading, substitute:

Part 5—Partners’ and Children’s Benefits**51 Heading to Division 3 of Part 5 of Schedule of Rules to the Trust Deed**

Repeal the heading, substitute:

Division 3—Death of Partner**52 Part 5 of the Schedule of Rules to the Trust Deed (rules 38 to 54)**

Omit “spouse” (wherever occurring), substitute “partner”.

53 Part 5 of the Schedule of Rules to the Trust Deed (rules 38 to 54)

Omit “spouses” (wherever occurring), substitute “partners”.

54 Part 5 of the Schedule of Rules to the Trust Deed (rules 38 to 54)

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

55 Part 6 of the Schedule of Rules to the Trust Deed (rules 55 to 61)

Omit “spouse” (wherever occurring), substitute “partner”.

56 Part 8 of the Schedule of Rules to the Trust Deed (rules 64 to 71)

Omit “spouse” (wherever occurring), substitute “partner”.

57 Part 8 of the Schedule of Rules to the Trust Deed (rules 64 to 71)

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

58 Clause 1 of Schedule 1 (definition of *child*)

Omit “spouse”, substitute “partner”.

59 Clause 1 of Schedule 1

Insert:

a *mutual commitment to a shared life* at a particular time exists where:

- (a) 2 people have been living together as partners, to the exclusion of any other partnership relationship, for a continuous period of at least 3 years up to that time; or
- (b) 2 people have been living together as partners, to the exclusion of any other partnership relationship, for a period of less than 3 years, and there is relevant evidence of a mutual commitment to a shared life.

Relevant evidence includes, but is not limited to:

- (i) any joint ownership of real estate or other major assets; and
- (ii) any joint liabilities; and
- (iii) the extent of any pooling of financial resources, particularly in relation to major financial commitments; and
- (iv) whether one person owes any legal obligation to the other person; and
- (v) any joint responsibility for the care and support of children, if any; and
- (vi) the persons’ living arrangements; and
- (vii) whether the persons represent themselves to other persons as being in a partnership relationship.

60 Clause 1 of Schedule 1

Insert:

partner means a person who has a partnership relationship with another person.

partner’s pension means pension payable to a partner under Part 4 of these Rules.

partnership relationship means a relationship that is genuine and continuing between 2 people:

- (a) who are not siblings or otherwise in a prohibited relationship within the meaning of section 23 of the *Marriage Act 1961*; and
- (b) who live together on a genuine domestic basis; and

who have a mutual commitment to a shared life to the exclusion of any other partnership relationship.

61 Clause 1 of Schedule 1 (definition of *relevant percentage*)

Omit “spouse” (wherever occurring), substitute “partner”.

62 Clause 1 of Schedule 1 (definition of *retirement pensioner*)

Omit “spouse”, substitute “partner”.

63 Clause 1 of Schedule 1 (definition of *spouse’s pension*)

Repeal the definition.

64 Part 5 of Schedule 1 (heading)

Repeal the heading, substitute:

Part 5—Partner**65 Clause 9 of Schedule 1**

Repeal the clause, substitute:

(9) For the purposes of this Part, a person is a partner who survives a deceased person if:

- (a) the person had a partnership relationship with the deceased person at the time of the death of the deceased person (*the death*); and
- (b) in the case of a deceased person who was a retirement pensioner at the time of the death:
 - (i) the partnership relationship began before the retirement pensioner became a retirement pensioner; or
 - (ii) the partnership relationship began after the retirement pensioner became a retirement pensioner but before the retirement pensioner reached 60; or
 - (iii) where neither subparagraph (i) nor (ii) applies—the partnership relationship had continued for a period of at least 5 years up to the time of the death.

66 Clause 10 of Schedule 1

Repeal the clause.

67 Clause 11 of Schedule 1

Repeal the clause.

68 Clause 12 of Schedule 1

Repeal the clause.

69 Schedule 4 (heading)

Omit “spouse”, substitute “partner”.

70 Clause 1 of Schedule 4

Omit “spouse”, substitute “partner”.

71 Schedule 4, Table 1

Omit “spouse” (wherever occurring), substitute “partner”.

Parliamentary Contributory Superannuation Act 1948**72 Subsection 4(1) (definition of *former spouse*)**

Repeal the definition, substitute:

former partner in relation to another person means a person who previously had had a partnership relationship with that person.

73 Subsection 4(1)

Insert:

partner in relation to another person means a person who has or had a partnership relationship with that person.

74 Subsection 4(1)

Insert:

partnership relationship has the meaning given by section 4B.

75 Subsection 4(1)

Insert:

relative means an ancestor, or a descendant, or a brother or a sister.

76 Section 4B

Repeal the section, substitute:

4B Partnership relationship

- (1) For the purposes of this Act, a *partnership relationship* means a relationship that is genuine and continuing between 2 people:
 - (a) who are not siblings or otherwise in a prohibited relationship within the meaning of section 23 of the *Marriage Act 1961*; and
 - (b) who live together on a genuine domestic basis; and
 - (c) who have a mutual commitment to a shared life to the exclusion of any other partnership relationship.
- (2) For the purposes of paragraph (1)(c), 2 people are to be regarded as having a mutual commitment to a shared life at a particular time if they have been living together as partners, to the exclusion of any other partnership relationship, for a continuous period of at least 3 years up to that time.
- (3) For the purposes of paragraph (1)(c), the Trust may form the view, having regard to any relevant evidence, that 2 people have a mutual commitment to a shared life if they have been living together as partners, to the exclusion of any other partnership relationship, for a period of less than 3 years.
- (4) For the purposes of subsection (3), relevant evidence includes, but is not limited to:
 - (a) any joint ownership of real estate or other major assets; and
 - (b) any joint liabilities; and
 - (c) the extent of any pooling of financial resources, particularly in relation to major financial commitments; and
 - (d) whether one person owes any legal obligation to the other person; and

- (e) any joint responsibility for the care and support of children, if any; and
- (f) the persons' living arrangements; and
- (g) whether the persons represent themselves to other persons as being in a partnership relationship.

77 Section 4C

Repeal the section, substitute:

4C Partner who survives a deceased person

- (1) In this section:

deceased person means a person who was, at the time of his or her death:

- (a) a person who was entitled to a parliamentary allowance; or
- (b) a person who was entitled to a retiring allowance whether or not the retiring allowance was immediately payable.

retired member means a person who was entitled to a retiring allowance, whether or not the retiring allowance was immediately payable.

- (2) For the purposes of this Act, a person is a partner who survives a deceased person if:

- (a) the person had a partnership relationship with the deceased person at the time of the death of the deceased person (*the death*); and
- (b) in the case of a deceased person who was a retired member at the time of the death:
 - (i) the partnership relationship began before the retired member became a retired member; or
 - (ii) the partnership relationship began after the retired member became a retired member but before the retired member reached 60; or
 - (iii) where neither subparagraph (i) nor (ii) applies—the partnership relationship had continued for a period of at least 5 years up to the time of the death.

78 Section 19

Omit “spouse” (wherever occurring), substitute “partner”.

79 Section 19AA

Omit “spouse” (wherever occurring), substitute “partner”.

80 Section 19AA

Omit “marital” (wherever occurring), substitute “partnership”.

81 Section 19AB

Omit “spouse” (wherever occurring), substitute “partner”.

82 Section 19A

Omit “spouse” (wherever occurring), substitute “partner”.

83 Section 21AA

Omit “spouse” (wherever occurring), substitute “partner”.

84 Section 21AA

Omit “spouses” (wherever occurring), substitute “partners”.

Superannuation Act 1976**85 Subsection 3(1) (definition of *accumulated contributions*)**

Omit “spouse”, substitute “partner”.

86 Subsection 3(1) (definition of *child*)

Omit “spouse”, substitute “partner”.

87 Subsection 3(1) (definition of *eligible child*)

Omit “spouse”, substitute “partner”.

88 Subsection 3(1) (definition of *extra spouse’s pension*)

Omit “*spouse’s*”, substitute “*partner’s*”.

89 Subsection 3(1)

Insert:

partner’s pension means pension payable under Division 1, 2 or 3 of Part VI.

90 Subsection 3(1)

Insert:

relative means an ancestor, or a descendant, or a brother or a sister.

91 Subsection 3 (definition of *spouse’s pension*)

Repeal the definition.

92 Section 8A

Repeal the section, substitute:

8A Partnership relationship

- (1) For the purposes of this Act, a *partnership relationship* means a relationship that is genuine and continuing between 2 people:
 - (a) who are not siblings or otherwise in a prohibited relationship within the meaning of section 23 of the *Marriage Act 1961*; and
 - (b) who live together on a genuine domestic basis; and
 - (c) who have a mutual commitment to a shared life to the exclusion of any other partnership relationship.
- (2) For the purposes of paragraph (1)(c), 2 people are to be regarded as having a mutual commitment to a shared life at a particular time if they have been living together as partners, to the exclusion of any other partnership relationship, for a continuous period of at least 3 years up to that time.

- (3) For the purposes of paragraph (1)(c), the Board may form the view, having regard to any relevant evidence, that 2 people have a mutual commitment to a shared life if they have been living together as partners, to the exclusion of any other partnership relationship, for a period of less than 3 years.
- (4) For the purposes of subsection (3), relevant evidence includes, but is not limited to:
 - (a) any joint ownership of real estate or other major assets; and
 - (b) any joint liabilities; and
 - (c) the extent of any pooling of financial resources, particularly in relation to major financial commitments; and
 - (d) whether one person owes any legal obligation to the other person; and
 - (e) any joint responsibility for the care and support of children, if any; and
 - (f) the persons' living arrangements; and
 - (g) whether the persons represent themselves to other persons as being in a partnership relationship.

93 Section 8B

Repeal the section, substitute:

8B Partner who survives a deceased person

- (1) In this section:
deceased person means a person who was, at the time of his or her death, an eligible employee or a retirement pensioner.
- (2) For the purposes of this Act, a person is a partner who survives a deceased person if:
 - (a) the person had a partnership relationship with the deceased person at the time of the death of the deceased person (*the death*); and
 - (b) in the case of a deceased person who was a retirement pensioner at the time of the death:
 - (i) the partnership relationship began before the retirement pensioner became a retirement pensioner; or
 - (ii) the partnership relationship began after the retirement pensioner became a retirement pensioner but before the retirement pensioner reached 60; or
 - (iii) where neither subparagraph (i) nor (ii) applies—the partnership relationship had continued for a period of at least 5 years up to the time of the death.

94 Section 9

Omit “marital relationship” (wherever occurring), substitute “partnership relationship”.

95 Section 16AB

Omit “spouse” (wherever occurring), substitute “partner”.

96 Subsection 51(6)

Omit “spouse”, substitute “partner”.

97 Subparagraph 51A(1)(b)(i)

Omit “spouse”, substitute “partner”.

98 Paragraph 65(1)(b)

Omit “spouse’s”, substitute “partner’s”.

99 Part VI (heading)

Repeal the heading, substitute

**PART VI—BENEFITS PAYABLE TO PARTNERS AND
CHILDREN**

100 Division 1 of Part VI (heading)

Repeal the heading, substitute “**Division 1—Partner’s benefit on death of eligible employee before attaining maximum retiring age**”.

101 Division 2 of Part VI (heading)

Repeal the heading, substitute “**Division 2—Partner’s benefit on death of eligible employee after attaining maximum retiring age**”.

102 Division 3 of Part VI (heading)

Repeal the heading, substitute “**Division 3—Partner’s benefit on death of pensioner**”.

103 Division 3A of Part VI (heading)

Repeal the heading, substitute “**Division 3A—Partner’s benefit attributable to partially dependant children**”.

104 Part VI (sections 81 to 110AB)

Omit “spouse” (wherever occurring), substitute “partner”.

105 Part VI (sections 81 to 110AB)

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

106 Part VI (sections 81 to 110AB)

Omit “spouses” (wherever occurring), substitute “partners”.

107 Part VI (sections 81 to 110AB)

Omit “marital” (wherever occurring), substitute “partnership”.

108 Subsection 110S(1)

Omit “spouse” (wherever occurring), substitute “partner”.

109 Section 110TE

Omit “spouse” (wherever occurring), substitute “partner”.

110 Section 110TE

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

111 Section 110TF

Omit “spouse”, substitute “partner”.

112 Section 114

Omit “spouse” (wherever occurring), substitute “partner”.

113 Section 114

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

114 Paragraph 119(4)(a)

Omit “spouse’s”, substitute “partner’s”.

115 Section 136

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

116 Section 136

Omit “spouse” (wherever occurring), substitute “partner”.

117 Section 147

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

118 Section 149

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

119 Section 149

Omit “spouse” (wherever occurring), substitute “partner”.

120 Section 150

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

121 Section 150

Omit “spouse” (wherever occurring), substitute “partner”.

122 Section 157

Omit “spouse” (wherever occurring), substitute “partner”.

123 Schedule 11, Table 3

Omit “spouse” (wherever occurring), substitute “partner”.

Superannuation Act 1990**124 Subsection 44(2)**

Omit “spouse”, substitute “partner”.

125 Rule 1.1.1 of the Schedule to the Trust Deed (definition of *associated child*)

Omit “spouse” (wherever occurring), substitute “partner”.

126 Rule 1.1.1 of the Schedule to the Trust Deed (definition of *child*)

Omit “spouse”, substitute “partner”.

127 Rule 1.1.1 of the Schedule to the Trust Deed (definition of *eligible child*)

Omit “spouse”, substitute “partner”.

128 Rule 1.1.1 of the Schedule to the Trust Deed

Insert:

mutual commitment to a shared life at a particular time is demonstrated where 2 people:

- (a) have been living together as partners, to the exclusion of any other partnership relationship, for a continuous period of at least 3 years up to that time; or
- (b) have been living together as partners, to the exclusion of any other partnership relationship, for a period of less than 3 years and the Board, having regard to:
 - (i) any joint ownership of real estate or other major assets; and
 - (ii) any joint liabilities; and
 - (iii) the extent of any pooling of financial resources, particularly in relation to major financial commitments; and
 - (iv) whether one person owes any legal obligation to the other person; and
 - (v) any joint responsibility for the care and support of children, if any; and
 - (vi) the persons’ living arrangements; and
 - (vii) whether the persons represent themselves to other persons as being in a partnership relationship; and
 - (viii) any other relevant information;

is of the view that those people have demonstrated a mutual commitment to a shared life.

129 Rule 1.1.1 of the Schedule to the Trust Deed

Insert:

partner, in relation to a person who has died and who was, at the time of his or her death, a member or retirement pensioner, means a person who has a partnership relationship with that person.

130 Rule 1.1.1 of the Schedule to the Trust Deed

Insert:

partnership relationship means a relationship that is genuine and continuing between 2 people:

- (a) who are not siblings or otherwise in a prohibited relationship within the meaning of section 23 of the *Marriage Act 1961*; and
- (b) who live together on a genuine domestic basis; and
- (c) who have a mutual commitment to a shared life to the exclusion of any other partnership relationship.

131 Rule 1.1.1 of the Schedule to the Trust Deed

Insert:

relative means an ancestor, or a descendant, or a brother or a sister.

132 Rule 1.1.1 of the Schedule to the Trust Deed (definition of *spouse*)

Repeal the definition.

133 Heading to Part 5 of the Schedule to the Trust Deed

Omit “Spouses”, substitute “Partners”.

134 Rule 5.1.1 of the Schedule to the Trust Deed

Omit “spouse”, substitute “partner”.

135 Rule 5.1.1 of the Schedule to the Trust Deed

Omit “spouses”, substitute “partners”.

136 Rule 5.1.2 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

137 Rule 5.1.2 of the Schedule to the Trust Deed

Omit “spouses” (wherever occurring), substitute “partners”.

138 Rule 5.1.3 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

139 Rule 5.1.4 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

140 Rule 5.1.5 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

141 Rule 5.1.6 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

142 Rule 5.2.1 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

143 Rule 5.2.1 of the Schedule to the Trust Deed

Omit “spouses” (wherever occurring), substitute “partners”.

144 Rule 5.2.3 of the Schedule to the Trust Deed

Omit “spouses” (wherever occurring), substitute “partners”.

145 Rule 5.2.3 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

146 Rule 5.2.4 of the Schedule to the Trust Deed

Omit “spouse”, substitute “partner”.

147 Rule 5.2.4 of the Schedule to the Trust Deed

Omit “spouse’s”, substitute “partner’s”.

148 Rule 5.2.5 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

149 Rule 5.2.5 of the Schedule to the Trust Deed

Omit “spouse’s” (wherever occurring), substitute “partner’s”.

150 Rule 5.2.6 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

151 Rule 5.2.6 of the Schedule to the Trust Deed

Omit “spouses” (wherever occurring), substitute “partners”.

152 Rule 5.2.7 of the Schedule to the Trust Deed

Omit “spouse”, substitute “partner”.

153 Rule 5.2.8 of the Schedule to the Trust Deed

Omit “spouse”, substitute “partner”.

154 Rule 5.3.1 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

155 Rule 5.3.1 of the Schedule to the Trust Deed

Omit “spouses” (wherever occurring), substitute “partners”.

156 Rule 5.3.2 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

157 Rule 5.3.3 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

158 Rule 5.3.4 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

159 Rule 5.3.7 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

160 Rule 5.3.7 of the Schedule to the Trust Deed

Omit “spouses” (wherever occurring), substitute “partners”.

161 Rule 5.3.9 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

162 Rule 5.3.10 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

163 Rule 6.1.11 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

164 Rule 6.1.11 of the Schedule to the Trust Deed

Omit “spouses” (wherever occurring), substitute “partners”.

165 Rule 6.1.12 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

166 Rule 6.1.13 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

167 Rule 6.1.14 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

168 Rule 6.2.5 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

169 Rule 6.2.6 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

170 Rule 6.2.7 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

171 Rule 6.3.1 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

172 Rule 9.1.5 of the Schedule to the Trust Deed

Omit “spouse” (wherever occurring), substitute “partner”.

Superannuation Industry (Supervision) Act 1993**173 Section 10 (definition of *dependant*)**

Omit “spouse”, substitute “partner”.

174 Section 10

Insert:

partner means a person who has a partnership relationship with another person.

partnership relationship has the same meaning as in section 8A of the *Superannuation Act 1976*.

175 Section 10 (definition of *spouse*)

Omit the definition.

176 Subsection 18A(7) (definition of *relative*)

Omit the definition, substitute:

relative, in relation to a person, means:

- (a) a parent, child, grandparent, grandchild, sibling, aunt, uncle, great-aunt, great-uncle, niece, nephew, first cousin or second cousin of the person or of his or her partner; or
- (b) a person having such a relationship to the person or to his or her partner because of adoption or entering into a subsequent partnership relationship; or
- (c) the partner of the person or of a person referred to in paragraph (a) or (b).

Note: See section 10 for the definitions of ***child*** and ***partner***.

177 Subsection 65(6) (definition of *relative*)

Omit “spouse” (wherever occurring), substitute “partner”.

178 Paragraph 70B(d)

Omit “spouse”, substitute “partner”.

179 Paragraph 70C(b)

Omit “spouse”, substitute “partner”.

180 Subsection 70E(4) (definition of *relative*)

Omit “spouse” (wherever occurring), substitute “partner”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 10

Senators—

Allison	Brown	Lees	Ridgeway
Bartlett	Cherry	Murray	Stott Despoja
Bourne (Teller)	Greig		

NOES, 43

Senators—

Abetz	Crossin	Knowles	Payne
Bishop	Crowley	Ludwig	Reid
Brandis	Denman	Lundy	Schacht
Buckland	Evans	Macdonald, Sandy	Sherry
Campbell, George	Ferguson	Mackay	Tambling
Carr	Ferris	Mason	Tchen
Chapman	Forshaw	McKiernan	Tierney
Collins	Gibbs	McLucas	Troeth
Conroy	Hogg	Murphy	Watson
Coonan (Teller)	Hutchins	O'Brien	West
Cooney	Kemp	Patterson	

Question negatived.

Senator Allison moved the following amendment:

Page 33 (after line 2), at the end of the bill, add:

**Schedule 5—Amendments relating to parliamentary
superannuation**

Parliamentary Contributory Superannuation Act 1948

1 Subsection 4(1) (definition of *member*)

Repeal the definition, substitute:

member means a member of either House who makes contributions to the Trust.

2 Subsection 4(1)

Insert:

non-Trust contributor means a member of either House who has never made or has ceased to make contributions to the Trust as a result of a choice made under section 4F.

3 Paragraph 4(4A)(aa)

Repeal the paragraph, substitute:

(aa) a member or a non-Trust contributor is taken to be employed by the Commonwealth;

4 Before Part II

Insert:

4F Choosing to be a non-Trust contributor

- (1) This section applies to a member of either House who is or becomes a member of another complying superannuation fund or the holder of an RSA.
- (2) On or after 1 July 2001, a member of either House may, by written notice given to the Trust choose:
 - (a) to cease to make contributions to the Trust at the end of a day (not earlier than the day on which the notice is given) stated in the notice; or
 - (b) never to make contributions to the Trust, where the person choosing is a new member of either House.
- (3) The person may make this choice on first becoming entitled to parliamentary allowance or at any time he or she is a member.
- (4) The person must have effective membership of a complying superannuation fund or be the holder of an RSA for the whole of the period or periods he or she is a member of either House.
- (5) A non-Trust contributor may not revoke his or her choice after the day stated in the written notice given to the Trust.
- (6) In this section:

complying superannuation fund has the meaning given by section 45 of the *Superannuation Industry (Supervision) Act 1993*.

RSA has the same meaning as in the *Retirement Savings Accounts Act 1997*.

4G Superannuation contributions for non Trust contributors

The Commonwealth must make contributions to a non-Trust contributor's chosen fund or RSA for that person's benefit. The contributions must be made with effect from the day stated in the written notice to the Trust, and in accordance with the *Superannuation Guarantee (Administration) Act 1992*.

5 Subsection 13(9)

Repeal the subsection, substitute:

(9) In this section:

Minister of State means a Minister of State who is entitled to a parliamentary allowance and who makes contributions to the Trust.

month means one of the 12 months of the year.

office holder means a person who:

- (a) is entitled to a parliamentary allowance; and
- (b) holds an office in, or in relation to, the Parliament or either House, being an office in respect of which he or she is entitled to an allowance by way of salary; and
- (c) makes contributions to the Trust;

but does not include a Minister of State.

person means a person who makes contributions to the Trust.

6 At the end of subsection 18(1A)

Add “or (6A), as the case may be”.

7 Paragraph 18(1B)(a)

After “subsection (6)”, insert “or (6A), as the case may be,”.

8 At the end of paragraph 18(1B)(b)

Add “or (6A), as the case may be”.

9 At the end of paragraph 18(2)(a)

Add “or (6A), as the case may be”.

10 Paragraph 18(2)(aa)

After “subsection (6)”, insert “or (6A), as the case may be,”.

11 After subsection 18(2)

Insert:

(2AAAA) A benefit under subsection (1A), (1B), (2), (4) or (9) is not payable to a member unless the member has attained the age of 55 years.

(2AAAB) Subsection (2AAAA) applies to a person who is, or becomes, a member on or after 1 July 2001.

12 At the end of paragraph 18(2AA)(a)

Add “or (6A), as the case may be”.

13 Paragraph 18(2AA)(c)

Omit “50%”, substitute “35%”.

14 Paragraph 18(2AA)(d)

Omit “30%”, substitute “21%”.

15 After subsection 18(6)

Insert:

- (6A) The rate of retiring allowance payable under this section to a person who is, or becomes, a member on or after 1 July 2001 is such percentage of the rate of parliamentary allowance for the time being payable to a member as is applicable in accordance with the following scale:

Number of complete years in period of service of person	Percentage of parliamentary allowance to be paid as retiring allowance
8	35.00
9	36.75
10	38.50
11	40.25
12	42.00
13	43.75
14	45.50
15	47.25
16	49.00
17	50.75
18 or more	52.50

16 Subsection 18(7)

After “subsection (6)”, insert “or (6A), as the case may be,”.

17 After section 18

Insert:

18A Benefits for members who choose to become non-Trust contributors

- (1) A member who ceases to make contributions to the Trust as a result of a choice made under section 4F, shall be entitled to a benefit equal to the superannuation guarantee safety-net amount.
- (2) Except as provided by this section, this benefit is in substitution for any benefits that would otherwise apply under this Act in respect of the person.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bill read a third time.

38 ENVIRONMENTAL LEGISLATION AMENDMENT BILL (NO. 2) 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Senator Bartlett moved the following amendment:

At the end of the motion, add “and that the Senate calls on the Government to ratify the Basel Ban Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, an amendment which would prohibit the export of hazardous wastes from OECD countries to non-OECD countries”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

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

Schedule 1, item 10, page 5 (line 23), after “office”, insert “and at least one executive officer”.

Schedule 1, item 10, page 6 (after line 2), at the end of section 40AA, add:

- (2) A person is guilty of an offence if:
- (a) the person sells hazardous waste to another person; and
 - (b) the person sells hazardous waste knowing, or being reckless as to whether the waste is to be exported; and
 - (c) an export permit authorising the export of the waste is not in force when the sale occurs.

Penalty:

- (a) if the offender is an individual—imprisonment for a term not exceeding 2 years; or
- (b) if the offender is a body corporate—a fine not exceeding 2,500 penalty units.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for the Environment and Heritage (Senator Hill) the report from the committee was adopted and the bill read a third time.

39 WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2000

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

At 9.50 pm: Debate was interrupted while Senator O'Brien was speaking.

40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.29 pm till Tuesday, 7 August 2001 at 2 pm.

41 ATTENDANCE

Present, all senators except Senators Crane, Eggleston and Herron.

HARRY EVANS
Clerk of the Senate