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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 PETITION

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

From 51 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

3 NOTICES

Notices of motion:

Senator Lees: To move on 18 June 2003—That the following bill be introduced: A Bill for an Act to amend the *Social Security Act 1991* to provide for young students' eligibility for the carer payment, and for related purposes. ***Social Security Amendment (Supporting Young Carers) Bill 2003***. (*general business notice of motion no. 465*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—That the Workplace Relations Amendment Regulations 2002 (No. 3), as contained in Statutory Rules 2002 No. 337 and made under the *Workplace Relations Act 1996*, be disallowed.

Senator Tchen, by leave, made a statement relating to the notice of motion.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—That the Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 1), made under section 52A of the *Farm Household Support Act 1992*, be disallowed.

Senator Tchen, by leave, made a statement relating to the notice of motion.

Senator Brown: To move on the next day of sitting—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 20 August 2003:

The burning of Australia's biggest tree, in Tasmania, having regard to:

- (a) its discovery;
- (b) what protective measures were put in place;
- (c) why these protective measures failed;
- (d) whether any rescue is possible;
- (e) how to prevent similar episodes;
- (f) any related matters; and
- (g) the role of the Commonwealth in all these issues.

Senator Lees: To move on 12 August 2003—That the following bill be introduced: A Bill for an Act to enhance the protection of biodiversity on private land, and for related purposes. ***Protection of Biodiversity on Private Land Bill 2003***. (*general business notice of motion no. 466*)

Senator Lees: To move on 9 September 2003—That the following bill be introduced: A Bill for an Act to encourage a stronger civic culture in Australia, and for related purposes. ***Encouraging Communities Bill 2003***. (*general business notice of motion no. 467*)

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

- (a) supports global democracy based on the principle of ‘one person, one vote, one value’; and
- (b) supports the vision of a global parliament which empowers all the world’s people equally to decide on matters of international significance. (*general business notice of motion no. 468*)

Notice of motion withdrawn: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) withdrew government business notice of motion no. 1 standing in his name for today, relating to the consideration of legislation.

4 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business order of the day no. 3 (Criminal Code Amendment (Terrorism) Bill 2002) be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

Senator Ian Campbell moved—That the order of general business for consideration today be as follows:

- (a) general business order of the day no. 23 (Constitution Alteration (Right to Stand for Parliament—Qualification of Members and Candidates) 1998 (No. 2) [2002]); and
- (b) consideration of government documents.

Question put and passed.

5 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 1, under committee reports and government responses, standing in the name of the Chair of the Standing Committee of Senators’ Interests (Senator Denman) for today, proposing amendments to the resolutions on senators’ interests, postponed till 19 June 2003.

6 WOMEN—MEDIA—BODY IMAGE

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 439—That the Senate—

- (a) notes that:
 - (i) body image is a serious concern for many women, particularly young women, in Australia,
 - (ii) body image concerns can result from unrealistic portrayals of women throughout the media, and
 - (iii) concerns over body image are often connected to a number of health issues for women, including eating disorders, depression and low self esteem; and
- (b) urges the Government to initiate a review into the effects of the media on the body image of young women.

Question put and passed.

7 MEDICARE—SELECT COMMITTEE—APPOINTMENT

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 460—

- (1) That a select committee, to be known as the Select Committee on Medicare, be appointed to inquire into and report by 12 August 2003 on the following matters:

The access to and affordability of general practice under Medicare, with particular regard to:

 - (a) the impact of the current rate of the Medicare Benefits Schedule and Practice Incentive Payments on practitioner incomes and the viability of bulk-billing practices;
 - (b) the impact of general practitioner shortages on patients' ability to access appropriate care in a timely manner;
 - (c) the likely impact on access, affordability and quality services for individuals, in the short- and longer-term, of the following Government-announced proposals:
 - (i) incentives for free care from general practitioners limited to health care card holders or those beneath an income threshold,
 - (ii) a change to bulk-billing arrangements to allow patient co-payment at point of services co-incident with direct rebate reimbursement,
 - (iii) a new safety net for concession cardholders only and its interaction with existing safety nets, and
 - (iv) private health insurance for out-of-hospital out-of-pocket medical expenses; and
 - (d) alternatives in the Australian context that could improve the Medicare principles of access and affordability, within an economically sustainable system of primary care, in particular:
 - (i) whether the extension of federal funding to allied and dental health services could provide a more cost-effective health care system,
 - (ii) the implications of reallocating expenditure from changes to the private health insurance rebate, and
 - (iii) alternative remuneration models that would satisfy medical practitioners but would not compromise the principle of universality which underlies Medicare.
- (2) That the committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, and 1 nominated by minority groups and independent senators.
- (3) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
- (4) In the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate.
- (5) That the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.
- (6) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

- (7) That the quorum of the committee be 3 members.
- (8) Where the votes on any question before the committee are equally divided, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
- (9) That the committee and any subcommittee 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 committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (11) That the quorum of a subcommittee be 2 members.
- (12) 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 with the approval of the President.
- (13) 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.

Question put and passed.

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

8 ENVIRONMENT—TASMANIA—RECHERCHE BAY

Senator Brown amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 440—That the Senate—

- (a) recognises the north-east peninsula of Recherche Bay in Southern Tasmania as the meeting place of the D'Entrecasteaux scientific expedition and Indigenous Pallear people in 1792-93;
- (b) notes significant scientific studies carried out and discoveries made by the French expedition in this period;
- (c) congratulates the Tasmanian Government for the action it has taken to work through the Tasmanian Heritage Council to consult the community on the future of this site;
- (d) notes that:
 - (i) the owners of the private property upon which this site is situated have postponed their proposal to contract Gunns Pty Limited to harvest the forest in order to allow the Tasmanian Heritage Council to take community comment, and
 - (ii) the Premier of Tasmania (Mr Bacon) wrote to the President of France (Mr Chirac) on 17 March 2003 advising him of the discovery of the archaeological find and expressing the desire of the Tasmanian Government to work with the Australian and French communities to protect our joint heritage represented by this site; and
- (e) calls on the Federal Government to:
 - (i) work with the Tasmanian Government in its consultation with the Government of France regarding these events and circumstances and the range of possible outcomes, and

- (ii) notify the Government of France of these events and circumstances and the range of possible outcomes.

Question put and passed.

9 HUMAN RIGHTS—SEXUALITY

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 464—That the Senate—

- (a) congratulates the Government on confirming its support for the resolution on human rights and sexual orientation that was recently introduced to the 59th session of the United Nations Commission on Human Rights;
- (b) notes that the resolution was introduced by Brazil and seconded by Poland; and
- (c) urges the Government to maintain its commitment to addressing the issue of persecution and violations of human rights on the grounds of sexuality at international fora.

Question put and passed.

10 INDIGENOUS AUSTRALIANS—NATIONAL SORRY DAY

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 463—That the Senate—

- (a) notes that:
 - (i) 26 May 2003 is National Sorry Day, and that this date commemorates the anniversary of the handing down of the *Bringing Them Home* report on 26 May 1997, and
 - (ii) National Sorry Day is an opportunity for all Australians to acknowledge and help to heal the wounds of the many Aboriginal and Torres Strait Islander people and their families who suffered as a result of the forced removal policies of successive Australian governments between 1910 and 1970;
- (b) congratulates those involved in the ‘Journey of Healing’ and other community-based organisations which are holding events across the country to help all Australians understand the ongoing impact of the removal policies and to rebuild relations between Indigenous and non-Indigenous Australians in the spirit of reconciliation;
- (c) notes further that 27 May to 3 June 2003 is National Reconciliation Week, the theme of which is ‘*Reconciliation. Together we’re doing it*’, and which is designed to reflect the real progress being made in communities around Australia, where partnerships between people in schools, government, private businesses and Indigenous organisations are showing what can be achieved when real effort is made in achieving reconciliation;
- (d) acknowledges that despite these efforts, the progress of reconciliation in Australia has remained extremely slow;
- (e) notes that the Legal and Constitutional References Committee inquiry into progress towards national reconciliation is in the process of conducting public hearings and is due to report by 11 August 2003; and
- (f) urges the Government to take note of this report and give careful consideration to its recommendations.

Question put and passed.

11 HEALTH—NATIONAL AUTISM AWARENESS WEEK

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 462—That the Senate—

(a) notes that:

- (i) 11 May to 18 May 2003 is National Autism Awareness Week,
- (ii) Autism Spectrum Disorder has a profound impact on the individuals affected by it, their families, friends and communities,
- (iii) there is a great deal of research being conducted into the causes of Autism Spectrum Disorder, and
- (iv) the Autism Association of South Australia Inc. is providing valuable support and information to people affected by Autism Spectrum Disorder; and

(b) urges the Government to increase funding to families with high support needs in relation to children and adults with autism.

Question put and passed.

12 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—ANNUAL REPORTS

Pursuant to order, Senator Eggleston, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report:

Legal and Constitutional Legislation Committee—Annual reports referred to legislation committees—Report 1 of 2003, dated May 2003.

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

13 PUBLICATIONS—STANDING COMMITTEE—8TH REPORT

The Chair of the Standing Committee on Publications (Senator Colbeck) tabled the following report:

PUBLICATIONS COMMITTEE

8TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents tabled since 26 March 2003, recommends that the following be printed:

Australia and the Asian Development Bank—Report for 2001-02.

Australia and the IMF—Report for 2001-02.

Australia and the World Bank—Report for 2001-02.

Finance—Budget 2003-04—Ministerial statements—

Australia's overseas aid program 2002-03.

Australia's regions: Working in partnership.

Investing for a sustainable Australia: Commonwealth environment expenditure.

Sustaining agriculture: The drought and beyond.

Women's budget statement.

Great Barrier Reef Marine Park Authority—Report for 2001-02—Errata.

Higher Education—Report for the 2003-2005 triennium.

Pharmaceutical Benefits Pricing Authority—Report for 2001-02.

Productivity Commission—Report—No. 24—Economic regulation of harbour towage and related services, August 2002.

Royal Commission into the Building and Construction Industry—Final report of Royal Commissioner, the Hon. Terence Cole, February 2003—

Volume 1—Summary of findings and recommendations.

Volume 3—National perspective, part 1.

Volume 4—National perspective, part 2.

Volume 5—Reform: Establishing employment and conditions.

Volume 6—Reform: Occupational health and safety.

Volume 7—Reform: National issues, part 1.

Volume 8—Reform: National issues, part 2.

Volume 9—Reform: National issues, part 3.

Volume 10—Reform: Funds.

Volume 11—Reform: Achieving cultural change.

Royal Commission into the failure of HIH Insurance—Report by the Royal Commissioner the Honourable Justice Owen, dated April 2003—

Volume I—A corporate collapse and its lessons.

Volume II—Reasons, circumstances and responsibilities.

Volume III—Reasons, circumstances and responsibilities.

Senator Richard Colbeck

Chairman

15 May 2003.

Senator Colbeck moved—That the report be adopted.

Question put and passed.

14 THERAPEUTIC GOODS AMENDMENT BILL (NO. 1) 2003

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

Message no. 302, dated 14 May 2003—A Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Ian Campbell moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ian Campbell tabled a revised explanatory memorandum relating to the bill.

On the motion of Senator Ludwig the debate was adjourned.

On the motion of Senator Ian Campbell the resumption of the debate was made an order of the day for a later hour.

15 SUPERANNUATION LEGISLATION AMENDMENT (FAMILY LAW) BILL 2002

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

Message no. 301, dated 14 May 2003—A Bill for an Act to amend legislation relating to superannuation, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Ian Campbell moved—That this bill be now read a second time.

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

16 CRIMES LEGISLATION ENHANCEMENT BILL 2003

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 303, dated 14 May 2003—Crimes Legislation Enhancement Bill 2003.

17 GOVERNOR-GENERAL

Order of the day read for the adjourned debate on the motion of the Leader of the Opposition in the Senate (Senator Faulkner)—That the Senate—

(a) notes with concern that:

- (i) the Government has failed to respond to evidence of sexual abuse of children in our society and within our public institutions,
- (ii) the independent report of the Diocesan Board of Inquiry found that Dr Peter Hollingworth, while occupying a position of public trust as Archbishop of Brisbane, allowed a priest to remain in the ministry after an admission of sexual abuse, and the Board of Inquiry found this decision to be ‘untenable’,
- (iii) the Governor-General has admitted that he made a serious error in doing so,
- (iv) Dr Peter Hollingworth, through his actions while in the Office of Governor-General, in particular his interview on ‘Australian Story’ and his apparent ‘reconstruction’ of evidence before the Diocesan Board of Inquiry, has shown himself not to be a person suitable to hold the Office of Governor-General,
- (v) members of the House of Representatives, senators, and premiers and members of state parliaments have called upon the Governor-General to resign, or failing that, to be dismissed by the Prime Minister,
- (vi) the Governor-General is now no longer able to fulfil his symbolic role as a figure of unity for the Australian people,
- (vii) the Governor-General is now no longer able to exercise the constitutional powers of the Office in a manner that will be seen as impartial and non-partisan,

- (viii) the Governor-General's action in standing aside until the current Victorian Supreme Court action is resolved, does not address any of the issues surrounding his behaviour as Archbishop of Brisbane, and is therefore inadequate,
- (ix) the Governor-General has failed to resign and the Prime Minister has failed to advise the Queen of Australia to dismiss him, and
- (x) the Australian Constitution fails to set out any criteria for the dismissal of a Governor-General or a fair process by which this can be achieved; and

(b) urges:

- (i) the Prime Minister to establish a Royal Commission into child sexual abuse in Australia, and
- (ii) the Governor-General to immediately resign or, if he does not do so, the Prime Minister to advise the Queen of Australia to terminate the Commission of the Governor-General.

—*And on the amendment moved by Senator Murphy:*

Omit all words after "That", substitute "the Senate—

(a) notes with concern that:

- (i) Dr Peter Hollingworth, while in the Office of Governor-General, gave in an interview on 'Australian Story', a version of events which have been found by the Diocesan Board of Inquiry to be untrue, and
- (ii) the same Board of Inquiry found that they could not accept Dr Hollingworth had a belief that the child sexual abuse was an isolated incident and that his handling of the matters was untenable;

(b) finds that:

- (i) the circumstances that have developed around the Office of Governor-General are doing irreparable damage to the Office and must be resolved,
- (ii) the conclusions of the report of the Anglican Church clearly demonstrates that Dr Hollingworth failed in his duty as Archbishop,
- (iii) such failing in a position of significant public trust renders Dr Hollingworth an unsuitable person to fill the Office of Governor-General,
- (iv) the Governor-General's action in standing aside until the current Victorian Supreme Court action is resolved does not address any of the issues surrounding his behaviour as Archbishop of Brisbane, and is therefore inadequate,
- (v) the Governor-General is now no longer able to fulfil his symbolic role as a figure of unity for the Australian people, and
- (vi) the Governor-General is now no longer able to exercise the constitutional powers of the Office in a manner that will be seen as impartial and non-partisan; and

(c) therefore, in light of these unacceptable circumstances, urges:

- (i) the Governor-General to immediately resign or, if he does not do so, the Prime Minister to advise the Queen of Australia to terminate the Commission of Governor-General, and
- (ii) the Prime Minister to establish a Royal Commission into child sexual abuse in Australia.

Debate resumed.

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

Main question put and passed.

Senator Faulkner, pursuant to standing order 154, moved—That the resolution relating to the Governor-General be communicated by message to the House of Representatives with a request that the House concur in the resolution.

Question put and passed.

18 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business order of the day no. 1 (Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2]) be postponed till the next day of sitting.

Question put and passed.

19 **TERRORISM INSURANCE BILL 2003**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—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.

On the motion of Senator Ludwig the following amendment was debated and agreed to:

Clause 41, page 23 (after line 7), at the end of the clause, add:

- (2) A review conducted in accordance with this section must be tabled by the Minister in both Houses of the Parliament within 10 sitting days after the day on which the review was presented to the Minister.

On the motion of Senator Ludwig the following amendment was debated and agreed to:

Page 24 (after line 3), at the end of the bill, add:

Schedule 1—Amendment of the Trade Practices Act 1974

1 After paragraph 2B(1)(aa)

Insert:

- (ab) Part VBA;

2 Subsection 5(1)

After “Part VB”, insert “, Part VBA”.

Note: The heading to section 5 is altered by inserting “, VBA” after “VB”.

3 Paragraph 6(2)(b)

After “75AY”, insert “, 75AZAB, 75AZAC, 75AZAD, 75AZAE and 75AZAF”.

Note: The heading to section 6 is altered by inserting “, VBA” after “VB”.

4 After Part VB

Insert:

Part VBA—Price exploitation in relation to terrorism insurance

75AZAA Definitions

In this Part, unless the contrary intention appears:

terrorism insurance cover means insurance cover produced as a result of the *Terrorism Insurance Act 2003* and regulations made under that Act. It does not include insurance or reinsurance provided by the Australian Reinsurance Pool Corporation.

price, in relation to a supply, includes:

- (a) a charge of any description for the supply; and
- (b) any pecuniary or other benefit, whether direct or indirect, received or to be received by a person for or in connection with the supply.

supply means a supply of a contract for terrorism insurance cover.

transition period means the period ending 3 years after the commencement of this Act.

75AZAB Price exploitation in relation to terrorism insurance

- (1) A corporation contravenes this section if it engages in price exploitation in relation to terrorism insurance cover.
- (2) For the purposes of this section, a corporation engages in price exploitation in relation to terrorism insurance cover if:
 - (a) it makes a supply during the terrorism insurance cover transition period; and
 - (b) the price for the supply is unreasonably high, having regard alone to terrorism insurance cover (in so far as the price has taken effect); and
 - (c) the price for the supply is unreasonably high even if the following other matters are also taken into account:
 - (i) the supplier’s costs; and
 - (ii) supply and demand conditions; and
 - (iii) any other relevant matter.

75AZAC Price exploitation—guidelines about when prices contravene section 75AZAB

- (1) The Commission may, by written instrument, formulate guidelines about when prices for supplies may be regarded as being in contravention of section 75AZAB.
- (2) The Commission may, by written instrument, vary the guidelines.
- (3) The Commission must have regard to the guidelines in making decisions under section 75AZAD or 75AZAE in relation to the issue, variation and revocation of notices under that section.
- (4) The Court may have regard to the guidelines in any proceedings:

- (a) under section 76 relating to section 75AZAB; or
 - (b) under section 80 for an injunction relating to section 75AZAB.
- (5) As soon as practicable after making or varying the guidelines, the Commission must cause a copy of the guidelines, or of the variation, to be published in the *Gazette*. However, failure to do so does not affect the validity of the guidelines or of the variation.

75AZAD Commission may issue notice to corporation it considers has contravened section 75AZAB

- (1) If the Commission considers that a corporation has made a supply in contravention of section 75AZAB, the Commission may give the corporation a notice in writing under this section.
- (2) The notice must:
 - (a) be expressed to be given under this section; and
 - (b) identify:
 - (i) the corporation that made the supply; and
 - (ii) the kind of supply made; and
 - (iii) the circumstances in which the supply was made; and
 - (c) state that, in the Commission's opinion:
 - (i) the price for the supply was unreasonably high as mentioned in paragraph 75AZAB(2)(b); and
 - (ii) that unreasonably high price was not attributable to matters referred to in paragraph 75AZAB(2)(c).
- (3) In any proceedings:
 - (a) under section 76 relating to section 75AZAB; or
 - (b) under section 80 for an injunction relating to section 75AZAB;
 the notice is taken to be prima facie evidence that:
 - (c) the price for the supply was unreasonably high as mentioned in paragraph 75AZAB(2)(b); and
 - (d) that unreasonably high price was not attributable to matters referred to in paragraph 75AZAB(2)(c).
- (4) The Commission may vary or revoke the notice on its own initiative or on application made by the corporation. The Commission must give the corporation notice in writing of the variation or revocation.

75AZAE Commission may issue notice to aid prevention of price exploitation

- (1) The Commission may give a corporation a notice in writing under this section if the Commission considers that doing so will aid the prevention of price exploitation (within the meaning of section 75AZAB).
- (2) The notice must:
 - (a) be expressed to be given under this section; and
 - (b) be expressed to relate to any supply that the corporation makes that is:
 - (i) of a kind specified in the notice; and
 - (ii) made in circumstances specified in the notice; and
 - (iii) made during the period specified in the notice (which must not be a period ending after the end of the transition period); and

- (c) specify the maximum price that, in the Commission's opinion, may be charged for a supply to which the notice is expressed to relate.
- (3) The Commission may, on its own initiative or on application made by the corporation:
 - (a) vary the notice to:
 - (i) change the period specified as required by subparagraph (2)(b)(iii); or
 - (ii) change the price specified in the notice as required by paragraph (2)(c); or
 - (b) revoke the notice.

The Commission must give the corporation notice in writing of the variation or revocation.
- (4) The Commission may publish the notice, or particulars of any variation or revocation of the notice, in such manner as the Commission considers appropriate, including, for example, in a national newspaper.

75AZAF Commission may monitor prices

- (1) The Commission may monitor prices for either or both of the following purposes:
 - (a) to assess the general effect of terrorism insurance cover prices charged by corporations for supplies during the terrorism insurance cover transition period;
 - (b) to assist its consideration of whether section 75AZAB has been, is being, or may in the future be, contravened.
- (2) A member of the Commission may, by notice in writing served on a person, require the person:
 - (a) to give the Commission specified information in writing signed by:
 - (i) the person; or
 - (ii) if the person is a body corporate—a competent officer of the body corporate; or
 - (b) to produce to the Commission specified documents;

being information, or documents containing information, relating to prices or the setting of prices that the member considers will or may be useful to the Commission in monitoring prices as mentioned in subsection (1).

Note: The powers under this section are in addition to the powers under section 155. Under section 155, the Commission may obtain information about particular matters that constitute or may constitute a contravention of section 75AZAB.
- (3) Without limiting subsection (2), information or documents that may be required under that subsection may relate to prices, or the setting of prices:
 - (a) before or after all or any terrorism insurance cover changes have taken effect; and
 - (b) before or after the start of the terrorism insurance cover transition period; and

- (c) in a situation, or during a period, specified in the notice.
- (4) A person must not:
 - (a) refuse or fail to comply with a notice under subsection (2) to the extent that the person is capable of complying with it; or
 - (b) in purported compliance with such a notice, intentionally or recklessly provide information or a document that is false or misleading.

Penalty: 20 penalty units.

75AZAG Reporting

- (1) The Commission must, within 28 days after the end of each quarter, give the Minister a written report about the operations of the Commission under this Part during the quarter.
- (2) Without otherwise limiting subsection (1), a report under that subsection must include particulars of:
 - (a) all notices given under section 75AZAE during the quarter; and
 - (b) all variations or revocations during the quarter of notices given under section 75AZAE.
- (3) For this purpose, a *quarter* is a period of 3 months:
 - (a) that occurs wholly or partly during the terrorism insurance cover transition period; and
 - (b) that starts on any of the following days in a year:
 - (i) 1 January;
 - (ii) 1 April;
 - (iii) 1 July;
 - (iv) 1 October.
- (4) Within 10 sitting days of receipt of a report under subsection (1), the Minister must table that report in Parliament.
- (5) If this section commences during a quarter (but not on the first day of a quarter):
 - (a) no report is to be made at the end of the quarter; but
 - (b) the report made at the end of the next quarter is also to include the information required by subsection (1) in relation to the previous quarter.

5 Subsection 75B(1)

Omit “or 75AYA”, substitute “, 75AYA or 75AZAB”.

6 Subparagraph 76(1)(a)(ii)

Omit “or 75AYA”, substitute “, 75AYA or 75AZAB”.

7 Subparagraph 78(a)(ii)

Omit “or 75AYA”, substitute “, 75AYA or 75AZAB”.

Note: The heading to section 78 is altered by omitting “or 75AYA” and substituting “, 75AYA or 75AZAB”.

8 Subparagraph 80(1)(a)(ii)

Omit “or 75AYA”, substitute “, 75AYA or 75AZAB”.

9 At the end of subsection 80(1A)

Omit “or 75AYA”, substitute “, 75AYA or 75AZAB”.

10 After section 80B

Insert:

80C Section 75AZAB contraventions—orders limiting prices or requiring refunds of money

Without limiting the generality of section 80, where, on the application of the Commission, the Court is satisfied that a person has engaged in conduct constituting a contravention of section 75AZAB, the Court may make either or both of the following orders:

- (a) an order requiring that person, or a person involved in the contravention, not to make a supply of a kind specified in the order for a price in excess of the price specified in the order while the order remains in force;
- (b) an order requiring that person, or a person involved in the contravention, to refund money to a person specified in the order.

11 Subsections 84(1) and (3)

After “VB” (twice occurring), insert “, VBA”.

12 Subsections 155AA(1) and (2)

Omit “or protected Part VB information” (twice occurring), substitute “, protected Part VB information or protected Part VBA information”.

Note: The heading to section 155AA is altered by omitting “or VB” and substituting “, VB or VBA”.

13 Subsection 155AA(3)

Insert:

protected Part VBA information means:

- (a) information that:
 - (i) was obtained by the Commission under section 155; and
 - (ii) relates to a matter arising under Part VBA; or
- (b) information that was obtained by the Commission under section 75AZAF.

14 After subparagraph 163A(1)(a)(ia)

Insert:

- (ib) Part VBA;

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

At 12.45 pm—

20 CRIMINAL CODE AMENDMENT (TERRORISM) BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

21 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Health and Ageing (Senator Patterson) moved—That the government business order of the day relating to the Therapeutic Goods Amendment Bill (No. 1) 2003 be called on immediately and considered till not later than 2 pm.

Debate ensued.

Question put and passed.

22 THERAPEUTIC GOODS AMENDMENT BILL (NO. 1) 2003

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—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 and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Health and Ageing (Senator Patterson) the report from the committee was adopted and the bill read a third time.

Suspension of sitting: On the motion of Senator Patterson the sitting of the Senate was suspended till 2 pm.

At 2 pm—

23 QUESTIONS

Questions without notice were answered.

24 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator Greig, pursuant to standing order 74, asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Ellison) for an explanation of an answer not being provided to question on notice no. 1218 (notice given 26 February 2003) relating to the practice of ‘trafficking’ in women for prostitution.

Senator Ellison indicated that an explanation would be provided.

Senator Greig moved—That the Senate take note of the minister’s response.

Question put and passed.

25 BUDGET 2003-04—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by ministers to questions without notice asked today relating to the 2003-04 Budget.

Debate ensued.

Question put and passed.

26 HEALTH—TOBACCO ADVERTISING—AUSTRALIAN GRAND PRIX—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 14 May 2003 for the production of the most recent application documents from the Australian Grand Prix Corporation to the Federal Government for exemption from the *Tobacco Advertising Prohibition Act 1992*, and pursuant to that order, tabled the following documents:

Health—Tobacco advertising—Australian Grand Prix—Copies of—

Gazette Notice dated 12 July 2002 specifying the 2003 Australian Grand Prix as an event of international significance that would be likely to be lost to Australia without the specification.

Letter to Chief Executive Officer (Mr John Harnden), Australian Grand Prix Corporation from the Parliamentary Secretary to the Minister for Health and Ageing (Ms Trish Worth).

Minute no. M02005650—Request for section 18 exemption under the *Tobacco Advertising Prohibition Act 1992*—2003 Foster’s Australian Grand Prix.

27 HEALTH—AUSTRALIAN TECHNICAL ADVISORY GROUP ON IMMUNISATION—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 14 May 2003 for the production of the reports by the Australian Technical Advisory Group on Immunisation and the National Health and Medical Research Council, and, pursuant to that order, tabled the following document:

Health—Australian Technical Advisory Group on Immunisation—Copy of draft *Australian Immunisation Handbook*, 8th edition, dated October 2002.

28 DEFENCE—POINT NEPEAN—LAND SALE—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 14 May 2003 for the production of documents concerning expressions of interest in Defence land for sale at Point Nepean (*see entry no. 25, 14 May 2003*).

29 INDUSTRY—BASSLINK—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 14 May 2003 for the production of documents concerning the Basslink project (*see entry no. 29, 14 May 2003*).

30 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—GOVERNMENT RESPONSE—RYKER (FAULKNER) v THE COMMONWEALTH AND FLINT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled the following document:

Legal and Constitutional References Committee—Report—Inquiry into the Commonwealth's actions in relation to *Ryker (Faulkner) v The Commonwealth and Flint*—Government response, dated 10 April 2003.

31 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—COMMONWEALTH ENVIRONMENT POWERS

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled the following document:

Environment, Communications, Information Technology and the Arts References Committee—Report—Commonwealth environment powers—Government response.

32 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03

Senator Ferris, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled additional information received by the committee (Additional estimates 2002-03—vols 1 and 2).

33 DOCUMENTS

The following documents were tabled by the Clerk:

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice under paragraph 18(a), dated 13 May 2003.

Trade Practices Act—Monitoring and Reporting on Competition in the Telecommunications Industry Determination 2003 (No. 1).

**34 SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT BILL 2002
SUPERANNUATION (FINANCIAL ASSISTANCE FUNDING) LEVY AMENDMENT BILL
2002**

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

Message no. 304, dated 15 May 2003—A Bill for an Act to amend the *Superannuation Industry (Supervision) Act 1993*, and for related purposes.

Message no. 305, dated 15 May 2003—A Bill for an Act to amend the *Superannuation (Financial Assistance Funding) Levy Act 1993*, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Ian Campbell moved—That these bills be now read a second time.

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

**35 ENVIRONMENT—RADIOACTIVE WASTE—NATIONAL STORE—ORDER FOR
PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 14 May 2003 for the production of documents concerning a list of potential sites for the location of a national store for intermediate level radioactive waste (*see entry no. 24, 14 May 2003*).

Senator Carr, by leave, moved—That the Senate take note of the statement.

Question put and passed.

General business was called on.

**36 CONSTITUTION ALTERATION (RIGHT TO STAND FOR PARLIAMENT—
QUALIFICATION OF MEMBERS AND CANDIDATES) 1998 (NO. 2) [2002]**

Order of the day read for the adjourned debate on the motion of Senator Brown—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.

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

Clause 2, page 2 (lines 14 to 18), omit subclause (3), substitute:

- (3) The Constitution is altered by omitting the following words from section 44:

But sub-section (iv) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

Clause 2, page 2 (lines 6 to 13), subclauses (1) and (2), omit "paragraph" (wherever occurring), substitute "subsection".

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

Suspension of standing order 110: Senator Brown, by leave, moved—That standing order 110 be suspended to enable the third reading of the Constitution Alteration (Right to Stand for Parliament—Qualification of Members and Candidates) 1998 (No. 2) [2002] to be passed without a roll call.

Question put and passed.

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

Question put.

The Senate divided—

AYES, 36

Senators—

Allison	Conroy	Kirk	Murray
Bartlett	Crossin (Teller)	Lees	Nettle
Bishop	Denman	Ludwig	O'Brien
Bolkus	Faulkner	Lundy	Ray
Brown	Forshaw	Mackay	Ridgeway
Campbell, George	Greig	Marshall	Stephens
Carr	Harradine	McLucas	Stott Despoja
Cherry	Hogg	Moore	Webber
Collins	Hutchins	Murphy	Wong

NOES, 26

Senators—

Abetz	Eggleston	Lightfoot	Santoro
Barnett	Ferguson	Macdonald, Ian	Tchen
Boswell	Ferris (Teller)	Macdonald, Sandy	Tierney
Brandis	Heffernan	Mason	Troeth
Calvert	Johnston	McGauran	Watson
Chapman	Kemp	Patterson	
Colbeck	Knowles	Payne	

The third reading was not carried by an absolute majority of the Senate, as required by the Constitution, and the bill, pursuant to standing order 135, was laid aside.

**37 COMMITTEES—CHANGES IN MEMBERSHIP—MEDICARE—SELECT COMMITTEE—
APPOINTMENT OF MEMBERS**

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

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That senators be discharged from and appointed to committees as follows:

Employment, Workplace Relations and Education Legislation Committee—

Appointed—Substitute member: Senator Mason to replace Senator Johnston for the consideration of the 2003-04 Budget estimates from 2 June to 4 June 2003

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—Substitute member: Senator McGauran to replace Senator Payne for the consideration of the 2003-04 Budget estimates on 6 June 2003

Medicare—Select Committee—

Appointed—Senators Allison, Barnett, Forshaw, Humphries, Knowles, McLucas and Stephens.

Question put and passed.

The President informed the Senate that he had received letters from minor party senators nominating to be members of the Select Committee on Medicare.

The President indicated that there were two nominations, Senators Lees and Nettle, for one position on the committee, and announced that it would be necessary to proceed to a ballot.

The Senate proceeded to a ballot.

The President reported the result as follows:

Senator Lees: 35 votes.

Senator Nettle: 28 votes.

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

Senator Nettle, by leave, moved—That Senator Nettle replace Senator Lees on the Select Committee on Medicare in the event of her being unable to attend any committee hearing or meeting.

Question put.

The Senate divided—

AYES, 11

Senators—

Allison (Teller)
Bartlett
Brown

Cherry
Greig
Harradine

Lees
Murray
Nettle

Ridgeway
Stott Despoja

NOES, 48

Senators—

Abetz	Crossin	Kirk	O'Brien
Barnett	Denman	Knowles	Patterson
Bishop	Eggleston	Lightfoot	Payne
Boswell	Faulkner	Ludwig	Ray
Buckland	Ferguson	Lundy	Santoro
Calvert	Ferris (Teller)	Macdonald, Sandy	Stephens
Campbell, George	Forshaw	Mackay	Tchen
Carr	Heffernan	Marshall	Tierney
Chapman	Hogg	Mason	Troeth
Colbeck	Hutchins	McGauran	Watson
Collins	Johnston	McLucas	Webber
Conroy	Kemp	Moore	Wong

Question negatived.

General business concluded.

—
At 7.30 pm—

38 BUDGET STATEMENT AND DOCUMENTS 2003-04

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

Debate resumed.

On the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) the debate was adjourned till the next day of sitting.

39 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.31 pm till Monday, 16 June 2003 at 12.30 pm.

40 ATTENDANCE

Present, all senators except Senators Hill and Scullion.

HARRY EVANS
Clerk of the Senate