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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 79

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australasian Police Ministers' Council—Administration and activities of the National Common Police Services—Report for 2001-02.

Australian Land Transport Development Programme—Progress report for 2001-02.

Australian Law Reform Commission and National Health and Medical Research Council Australian Health Ethics Committee—Report—ALRC No. 96—Essentially yours: The protection of human genetic information in Australia, March 2003—Volumes 1 and 2.

Australian Maritime College—Report for 2002.

Australian National Maritime Museum—Strategic plan 2003-06.

Australian Research Council—Strategic action plan 2003-05.

Department of Agriculture, Fisheries and Forestry—Report for 2001-02—Corrigendum.

Interactive Gambling Act 2001—Report for 2002 on the operation of the prohibition on interactive gambling advertisements.

National Health Act 1953—Private health insurance premium increases—Report for the quarter ending 31 March 2003.

Pharmaceutical Benefits Pricing Authority—Supplementary report for 2001-02 on the operations of the Authority in relation to the Pharmaceutical Industry Investment Program.

Sydney Airport Demand Management Act 1997—Quarterly reports on the maximum movement limit for Sydney Airport—

1 October to 31 December 2001.

1 January to 31 March 2002.

1 April to 30 June 2002.

1 July to 30 September 2002.

1 October to 31 December 2002.

1 January to 31 March 2003.

Telecommunications (Interception) Act 1979—Report for 2001-02 pursuant to Division 2 of Part IX of the Act.

Treaties—

Bilateral—

Text, together with national interest analysis and annexures—

Agreement on Medical Treatment for Temporary Visitors between the Government of Australia and the Government of the Kingdom of Norway, done at Canberra on 28 March 2003.

Exchange of Notes, done at Canberra on 7 April–27 May 2003, Amending the Agreement between the Government of the Commonwealth of Australia and the Government of the United States of America for the Financing of Certain Educational and Cultural Exchange Programmes of 28 August 1964.

Text, together with national interest analysis, regulation impact statement and annexures—Agreement between Australia and the Republic of Croatia on Social Security, done at Zagreb on 13 May 2003.

Multilateral—Text, together with national interest analysis and annexures—Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, done at Honolulu on 5 September 2000.

Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000, done at London, 15 March 2000.

3 TAXATION LAWS AMENDMENT BILL (NO. 2) 2003

Order of the day read for the consideration of message no. 291 from the House of Representatives in committee of the whole (*see entry no. 39, 13 May 2003*).

In the committee

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put and negatived.

Resolution to be reported.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Knowles) reported that the committee had considered message no. 291 from the House of Representatives relating to the Taxation Laws Amendment Bill (No. 2) 2003 and had resolved to insist on the amendments made by the Senate to which the House had disagreed.

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

4 HEALTH CARE (APPROPRIATION) AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—That this bill be now read a second time.

Senator Forshaw moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for its health policy failures, including:

- (a) the Howard Government’s withdrawal of \$918 million from public hospitals over the next 4 years;
- (b) the Howard Government’s unfair Medicare package which will result in bulk billing, in time, only being available to pensioners and concession card holders and families being left to pay more and more for their health care;
- (c) the Howard Government’s decision to increase the cost of essential medicines by up to 30 per cent, hitting the sickest and the poorest hardest; and

- (d) the Howard Government's refusal to review the \$2.3 billion private health insurance rebate to ensure that it provides value for money for consumers and taxpayers".

Debate ensued.

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

5 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from the Republic of Croatia led by the Speaker of the Croatian Parliament, His Excellency Mr Zlatko Tomčić, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

6 HEALTH—MEDICARE—BULK BILLING—ANSWER TO QUESTION

Senator Hutchins moved—That the Senate take note of the answer given by the Minister for Health and Ageing (Senator Patterson) to a question without notice asked by Senator Hutchins today relating to Medicare and the decline in the rate of bulk billing.

Debate ensued.

Question put and passed.

7 TAXATION—GAMBLING REVENUE—ANSWER TO QUESTION

Senator Allison moved—That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Allison today relating to revenue from gambling taxes.

Question put and passed.

8 NOTICES

Senators Stott Despoja and Bolkus: To move on 23 June 2003—

- (1) That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report:
 - (a) the most appropriate process for moving towards the establishment of an Australian republic with an Australian Head of State; and
 - (b) alternative models for an Australian republic, with specific reference to:
 - (i) the functions and powers of the Head of State,
 - (ii) the method of selection and removal of the Head of State, and
 - (iii) the relationship of the Head of State with the executive, the parliament and the judiciary.
- (2) That the committee facilitate wide community participation in this inquiry by conducting public hearings throughout Australia, including in rural and regional areas.

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson): To move on the next day of sitting—That the Foreign Affairs Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Monday, 23 June 2003, from 5.30 pm to 6.30 pm, to take evidence for the committee's inquiry into Australia's relationship with Indonesia. (*general business notice of motion no. 476*)

The Chair of the Legal and Constitutional References Committee (Senator Bolkus): To move on the next day of sitting—That the Legal and Constitutional References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 18 June 2003, from 5.50 pm. (*general business notice of motion no. 477*)

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

- (a) notes that:
 - (i) over 20 000 hectares of native forest is logged in Tasmania each year,
 - (ii) Tasmania has the second highest rate of land clearing in Australia,
 - (iii) the level of logging of native forests in Tasmania is threatening the natural and cultural heritage values of Tasmania and is contributing to increases in Australia's greenhouse gas emissions, and
 - (iv) earlier this year, El Grande, one of Australia's largest trees, was damaged, and possibly killed, when a regeneration burn conducted by Forestry Tasmania breached containment lines in the Florentine Valley;
- (b) condemns Forestry Tasmania and the Tasmanian Forest Practices Board for their regulation of forestry operations and management of Tasmania's native forests, in particular Forestry Tasmania's conduct of management activities and the Tasmanian Forest Practices Board's failure to ensure that a robust Forestry Practices Code is effectively implemented; and
- (c) calls on the Tasmanian Government to:
 - (i) ensure logging of high conservation value old-growth forests ceases immediately, in accordance with the goals of the Tasmania Together process,
 - (ii) amend the Forestry Practices Code to ensure greater protection for the natural and cultural heritage values of Tasmania's forests, and
 - (iii) review the regulation and management of the Tasmanian forestry sector to ensure that forestry operations are carried out in a more sustainable manner and with greater regard to the natural and cultural heritage values of Tasmania's forests. (*general business notice of motion no. 478*)

Senator Stott Despoja: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to subsidise students' purchases of educational textbooks when studying at education institutions, and for related purposes. **Textbook Subsidy Bill 2003.** (*general business notice of motion no. 479*)

9 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 465 standing in the name of Senator Lees for 18 June 2003, relating to the introduction of the Social Security Amendment (Supporting Young Carers) Bill 2003, postponed till 26 June 2003.

General business notice of motion no. 471 standing in the name of the Chair of the Select Committee on Medicare (Senator McLucas) for today, relating to an extension of time for the committee to report, postponed till 19 June 2003.

General business notice of motion no. 473 standing in the name of Senator Ray for today, relating to the reference of a public work to the Parliamentary Standing Committee on Public Works, postponed till 24 June 2003.

General business notice of motion no. 475 standing in the name of the Leader of the Opposition in the Senate (Senator Faulkner) for today, proposing the establishment of a select committee on ministerial discretion in migration matters, postponed till 19 June 2003.

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

The Chair of the Legal and Constitutional References Committee (Senator Bolkus), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 470—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 18 June 2003, from 6 pm, to take evidence for the committee's inquiry into progress towards national reconciliation.

Question put and passed.

11 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REFERENCE

Senator Bolkus, also on behalf of Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 3 March 2004:

The capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance, including:

- (a) the performance of current arrangements in achieving national equity and uniform access to justice across Australia, including in outer-metropolitan, regional, rural and remote areas;
- (b) the implications of current arrangements in particular types of matters, including criminal law matters, family law matters and civil law matters; and
- (c) the impact of current arrangements on the wider community, including community legal services, pro bono legal services, court and tribunal services and levels of self-representation.

Question put and passed.

12 POSTPONEMENT

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, moved—That general business notice of motion no. 474 standing in his name for today, relating to the reference of a matter to the Parliamentary Joint Committee on ASIO, ASIS and DSD, be postponed till the next day of sitting.

Question put and passed.

13 ENVIRONMENT—NUCLEAR WASTE—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 documents relating to the hiring out and work undertaken by public relations company Hill and Knowlton Australia Pty Ltd, in relation to nuclear issues, including the proposed nuclear waste repository and, pursuant to that order, tabled the following documents:

Environment—Nuclear waste—Copies of—

Assessment by Department of Education, Science and Training of Hill and Knowlton Australia Pty Ltd submission.

Consultancy contract between the Commonwealth of Australia as represented by the Department of Education, Science and Training and Hill and Knowlton Australia, dated 13 December 2002.

Documents relating to work undertaken by Hill and Knowlton Australia during the term of the contract.

Letters to—

Deputy Secretary (Grahame Cook), Department of Education, Science and Training from Hill and Knowlton Australia, dated 27 February 2003.

Hill and Knowlton Australia from—

Branch Manager (Ms Lorraine White), Communications Branch, Department of Education, Science and Training, dated 16 October 2002.

Deputy Secretary (Grahame Cook), Department of Education, Science and Training, dated 26 February 2003.

National repository for the disposal of Australia's low level radioactive waste—Communication strategy prepared for Department of Education, Science and Training, dated October 2002.

Overhead slide presentation to Department of Education, Science and Training, Hill and Knowlton Australia, dated October 2002.

Public relations brief for the provision of public relations services surrounding the announcement of the decision of where to establish the national repository for the disposal of Australia's low level radioactive waste and communications strategy for announcement of low level radioactive waste site in SA, Department of Education, Science and Training.

Senator Ludwig, by leave, moved—That the Senate take note of the documents.

Debate ensued.

Question put and passed.

14 COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Mackay, at the request of the Chair of the Community Affairs References Committee (Senator Hutchins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 469—That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 June 2003, from 3.30 pm, to take evidence for the committee's inquiry into poverty and financial hardship.

Question put and passed.

15 SUPERANNUATION—SELECT COMMITTEE—REFERENCE

Senator Mackay, at the request of Senator Sherry and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 472—That the draft Superannuation Industry (Supervision) Amendment Regulations 2003 and the draft Retirement Savings Accounts Amendment Regulations 2003 be referred to the Select Committee on Superannuation for inquiry and report by 21 August 2003, with particular reference to:

- (a) the extent to which portability of superannuation benefits already exists;
- (b) the role of current, and likely future, barriers to portability, including exit fees;

- (c) the desirability and practicality of the portability regime contained in the draft regulations, particularly in the context of the existing structures of the superannuation and financial planning industries; and
- (d) additional consumer protection measures.

Question put and passed.

16 POSTPONEMENT

Senator Brown, by leave, moved—That business of the Senate notice of motion no. 2 standing in his name for today, relating to the reference of matters to the Foreign Affairs, Defence and Trade References Committee, be postponed till the next day of sitting.

Question put and passed.

17 AUDITOR-GENERAL—AUDIT REPORT NO. 49 OF 2002-03—DOCUMENT

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

Auditor-General—Audit report no. 49 of 2002-03—Performance audit—Management of the navigation aids network: Australian Maritime Safety Authority.

18 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—MATERIEL ACQUISITION AND MANAGEMENT IN DEFENCE—ADOPTION OF RECOMMENDATIONS—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

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

Foreign Affairs, Defence and Trade References Committee—Report—Materiel acquisition and management in defence—Adoption of recommendations—Letter to the Clerk of the Senate from the Auditor-General (Mr Barrett) responding to the resolution of the Senate of 14 May 2003, dated 11 June 2003.

19 DOCUMENTS

The following documents were tabled by the Clerk:

Migration Act—Certificate under section 502, dated 27 May 2003.

Native Title Act—Withdrawal of Recognition of Representative Aboriginal/Torres Strait Islander Body 2003 (No. 1).

Quarantine Act—Quarantine Amendment Proclamation 2003 (No. 2).

Therapeutic Goods Act—Regulations—Statutory Rules 2003 No. 111.

20 MIGRATION LEGISLATION AMENDMENT (PROTECTED INFORMATION) BILL 2003 HEALTH LEGISLATION AMENDMENT (MEDICARE AND PRIVATE HEALTH INSURANCE) BILL 2003

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

Message no. 316, dated 4 June 2003—A Bill for an Act to amend the *Migration Act 1958*, and for other purposes.

Message no. 319, dated 16 June 2003—A Bill for an Act to amend the law relating to medicare and private health insurance, 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.

Explanatory memorandum: Senator Ian Campbell tabled a revised explanatory memorandum relating to the Migration Legislation Amendment (Protected Information) Bill 2003.

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

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

Question put and passed.

21 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2]).

Question put and passed.

22 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [NO. 2]

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.

Document: Senator Stott Despoja, by leave, tabled the following document:

Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2]—*Watching the watchers: An assessment of the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002*—Prepared by Philippa Watson, Australian National Internships Program for Senator Stott Despoja, dated May 2003.

Debate continued.

Question put.

The Senate divided—

AYES, 48

Senators—

Barnett	Coonan	Hutchins	Moore
Bishop	Crossin	Johnston	Patterson
Boswell	Denman	Kemp	Ray
Brandis	Eggleston (Teller)	Kirk	Santoro
Buckland	Ellison	Knowles	Scullion
Campbell, George	Evans	Lightfoot	Sherry
Carr	Faulkner	Ludwig	Tchen
Chapman	Ferguson	Macdonald, Sandy	Tierney
Colbeck	Forshaw	Mackay	Troeth
Collins	Harradine	Marshall	Watson
Conroy	Hogg	Mason	Webber
Cook	Humphries	McLucas	Wong

NOES, 11

Senators—

Allison (Teller)	Greig	Murphy	Ridgeway
Brown	Harris	Murray	Stott Despoja
Cherry	Lees	Nettle	

Question agreed to.

Bill read a second time.

On the motion of the Minister for Justice and Customs (Senator Ellison) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

23 HEALTH CARE (APPROPRIATION) AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—That this bill be now read a second time—*and on the amendment moved by Senator Forshaw (see entry no. 4).*

Debate resumed.

At 6.50 pm: Debate was interrupted while the Minister for Health and Ageing (Senator Patterson) was speaking.

—————
At 6.50 pm—

24 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

25 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.43 pm till Wednesday, 18 June 2003 at 9.30 am.

26 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate