

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 82

MONDAY, 23 JUNE 2003

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

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

In the committee

Consideration resumed of the bill, as amended—*and of the amendments moved by the Leader of the Opposition in the Senate (Senator Faulkner)*:

Schedule 1, item 24, page 18 (lines 13 and 14), omit the note.

Schedule 1, item 24, page 18 (lines 30 and 31), omit the note.

Debate resumed.

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

Senator Greig moved the following amendment:

Schedule 1, item 24, page 19 (line 17), at the end of subsection 34G(9), add:

- ; (c) information obtained as a consequence of anything said by the person or any document or thing produced by the person while before a prescribed authority for questioning under a warrant, in response to a request made in accordance with the warrant for the person to give information or to produce a document or thing.

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

Senator Greig moved the following amendments together by leave:

Schedule 1, item 24, page 19 (lines 19 to 23), omit subsection 34H(1), substitute:

- (1) This section applies if a person who is before a prescribed authority for questioning under a warrant requests the presence of an interpreter or if the prescribed authority before whom the person first appears believes on reasonable grounds that the person is unable, because of inadequate knowledge of the English language or a physical disability, to communicate with reasonable fluency in that language.

Schedule 1, item 24, page 20 (lines 1 to 6), omit all words from and including “, unless” to the end of subsection 34HAA(2).

Schedule 1, item 24, page 20 (lines 14 to 21), omit subsection 34HAA(4), substitute:

- (4) If questioning under the warrant commences before the person being questioned requests the presence of an interpreter and the person subsequently makes such a request:
 - (a) a person exercising authority under the warrant must defer any further questioning until the interpreter is present; and
 - (b) when the interpreter is present, the prescribed authority must again inform the person of anything of which he or she was previously informed under section 34E.

Debate ensued.

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

The Minister for Justice and Customs (Senator Ellison) moved the following amendment:

Schedule 1, item 24, page 21 (after line 34), after section 34J, insert:

34JA Entering premises to take person into custody

- (1) If:
- (a) either a warrant issued under section 34D or subsection 34F(6) authorises a person to be taken into custody; and
 - (b) a police officer believes on reasonable grounds that the person is on any premises;
- the officer may enter the premises, using such force as is necessary and reasonable in the circumstances, at any time of the day or night for the purpose of searching the premises for the person or taking the person into custody.
- (2) However, if subsection 34F(6) authorises a person to be taken into custody, a police officer must not enter a dwelling house under subsection (1) of this section at any time during the period:
- (a) commencing at 9 pm on a day; and
 - (b) ending at 6 am on the following day;
- unless the officer believes on reasonable grounds that it would not be practicable to take the person into custody under subsection 34F(6), either at the dwelling house or elsewhere, at another time.
- (3) In this section:
- dwelling house* includes an aircraft, vehicle or vessel, and a room in a hotel, motel, boarding house or club, in which people ordinarily retire for the night.
- premises* includes any land, place, vehicle, vessel or aircraft.

34JB Use of force in taking person into custody and detaining person

- (1) A police officer may use such force as is necessary and reasonable in:
- (a) taking a person into custody under:
 - (i) a warrant issued under section 34D; or
 - (ii) subsection 34F(6); or
 - (b) preventing the escape of a person from such custody; or
 - (c) bringing a person before a prescribed authority for questioning under such a warrant; or
 - (d) detaining a person in connection with such a warrant.
- (2) However, a police officer must not, in the course of an act described in subsection (1) in relation to a person, use more force, or subject the person to greater indignity, than is necessary and reasonable to do the act.
- (3) Without limiting the operation of subsection (2), a police officer must not, in the course of an act described in subsection (1) in relation to a person:
- (a) do anything that is likely to cause the death of, or grievous bodily harm to, the person unless the officer believes on reasonable grounds that doing that thing is necessary to protect life or to prevent serious injury to another person (including the officer); or

- (b) if the person is attempting to escape being taken into custody by fleeing—do such a thing unless:
 - (i) the officer believes on reasonable grounds that doing that thing is necessary to protect life or to prevent serious injury to another person (including the officer); and
 - (ii) the person has, if practicable, been called on to surrender and the officer believes on reasonable grounds that the person cannot be taken into custody in any other manner.

Debate ensued.

Senator Greig moved the following amendment to Senator Ellison's proposed amendment:

Omit subsection 36JA(2), substitute:

- (2) However, a police officer must not enter a dwelling house under subsection (1) of this section at any time during the period:
 - (a) commencing at 9 pm on a day; and
 - (b) ending at 6 am on the following day;

unless the officer believes on reasonable grounds that it would not be practicable to search the premises or take the person into custody under section 34D or subsection 34F(6), either at the dwelling house or elsewhere, at another time.

Question—That Senator Greig's amendment to Senator Ellison's proposed amendment be agreed to—put and negatived.

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

Senator Ellison moved the following amendments together by leave:

- Schedule 1, item 24, page 23 (line 22), omit "14", substitute "16".
- Schedule 1, item 24, page 23 (line 24), omit "14", substitute "16".
- Schedule 1, item 24, page 25 (line 10), omit "14", substitute "16".
- Schedule 1, item 24, page 25 (line 12), omit "14", substitute "16".
- Schedule 1, item 24, page 25 (line 16), omit "14", substitute "16".
- Schedule 1, item 24, page 25 (line 25), omit "14", substitute "16".
- Schedule 1, item 24, page 25 (line 29), omit "14", substitute "16".
- Schedule 1, item 24, page 26 (line 3), omit "14", substitute "16".
- Schedule 1, item 24, page 27 (line 4), omit "14", substitute "16".

Debate ensued.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Cook) reported progress.

3 QUESTIONS

Questions without notice were answered.

4 HEALTH—MEDICARE—BULK BILLING—ANSWERS TO QUESTIONS

Senator Moore moved—That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked by Senators Stephens and Moore today relating to Medicare and the decline in the rate of bulk billing.

Debate ensued.

Question put and passed.

5 ENVIRONMENT—QUEENSLAND—PARADISE DAM—ANSWER TO QUESTION

Senator Cherry moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by the Leader of the Australian Democrats (Senator Bartlett) today relating to the construction of Paradise Dam.

Question put and passed.

6 PETITION

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

From 1 062 petitioners, requesting that the Senate call upon the Minister for Health and Ageing to revise the Rural, Remote and Metropolitan Areas (RRMA) classification of Nimbin.

7 NOTICES

Notices of motion:

Senator Ferguson: To move on the next day of sitting—That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 26 June 2003, from 9.30 am to 10 am, to take evidence for the committee's inquiry into the refurbishment of the Australian Institute of Sport. (*general business notice of motion no. 487*)

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 public meeting during the sitting of the Senate on Tuesday, 24 June 2003, from 5.30 pm, to take evidence for the committee's inquiry into progress towards national reconciliation. (*general business notice of motion no. 488*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the following matters be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by the last sitting day in March 2004:

- (a) the current and prospective levels of competition in broadband services, including interconnection and pricing in both the wholesale and retail markets;
- (b) any impediments to competition and to the uptake of broadband technology; and
- (c) the implications of communications technology convergence on competition in broadband and other emerging markets.

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the time for the presentation of reports of the Environment, Communications, Information Technology and the Arts References Committee be extended as follows:

- (a) the role of libraries as providers of public information in the online environment—to 19 August 2003;
- (b) environmental performance at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations—to 19 August 2003; and
- (c) Australian telecommunications network—to 2 December 2003. (*general business notice of motion no. 489*)

The Leader of the Australian Democrats (Senator Bartlett): To move on 12 August 2003—That the Senate—

- (a) notes that the recent Inter-Governmental Conference, hosted by the Government of the Republic of the Philippines in Manila from 25 to 26 March 2003, agreed to support an international declaration for the welfare of animals, based on four basic principles, and is seeking the support of governments worldwide for this declaration;
- (b) notes that the four principles are:
 - (i) the welfare of animals shall be a common objective for all nations,
 - (ii) the standards of animal welfare attained by each nation shall be promoted, recognised and observed by improved measures, nationally and internationally, respecting social and economic considerations and religious and cultural traditions,
 - (iii) all appropriate steps shall be taken by nations to prevent cruelty to animals and to reduce their suffering, and
 - (iv) appropriate standards on the welfare of animals be further developed and elaborated, including, but not limited to, those governing the use and management of farm animals, companion animals, animals in scientific research, wildlife animals and animals in recreation; and
- (c) calls on the Australian Government to support the declaration agreed to at the recent Manila Inter-Governmental Conference. (*general business notice of motion no. 490*)

The Leader of the Australian Democrats (Senator Bartlett): To move on 26 June 2003—That the Senate—

- (a) notes that:
 - (i) the June 2003 edition of the Australian Veterinary Association Journal contained a report from a veterinarian, Dr Petra Sidhom, entitled ‘Welfare of cattle transported from Australia to Egypt’,
 - (ii) the report described thousands of animals enduring overcrowded and filthy conditions and inadequate ventilation while aboard the livestock carriers at sea,
 - (iii) the report also detailed that those animals that did survive the journey to Egypt were, upon arrival, turned over to ill-prepared and inexperienced stockmen and slaughtermen, resulting in extreme cruelty and suffering, and
 - (iv) the author’s statement that she ‘negotiated a range of measures to improve the situation with representatives of LiveCorp, but none has yet been put into practice’;
- (b) expresses concern at the prospect of the Government and LiveCorp being far more interested in expanding live export and international trade opportunities than ensuring the welfare of the animals that it exports; and

- (c) calls on the Government to introduce, as a minimum, an immediate moratorium on live exports to Egypt, the Persian Gulf, and other areas of the Middle East, until these countries adopt similar animal welfare laws and codes of practice to those of Australia in the areas of transportation and slaughter. (*general business notice of motion no. 491*)

The Leader of the Australian Democrats (Senator Bartlett): To move on 25 June 2003—That the Senate—

- (a) notes that the Primary Industries Ministerial Council (PIMC) has repeatedly considered a national position on banning tail docking of dogs without reaching a consensus, as recently as December 2002 and April 2003;
- (b) notes that, although PIMC failed to reach a consensus at its April 2003 meeting, it resolved to finalise a national position on the issue of tail docking of dogs for cosmetic purposes at its meeting on 30 June 2003;
- (c) notes that after the April 2003 PIMC meeting the Australian Capital Territory and Western Australian Governments proceeded with the banning of tail docking of dogs for cosmetic reasons, while Queensland put similar regulations in place to be automatically enacted in October 2003; and
- (d) calls on the Federal Government to commit to a national ban on tail docking of dogs for cosmetic purposes. (*general business notice of motion no. 492*)

The Leader of the Australian Democrats (Senator Bartlett): To move on 25 June 2003—That the following bill be introduced: A Bill for an Act to provide for the welfare of animals in Australia, and for related purposes. ***National Animal Welfare Bill 2003***. (*general business notice of motion no. 493*)

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Thursday, 26 June 2003, from 4.30 pm, to take evidence for the committee's inquiry into Australia's insolvency laws. (*general business notice of motion no. 494*)

The Leader of the Australian Democrats (Senator Bartlett): To move 2 sitting days after today—That item [2197] of Schedule 2 to the Migration Amendment Regulations 2003 (No. 3), as contained in Statutory Rules 2003 No. 106 and made under the *Migration Act 1958*, be disallowed.

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

- (a) notes that:
 - (i) the United Kingdom has changed its regime for taxation of company vehicles so that vehicles are taxed according to their price list value and level of carbon dioxide emissions rather than a combination of list price, age and annual business mileage, and
 - (ii) according to a PricewaterhouseCoopers survey published on 18 March 2003, 92 per cent of employees had selected to drive cars with lower carbon dioxide emissions as a result of the scheme;
- (b) recognises the harmful effects of carbon dioxide emissions on global warming and public health, and that a significant percentage of carbon dioxide emissions in urban areas is the result of automobile emissions;
- (c) calls upon the Government to move towards a fringe benefits taxation system which encourages the acquisition of low emission vehicles as company cars, and which encourages the use of public transport; and

- (d) urges state and territory governments to adopt vehicle registration systems for new vehicles which encourage the acquisition of low emission vehicles. (*general business notice of motion no. 495*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on its inquiry into recruitment and training in the Australian Public Service be extended to 18 September 2003. (*general business notice of motion no. 496*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That, on Tuesday, 24 June 2003:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7.30 pm to 11.40 pm;
- (b) the routine of business from 7.30 pm to 11 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

Senator Nettle, on behalf of Senator Brown: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Industry, Tourism and Resources (Senator Minchin) by no later than 3.30 pm on 12 August 2003, all documents produced since 1 January 1999 relating to work undertaken by the public relations company Turnbull Porter Novelli for Biotechnology Australia and the department. (*general business notice of motion no. 497*)

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

- (a) notes that the effect of the Commonwealth Grants Commission system is to encourage states and territories to increase revenue from gambling and gaming;
- (b) notes that on 23 June 2003 the Australian Capital Territory introduced legislation to increase its revenue from poker machines via taxation;
- (c) calls upon the Commonwealth to help break the nexus between state and territory revenue needs and gambling and gaming; and
- (d) asks the Government to ensure that the Commonwealth Grants Commission ensure that none of its determinations have the effect of encouraging increased state or territory reliance on gambling and gaming. (*general business notice of motion no. 498*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in his name for 10 sitting days after today for the disallowance of the Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 1), made under section 52A of the *Farm Household Support Act 1992*.

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

8 LEAVE OF ABSENCE

Senator Eggleston, by leave, moved—That leave of absence be granted to the following senators:

- (a) Senator Payne for the period 23 June to 27 June 2003, on account of ill health;
- (b) Senator Troeth for the period 23 June to 27 June 2003, on account of government business overseas; and
- (c) Senator Stott Despoja for the period 23 June and 24 June 2003, on account of ill health.

Question put and passed.

**9 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
LEAVE TO MEET DURING SITTING**

Senator Eggleston, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7.30 pm, to take evidence for the committee's inquiry into the application and expenditure of funds by Australian Wool Innovation Ltd.

Question put and passed.

10 POSTPONEMENTS

Senator Nettle, by leave, moved—That general business notice of motion no. 486 standing in her name for today, relating to Australia's military ties with the United States of America, be postponed till the next day of sitting.

Question put and passed.

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the names of Senators Stott Despoja and Bolkus for today, relating to the reference of matters to the Legal and Constitutional Legislation Committee, postponed till 25 June 2003.

11 AUDITOR-GENERAL—AUDIT REPORT NO. 52 OF 2002-03—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document, received on 20 June 2003:

Auditor-General—Audit report no. 52 of 2002-03—Performance audit—Absence management in the Australian Public Service.

**12 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—38TH AND 39TH
REPORTS**

The Deputy President (Senator Hogg) tabled the following reports and documents:

Appropriations and Staffing—Standing Committee—

38th report—Estimates for the Department of the Senate 2003-04, dated June 2003.

39th report—Review of aspects of parliamentary administration, dated June 2003, additional information and submissions [15].

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

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

Debate ensued.

Question put and passed.

13 AUDITOR-GENERAL—AUDIT REPORTS NOS 53 AND 54 OF 2002-03—DOCUMENTS

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

Auditor-General—Audit reports for 2002-03—

No. 53—Business support process audit—Business continuity management: Follow-on audit.

No. 54—Business support process audit—Capitalisation of software.

14 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSALS—DOCUMENTS

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

Parliament Act—Parliamentary Zone—Capital works—Proposal, together with the supporting documentation, relating to landscape works and installation of new lighting at the Treasury Building.

Notice of motion: Senator Ian Campbell, by leave, gave a notice of motion as follows: To move on 25 June 2003—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being landscape and lighting works at the Treasury Building.

Senator Ian Campbell tabled the following documents:

Parliament Act—Parliamentary Zone—Capital works—Proposal, together with the supporting documentation, relating to the design of the Commonwealth Place Forecourt.

Notice of motion: Senator Ian Campbell, by leave, gave a notice of motion as follows: To move on 25 June 2003—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design for the Commonwealth Place Forecourt.

15 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—THE 2001 FEDERAL ELECTION

Senator Mason, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:

Electoral Matters—Joint Standing Committee—The 2001 federal election: Inquiry into the conduct of the 2001 federal election and matters related thereto—Report, dated June 2003, *Hansard* record of proceedings [8 vols], minutes of proceedings and submissions [203].

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

Debate ensued.

Question put and passed.

16 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—NEW ZEALAND COMMITTEE EXCHANGE PROGRAM

Senator Sandy Macdonald, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:

Foreign Affairs, Defence and Trade—Joint Standing Committee—2003 New Zealand parliamentary committee exchange program—Report, dated June 2003.

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

Question put and passed.

17 INTER-PARLIAMENTARY UNION—108TH CONFERENCE—DOCUMENT

Senator Chapman, by leave, tabled the following document:

Inter-Parliamentary Union Conference—108th, Santiago, Chile, 5 to 12 April 2003 and bi-lateral visit to Canada, 31 March to 3 April 2003—Report of the Australian delegation, dated June 2003.

Senator Chapman, by leave, moved—That the Senate take note of the document.

Question put and passed.

18 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 10 of 2003.

Australian Prudential Regulation Authority Act—Instrument fixing charges to be paid to APRA, dated 3 June 2003.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105, dated 6 [3], 9 [3], 20 [3], 23 [4], 26 [2], 27 [4], 28 [8], 29 [6] and 30 [8] May 2003.

106, dated 26 [2], 28 [2] and 29 May 2003.

107, dated 28 and 30 [5] May 2003.

Goods and Services Tax Bulletin GSTB 2003/2.

Goods and Services Tax Ruling GSTR 2003/3 (Erratum) and GSTR 2003/10.

Product Ruling—

PR 2001/92 (Notice of Withdrawal).

PR 2002/73 (Notice of Withdrawal).

PR 2003/43-PR 2003/45.

Veterans' Entitlements Act—Repatriation Pharmaceutical Benefits Scheme (Incorporation of PBS Schedule) Instrument No. 2/2003.

19 ADMINISTRATOR'S PROCLAMATIONS—COMMENCEMENT OF PROVISIONS OF AN ACT

Proclamations by His Excellency the Administrator of the Commonwealth of Australia were tabled, notifying that he had proclaimed the following provisions of an Act to come into operation on the dates specified:

Migration Legislation Amendment (Contributory Parents Migration Scheme) Act 2003—

Schedule 2—27 June 2003.

Schedule 3—1 July 2003.

(*Gazette* No. GN 24, 18 June 2003).

20 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Ferguson) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Environment, Communications, Information Technology and the Arts
Legislation Committee—**

Appointed—Substitute member: Senator Wong to replace Senator Mackay for the committee's inquiry into the Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2] and the Plastic Bag (Minimisation of Usage) Education Fund Bill 2002 [No. 2]

Ministerial Discretion in Migration Matters—Select Committee—

Appointed—Senators Bartlett, Ludwig, Sherry and Wong.

Question put and passed.

- 21 **TAXATION LAWS AMENDMENT BILL (NO. 6) 2003**
**SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS)
 BILL 2003**
**SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS)
 (CONSEQUENTIAL AMENDMENTS) BILL 2003**
**NATIONAL HEALTH AMENDMENT (PRIVATE HEALTH INSURANCE LEVIES) BILL
 2003**
PRIVATE HEALTH INSURANCE (ACAC REVIEW LEVY) BILL 2003
PRIVATE HEALTH INSURANCE (COLLAPSED ORGANIZATION LEVY) BILL 2003
PRIVATE HEALTH INSURANCE (COUNCIL ADMINISTRATION LEVY) BILL 2003
PRIVATE HEALTH INSURANCE (REINSURANCE TRUST FUND LEVY) BILL 2003
APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2003-2004
APPROPRIATION BILL (NO. 1) 2003-2004
APPROPRIATION BILL (NO. 2) 2003-2004

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

Message no. 325, dated 19 June 2003—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 327, dated 19 June 2003—A Bill for an Act to provide for contributions to be made towards the superannuation of low income earners, and for related purposes.

Message no. 326, dated 19 June 2003—A Bill for an Act to make amendments consequential on the enactment of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003*, and for related purposes.

Message no. 329, dated 19 June 2003—A Bill for an Act to amend the *National Health Act 1953*, and for related purposes.

Message no. 330, dated 19 June 2003—A Bill for an Act to impose a levy to be known as the ACAC review levy on registered health benefits organizations, and for related purposes.

Message no. 331, dated 19 June 2003—A Bill for an Act to impose a levy to be known as the collapsed organization levy on registered health benefits organizations, and for related purposes.

Message no. 332, dated 19 June 2003—A Bill for an Act to impose a levy to be known as the Council administration levy on registered health benefits organizations, and for related purposes.

Message no. 333, dated 19 June 2003—A Bill for an Act to impose a levy to be known as the Reinsurance Trust Fund levy on registered health benefits organizations, and related purposes.

Message no. 334, dated 19 June 2003—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 336, dated 19 June 2003—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 335, dated 19 June 2003—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Alston) 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 Alston moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Alston moved—That the bills be listed on the *Notice Paper* as four orders of the day, as follows:

- (a) Taxation Laws Amendment Bill (No. 6) 2003;
- (b) the Superannuation (Government Co-contribution for Low Income Earners) Bill 2003 and the Superannuation (Government Co-contribution for Low Income Earners) (Consequential Amendments) Bill 2003;
- (c) the National Health Amendment (Private Health Insurance Levies) Bill 2003, the Private Health Insurance (ACAC Review Levy) Bill 2003, the Private Health Insurance (Collapsed Organization Levy) Bill 2003, the Private Health Insurance (Council Administration Levy) Bill 2003 and the Private Health Insurance (Reinsurance Trust Fund Levy) Bill 2003; and
- (d) the Appropriation (Parliamentary Departments) Bill (No. 1) 2003-2004, the Appropriation Bill (No. 1) 2003-2004 and the Appropriation Bill (No. 2) 2003-2004.

Question put and passed.

22 SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003

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

Message no. 328, dated 19 June 2003—A Bill for an Act to amend laws relating to superannuation, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Alston) 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 Alston moved—That this bill be now read a second time.

On the motion of Senator Moore the debate was adjourned.

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

23 ECONOMICS LEGISLATION COMMITTEE—REPORT—BUDGET ESTIMATES 2003-04

Pursuant to order, Senator Eggleston, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—2003-04 Budget estimates—Report, dated June 2003 and *Hansard* record of proceedings [5 vols].

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

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

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

In the committee

Consideration resumed of the bill, as amended—and of the amendments moved by the Minister for Justice and Customs (Senator Ellison) (see entry no. 2).

Debate resumed.

Senator Nettle, by leave, moved the following amendments:

Schedule 1, item 24, page 23 (line 22), omit “14”, substitute “18”.

Schedule 1, item 24, page 23 (lines 23 to 33), omit paragraph 34M(1)(f).

Schedule 1, item 24, page 25 (line 10), omit “14”, substitute “18”.

Schedule 1, item 24, page 25 (line 12), omit “14”, substitute “18”.

Schedule 1, item 24, page 25 (line 16), omit “14”, substitute “18”.

Schedule 1, item 24, page 25 (line 25) to page 28 (line 3), omit subsections 34NA(4) to (9).

Debate ensued.

Question—That Senator Nettle’s amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

Bartlett	Cherry (Teller)	Lees	Nettle
Brown	Greig	Murray	Ridgeway

NOES, 24

Senators—

Campbell, George	Ellison	Lundy	O’Brien
Carr	Evans	Mackay	Scullion
Colbeck	Ferguson	Marshall	Tchen
Cook	Hogg	McGauran (Teller)	Watson
Crossin	Humphries	McLucas	Webber
Denman	Johnston	Moore	Wong

Question negatived.

Debate continued.

Question—That Senator Ellison’s amendments be agreed to—put and passed.

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

Clause 2, page 2 (table item 3, 2nd column), omit “Division 72 of the *Criminal Code*”, substitute “item 8 of Schedule 1”.

Schedule 1, item 24, page 7 (lines 12 to 14), omit the definition of *superior court*, substitute:

superior court means:

- (a) the High Court; or
- (b) the Federal Court of Australia; or
- (c) the Family Court of Australia or of a State; or
- (d) the Supreme Court of a State or Territory; or
- (e) the District Court (or equivalent) of a State or Territory.

Schedule 1, item 24, page 8 (line 23), omit “authority,”, substitute “authority”.

Schedule 1, item 24, page 8 (line 29), omit “the person”.

Schedule 1, item 24, page 8 (line 30), omit “has”, substitute “the person has”.

Schedule 1, item 24, page 29 (line 30), omit “procedural statement”, substitute “written statement of procedures”.

Senator Brown moved the following amendment:

Schedule 1, item 24, page 31 (after line 21), at the end of section 34SA, add:

- (3) If a person appears before a prescribed authority, the prescribed authority must ensure that the legal and all other rights of the person are upheld.

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

Senator Greig moved the following amendment:

Schedule 1, item 24, page 32 (after line 2), after subsection 34U(1), insert:

- (1A) Any legal fees incurred as a result of the person contacting a lawyer must be met by the Commonwealth where the person satisfies the means test for legal aid funding.

Debate ensued.

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

Senator Greig moved the following amendment:

Schedule 1, item 24, page 32 (lines 3 to 5), omit subsection 34U(2).

Debate ensued.

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

Bill, as amended, further debated.

Senator Ellison moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator Bolkus) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bill, made progress and asked leave to sit again.

Senator Ellison moved—That the committee have leave to sit again at a later hour.

Debate ensued.

Question put and passed.

25 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:*

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 resumed.

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

Senator Allison moved the following amendment:

At the end of the motion, add “but the Senate, acknowledging the importance of well-resourced and high quality public hospitals and out-of-hospital health services available to all Australians free of charge, calls on the Government to undertake that it will establish an independent body for the next appropriation period that will have the legislative authority to:

- (a) oversee the operation of a Commonwealth-state agreed global budget for Medicare;
- (b) carry out the allocation of annual funds to states and the Commonwealth to ensure that Medicare-funded health services as agreed in the Commonwealth-state health agreement are available to all Australians in a clinically appropriate time at a benchmark standard of quality;
- (c) re-allocate, within the global budget as agreed, annual funding where the mix of services across Commonwealth-state boundaries changes so as to significantly affect cost structures;
- (d) collect and disseminate cost and quality information on state, territory and federally funded health services;
- (e) recommend global budget changes for future Commonwealth-state agreements; and
- (f) table in Federal Parliament information on the performance of governments in meeting service and quality objectives”.

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

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.

Senator Nettle moved the following request for an amendment:

That the House of Representatives be requested to make the following amendment:
Schedule 1, item 5, page 3 (line 28), omit “\$42,010,000,000”, substitute “\$42,928,400,000”.

Debate ensued.

Question—That the request be agreed to—put.

The committee divided—

AYES, 10

Senators—

Allison (Teller)	Cherry	Murphy	Nettle
Bartlett	Greig	Murray	Ridgeway
Brown	Lees		

NOES, 33

Senators—

Barnett	Denman	Johnston	Moore
Brandis	Eggleston	Kirk	Patterson
Buckland	Evans	Knowles	Scullion
Campbell, George	Forshaw	Lightfoot	Stephens
Colbeck	Harradine	Ludwig	Tchen
Collins	Heffernan	Macdonald, Sandy	Webber
Conroy	Hogg	Marshall	
Cook	Humphries	Mason	
Crossin	Hutchins	McGauran (Teller)	

Question negatived.

Bill further debated.

Document: The Minister for Health and Ageing (Senator Patterson) tabled the following document:

Health Care (Appropriation) Amendment Bill 2003—Background information on the membership and voting procedures of the National Drugs and Poisons Schedule Committee.

Bill further debated and agreed to.

Bill to be reported without amendment.

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

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

**26 SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT BILL 2002
SUPERANNUATION (FINANCIAL ASSISTANCE FUNDING) LEVY AMENDMENT 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 these bills be now read a second time.

Debate resumed.

Senator Hogg moved the following amendment in respect of the Superannuation Industry (Supervision) Amendment Bill 2002:

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

- (a) notes ongoing community concern on the safety of superannuation and the devastating effect of recent cases of theft and fraud on individual fund members;
- (b) condemns the Government for its mean-spirited failure to provide 100 per cent compensation, as permitted under legislation, in recent cases of theft and fraud;
- (c) demands that the Government immediately amend the *Superannuation Industry (Supervision) Act 1993* (the SIS Act) to ensure 100 per cent compensation is paid where superannuation savings are lost through theft and fraud; and
- (d) calls on the Government to give urgent consideration to further amendments to the SIS Act to expand the definition of an ‘eligible loss’ beyond theft and fraud to include losses resulting from other serious breaches of the Act and extend compensation provisions to certain post-retirement investments”.

Debate ensued.

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

Main question, as amended, put and passed.

Bills read a second time.

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

In the committee

SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT BILL 2002—

Bill taken as a whole by leave.

Senator Ludwig moved the following amendment:

Schedule 1, page 3 (after line 5), before item 1, insert:

1A Subsection 229(1)

Repeal the subsection, substitute:

- (1) If a fund suffers an eligible loss after the commencement of this Part, the trustee may apply to the Minister for a grant of financial assistance for the fund.

1B Section 231

Repeal the heading, substitute:

Minister must grant financial assistance

1C Subsection 231(1)

Repeal the subsection, substitute:

- (1) If, after considering the application, any additional information given by the trustee, and APRA's advice under section 230A, the Minister is satisfied that the fund has suffered an eligible loss as mentioned in subsection 229(1), the Minister must determine in writing that a grant of financial assistance equal to the eligible loss is to be made to the trustee for the purposes of the fund.

1D At the end of section 231

Add:

- (3) This section applies to all determinations made after 1 June 2002, regardless of the date of the eligible loss or of the application.

1E Section 232

Repeal the section.

Debate ensued.

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

Senator Greig moved the following amendments together by leave:

Schedule 1, page 3 (after line 5), before item 1, insert:

1AA Subsection 3(1)

Insert:

de facto partner, in relation to a person, means a person who, whether or not of the same sex as the person, lives with the person on a genuine domestic basis as a partner of the person.

Schedule 1, page 3 (after line 5), before item 1, insert:

1AB Subsection 3(1)

Insert:

dependant, in relation to a person, includes the spouse, de facto partner, and any child of the person or of the person's spouse or de facto partner.

Schedule 1, page 3 (after line 5), before item 1, insert:

1AC At the end of section 4

Add:

- (2) This Act is to be applied so as not to discriminate, in relation to a beneficiary, on the basis of race, colour, sex, sexual preference, transgender status, marital status, family responsibilities, religion, political opinion or social origin.

Schedule 1, page 3 (after line 5), before item 1, insert:

1AD At the end of section 8A

Add:

- (6) For the purposes of this section, marital relationship includes a person defined as a de facto partner.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 9

Senators—

Allison (Teller)	Cherry	Lees	Nettle
Bartlett	Greig	Murray	Ridgeway
Brown			

NOES, 41

Senators—

Barnett	Coonan	Kirk	Moore
Bishop	Denman	Knowles	O'Brien
Bolkus	Eggleston	Lightfoot	Patterson
Buckland	Evans	Ludwig	Ray
Campbell, George	Ferguson	Lundy	Stephens
Carr	Ferris (Teller)	Macdonald, Ian	Tchen
Chapman	Forshaw	Mackay	Watson
Colbeck	Hogg	Marshall	Webber
Collins	Humphries	Mason	
Conroy	Hutchins	McLucas	
Cook	Johnston	Minchin	

Question negatived.

Bill agreed to.

SUPERANNUATION (FINANCIAL ASSISTANCE FUNDING) LEVY AMENDMENT BILL 2002—

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

Bills to be reported without amendments.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bills read a third time.

27 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator McLucas) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, moved—That senators be discharged from and appointed to committees as follows:

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Bishop to replace Senator Wong for the committee's inquiry into administrative review within the area of veteran and military compensation and income support

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Bishop to replace Senator Marshall for the committee's inquiry into the current health preparation arrangements for the deployment of Australian Defence Forces overseas.

Question put and passed.

28 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Family and Community Services Legislation Amendment (Disability Reform) Bill (No. 2) 2002 [No. 2]).

Question put and passed.

29 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (DISABILITY REFORM) BILL (NO. 2) 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.

At 9.50 pm: Debate was interrupted while Senator Moore was speaking.

30 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.28 pm till Tuesday, 24 June 2003 at 12.30 pm.

31 ATTENDANCE

Present, all senators except Senators Payne*, Sherry, Stott Despoja*, Tierney and Troeth* (* on leave).

HARRY EVANS
Clerk of the Senate