

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 100

WEDNESDAY, 17 SEPTEMBER 2003

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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 **GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Australian Postal Corporation (Australia Post)—Statement of corporate intent 2003-04 to 2005-06.

Commonwealth Grants Commission—Report for 2002-03.

Remuneration Tribunal—Report for 2002-03.

3 **SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003  
SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS) BILL 2003**

**SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS) (CONSEQUENTIAL AMENDMENTS) BILL 2003**

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

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*In the committee*

**SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003—**

Consideration resumed of the bill—and of the amendments moved by the Minister for Revenue and Assistant Treasurer (Senator Coonan):

Clause 2, page 2 (table items 2, 3 and 4), omit the table items, substitute:

2. Schedule 1                      1 July 2003

Schedule 1, item 1, page 3 (line 10), omit paragraph (a) of the definition of *higher income amount*, substitute:

(a) for the 2003-2004 financial year—\$114,981; and

Schedule 1, item 1, page 3 (line 14), omit paragraph (a) of the definition of *lower income amount*, substitute:

(a) for the 2003-2004 financial year—\$94,691; and

Schedule 1, item 1, page 3 (lines 17 to 20), omit the definition of *maximum surcharge percentage*, substitute:

*maximum surcharge percentage* means:

(a) for the 2003-2004 financial year—14.5%; and

(b) for the 2004-2005 financial year—13.5%; and

(c) for the 2005-2006 financial year and later financial years—12.5%.

Schedule 1, item 7, page 4 (line 10), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 7, page 4 (line 12), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 8, page 4 (line 14), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 9, page 4 (line 22), omit paragraph (a) of the definition of *higher income amount*, substitute:

(a) for the 2003-2004 financial year—\$114,981; and

Schedule 1, item 9, page 4 (line 26), omit paragraph (a) of the definition of *lower income amount*, substitute:

- (a) for the 2003-2004 financial year—\$94,691; and

Schedule 1, item 9, page 5 (lines 3 to 6), omit the definition of *maximum surcharge percentage*, substitute:

*maximum surcharge percentage* means:

- (a) for the 2003-2004 financial year—14.5%; and
- (b) for the 2004-2005 financial year—13.5%; and
- (c) for the 2005-2006 financial year and later financial years—12.5%.

Schedule 1, item 15, page 5 (line 24), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 15, page 5 (line 26), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 16, page 6 (line 2), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 17, page 6 (line 8), omit paragraph (a) of the definition of *higher income amount*, substitute:

- (a) for the 2003-2004 financial year—\$114,981; and

Schedule 1, item 17, page 6 (line 12), omit paragraph (a) of the definition of *lower income amount*, substitute:

- (a) for the 2003-2004 financial year—\$94,691; and

Schedule 1, item 17, page 6 (lines 15 to 18), omit the definition of *maximum surcharge percentage*, substitute:

*maximum surcharge percentage* means:

- (a) for the 2003-2004 financial year—14.5%; and
- (b) for the 2004-2005 financial year—13.5%; and
- (c) for the 2005-2006 financial year and later financial years—12.5%.

Schedule 1, item 22, page 7 (line 8), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 22, page 7 (line 10), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 23, page 7 (line 12), omit “2003-04”, substitute “2004-05”.

Schedule 1, item 24, page 8 (lines 7 to 20), omit subsection (3), substitute:

- (3) The amount determined by the Authority may not be more than the total of the following amounts:
  - (a) 15% of the employer-financed component of any part of the benefits payable to the member that accrued between 20 August 1996 and 1 July 2003;
  - (b) 14.5% of the employer-financed component of any part of the benefits payable to the member that accrued in the 2003-2004 financial year;
  - (c) 13.5% of the employer-financed component of any part of the benefits payable to the member that accrued in the 2004-2005 financial year;
  - (d) 12.5% of the employer-financed component of any part of the benefits payable to the member that accrued after 30 June 2005.

Schedule 1, item 25, page 8 (line 24) to page 9 (line 6), omit subsection (3), substitute:

- (3) The amount determined by the Trust may not be more than the total of the following amounts:
  - (a) 15% of the employer-financed component of any part of the benefits payable to the person that accrued between 20 August 1996 and 1 July 2003;
  - (b) 14.5% of the employer-financed component of any part of the benefits payable to the person that accrued in the 2003-2004 financial year;
  - (c) 13.5% of the employer-financed component of any part of the benefits payable to the person that accrued in the 2004-2005 financial year;
  - (d) 12.5% of the employer-financed component of any part of the benefits payable to the person that accrued after 30 June 2005.

Schedule 1, item 26, page 9 (lines 10 to 23), omit subsection (3), substitute:

- (3) The amount determined by the Board may not be more than the total of the following amounts:
  - (a) 15% of the employer-financed component of any part of the benefits payable to the person that accrued between 20 August 1996 and 1 July 2003;
  - (b) 14.5% of the employer-financed component of any part of the benefits payable to the person that accrued in the 2003-2004 financial year;
  - (c) 13.5% of the employer-financed component of any part of the benefits payable to the person that accrued in the 2004-2005 financial year;
  - (d) 12.5% of the employer-financed component of any part of the benefits payable to the person that accrued after 30 June 2005.

Schedule 1, item 28, page 9 (line 32) to page 10 (line 12), omit subsection (2A), substitute:

- (2A) The amount of the reduction under subsection (1) may not be more than the total of the following amounts:
  - (a) 15% of the employer-financed component of any part of the benefits payable to the member that accrued between 20 August 1996 and 1 July 2003;
  - (b) 14.5% of the employer-financed component of any part of the benefits payable to the member that accrued in the 2003-2004 financial year;
  - (c) 13.5% of the employer-financed component of any part of the benefits payable to the member that accrued in the 2004-2005 financial year;
  - (d) 12.5% of the employer-financed component of any part of the benefits payable to the member that accrued after 30 June 2005.

Schedule 1, item 29, page 10 (lines 18 to 30), omit paragraph (b), substitute:

- (b) the total of the following amounts:
  - (i) 15% of the employer-financed component of any part of the benefits payable to the member that accrued between 20 August 1996 and 1 July 2003;

- (ii) 14.5% of the employer-financed component of any part of the benefits payable to the member that accrued in the 2003-2004 financial year;
- (iii) 13.5% of the employer-financed component of any part of the benefits payable to the member that accrued in the 2004-2005 financial year;
- (iv) 12.5% of the employer-financed component of any part of the benefits payable to the member that accrued after 30 June 2005.

Schedule 1, item 30, page 10 (line 33) to page 11 (line 14), omit paragraph (d), substitute:

- (d) the total of the following amounts:
  - (i) 15% of the employer-financed component of any part of the benefits that would have been payable to the member but for the payment split and that accrued between 20 August 1996 and 1 July 2003;
  - (ii) 14.5% of the employer-financed component of any part of the benefits that would have been payable to the member but for the payment split and that accrued in the 2003-2004 financial year;
  - (iii) 13.5% of the employer-financed component of any part of the benefits that would have been payable to the member but for the payment split and that accrued in the 2004-2005 financial year;
  - (iv) 12.5% of the employer-financed component of any part of the benefits that would have been payable to the member but for the payment split and that accrued after 30 June 2005.

Schedule 1, item 31, page 11 (lines 17 to 37), omit paragraph (b), substitute:

- (b) the total of the following amounts:
  - (i) 15% of the employer-financed component of any part of the value of the age retirement benefits of the member when the fund ceased to be a constitutionally protected superannuation fund that accrued between 20 August 1996 and 1 July 2003;
  - (ii) 14.5% of the employer-financed component of any part of the value of the age retirement benefits of the member when the fund ceased to be a constitutionally protected superannuation fund that accrued in the 2003-2004 financial year;
  - (iii) 13.5% of the employer-financed component of any part of the value of the age retirement benefits of the member when the fund ceased to be a constitutionally protected superannuation fund that accrued in the 2004-2005 financial year;
  - (iv) 12.5% of the employer-financed component of any part of the value of the age retirement benefits of the member when the fund ceased to be a constitutionally protected superannuation fund that accrued after 30 June 2005.

Schedule 1, item 32, page 12 (line 5), omit “2002-2003”, substitute “2003-04”.

Schedule 1, item 32, page 12 (line 8), omit “2002”, substitute “2003”.

Schedule 1, items 33 and 34, page 12 (lines 10 to 21), omit the items, substitute:

**33 Application of items 24 to 30**

The amendments made by items 24 to 30 apply in relation to benefits that become payable on or after 1 July 2003.

Note: The Acts amended by items 24 to 30 continue to apply in relation to benefits that become payable before 1 July 2003 as if the amendments made by those items had not been made.

Schedule 1, item 35, page 12 (line 25), omit “2002”, substitute “2003”.

Schedule 1, item 35, page 12 (line 27), omit “2002”, substitute “2003”.

Debate resumed.

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

Senator Sherry moved the following amendment:

Schedule 1, page 11 (after line 37), at the end of Part 2, add:

***Superannuation Industry (Supervision) Act 1993***

**31A Subsection 10(1)**

Insert:

*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 the partner of the person.

**31B Subsection 10(1) (definition of *dependant*)**

Repeal the definition, substitute:

*dependant*, in relation to a person, includes the spouse, partner, and any child of the person or of the person’s spouse or partner.

**31C Subsection 10(1) (definition of *spouse*)**

Repeal the definition, substitute:

*spouse*, in relation to a person, means another person who, at the relevant time, was legally married to that person.

**31D At the end of subsection 52(2)**

Add:

- ; (i) 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.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

Allison	Cook	Lees	Nettle
Bartlett	Crossin (Teller)	Ludwig	Ray
Bishop	Denman	Lundy	Ridgeway
Brown	Faulkner	Mackay	Sherry
Buckland	Forshaw	Marshall	Stephens
Campbell, George	Greig	McLucas	Webber
Cherry	Hogg	Moore	Wong
Collins	Kirk	Murray	

NOES, 31

Senators—

Abetz	Colbeck	Johnston	Payne
Alston	Coonan	Kemp	Santoro
Barnett	Ellison	Lightfoot	Tchen
Boswell	Ferguson	Macdonald, Ian	Tierney
Brandis	Ferris	Mason	Troeth
Calvert	Harradine	McGauran (Teller)	Vanstone
Campbell, Ian	Heffernan	Minchin	Watson
Chapman	Humphries	Patterson	

The ayes and noes were equal and so the question was negatived (*but see entry no. 30*).

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*After 12.45 pm:* The Acting Deputy President (Senator Kirk) resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

#### 4 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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*Document:* Senator Lees, by leave, tabled the following document:

Environment—Renewable energy—Petitioning document from 658 signatories, calling for the mandatory renewable energy target to be increased to 10 per cent by 2010.

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Further matters of public interest were discussed.

*Suspension of sitting:* On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the sitting of the Senate was suspended till 2 pm.

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*At 2 pm—*

#### 5 QUESTIONS

Questions without notice were answered.



**6 FAMILY AND COMMUNITY SERVICES—JOB NETWORK—ANSWER TO QUESTION**

Senator George Campbell moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Vanstone) to a question without notice asked by Senator George Campbell today relating to Job Network and Centrelink.

Debate ensued.

Question put and passed.

**7 EDUCATION—STUDENT DEBT—ANSWER TO QUESTION**

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Stott Despoja today relating to the levels of student debt.

Question put and passed.

**8 PETITIONS**

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Moore, from 547 petitioners, requesting that the Senate take action to ensure that Australia Post maintains and restores its level of service in the western suburbs of Brisbane.

Senator Moore, from 1 000 petitioners, requesting that the Senate take action to grant permanent residence to refugees on temporary protection visas who have been law abiding and authorise the release into the community of asylum seekers.

Senator Payne, from 555 petitioners, requesting that the Senate amend the terms of reference of the Select Committee on Ministerial Discretion in Migration Matters to review the operation of the *Migration Act 1958* in relation to the management of refugees and asylum seekers.

**9 NOTICES**

The Leader of the Government in the Senate (Senator Hill): To move on the next day of sitting—That—

- (a) the Senate authorises the President of the Senate to engage Mr Brian Shaw, QC, to advise on answers to a list of questions relating to whether certain matters brought to the attention of the then President of the Senate by Senator Scullion on 10 May 2002 may have put him in conflict with section 44(v) of the Constitution; and
- (b) the person appointed under paragraph (a) shall be paid such fee as is approved by the President after consultation with senators.

Senator Carr: To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the proposed budget changes to higher education be extended to 7 November 2003. (*general business notice of motion no. 605*)

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

- (a) notes, with grave concern, the crisis in Australia's health system, including:
  - (i) bulk billing rates falling by more than 12 per cent since 1996,
  - (ii) 10 million fewer services being bulk billed each year by general practitioners than in 1996,

- (iii) the 59 per cent rise since 1996 in the average amount patients are required to pay to see a general practitioner (GP),
  - (iv) the largely unaddressed GP workforce shortage, which government policies have exacerbated,
  - (v) the unaddressed shortages in nurses, dentists, radiographers and other vitally-needed health professionals,
  - (vi) emergency departments in public hospitals being strained by the increasing numbers of patients who could have been attended to by a GP, and
  - (vii) frail aged people being accommodated in acute hospital beds because there is nowhere else for them to go; and
- (b) calls on the Government to respond to community concerns about its health policies, as evidenced by tens of thousands of petitions, by:
- (i) addressing the health crisis in cooperation with the states,
  - (ii) strengthening Medicare by taking steps to ensure universal access to bulk billing, and
  - (iii) ensuring that enough GPs, nurses, dentists, radiographers and other vitally-needed health professionals are trained and retained in the health system. (*general business notice of motion no. 606*)

The Leader of the Australian Democrats (Senator Bartlett) and Senator Stott Despoja:  
To move on the next day of sitting—That the Senate—

- (a) notes:
- (i) its previous motion calling on the Australian Government to support a moratorium on the production, transfer and use of cluster munitions and to guarantee that Australian forces will not use, or be involved in the use of, these cruel and indiscriminate weapons,
  - (ii) that the effect of such explosive remnants of war on communities is similar to that of anti-personnel landmines, in that they kill and injure indiscriminately and have significant negative impacts on social and economic reconstruction post-conflict,
  - (iii) that the recent conflict in Iraq has highlighted the negative impacts of explosive remnants of war, especially those that result from the use of cluster munitions with high failure rates, with UNICEF reporting on 17 July 2003 that more than 1 000 Iraqi children had been injured by explosive remnants of war, and
  - (iv) that Landmine Action, in its report, *Explosive remnants of war: A global survey*, found that at least 82 countries are affected by explosive remnants of war and that casualties were reported in 59 countries between January 2001 and June 2002; and
- (b) calls on the Australian Government to support a Protocol to the ‘Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects’ to cover explosive remnants of war and containing the following elements:
- (i) that the parties to any conflict promptly clean up, or arrange for clearance of, all unexploded ordnance, bearing full responsibility for the munitions that they have generated where that can be determined,

- (ii) include in agreements to terminate hostilities, peace negotiations and other relevant military technical agreements, provisions allocating responsibility, standards and procedures for signing off land as cleared of unexploded ordnance,
- (iii) parties to the conflict are to inform demining and/or unexploded ordnance clearance agencies of where munitions strikes have occurred and to provide technical data on all munitions used, to enable the unexploded munitions to be rendered safe or destroyed,
- (iv) parties to the conflict are to provide appropriate information, including pictures and warnings to civilians, about the dangers of unexploded ordnance, both during and after the conflict,
- (v) a prohibition on the use of weapons with large amounts of submunitions in or near concentrations of civilians,
- (vi) that all munitions have high quality fuses and detonation systems to ensure explosion on impact or self-destruction within seconds of impact, or that render munitions safe if they fail to detonate,
- (vii) a moratorium on the manufacture, transfer and use of munitions with submunitions until such munitions can be demonstrated to have failure rates that are no higher than other munitions that do not cause large amounts of unexploded ordnance (which typically generate less than 1 per cent live duds), and
- (viii) the compilation of a list of banned submunitions that have already been demonstrated to generate large humanitarian problems in places where they have been used and based on experience in the field, this list to include the BLU 26 (US), RBL 755 (UK), BLU 97 (US), Multiple Launch Rocket System M77 submunition (US), BL755 (UK), Mk 118 'Rockeye' (US), M42 and M46 Dual Purpose Improved Conventional Munition (DPICM) submunitions (US) and the Mk 6/7 'Rockeye' (US).  
(*general business notice of motion no. 607*)

Senator Greig: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Financial Management and Accountability Act 1997* to encourage the procurement by public agencies of open source computer software, and for related purposes. ***Financial Management and Accountability (Anti-Restrictive Software Practices) Amendment Bill 2003***. (*general business notice of motion no. 608*)

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

- (a) notes:
  - (i) the collapse of the World Trade Organization talks in Cancun, Mexico,
  - (ii) that agricultural subsidies are a crucial issue for Australian farmers, and
  - (iii) that agricultural subsidies can only be discussed in multilateral trade negotiations; and
- (b) calls on the Government to publicly explain to Australian farmers that agricultural subsidies in the United States of America (US) cannot be on the table in the US-Australia free trade agreement. (*general business notice of motion no. 609*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Crimes (Overseas) Amendment Bill 2003
- Energy Grants (Cleaner Fuels) Scheme Bill 2003 and the Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003
- Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003
- International Tax Agreements Amendment Bill 2003
- Taxation Laws Amendment Bill (No. 8) 2003
- Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003.

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*Documents:* Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [6] for introduction and passage of certain bills in the 2003 spring sittings.

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Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—That the Medical Indemnity Subsidy Scheme 2003, made under subsection 43(1) of the *Medical Indemnity Act 2002*, be disallowed.

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

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

(a) notes:

- (i) that Australia is one of the most open markets for foreign television programming, 68.7 per cent of new airtime hours being of foreign origin,
- (ii) that United States of America (US) films take 83 per cent of annual Australian box office takings, and
- (iii) the experience of New Zealand which now has one of the lowest percentages of local content, at 24 per cent, as a result of excessive liberalisation of its cultural industries; and

(b) calls on the Government to:

- (i) ensure that any free trade agreement (FTA) between Australia and the US classifies Australian cultural products as technologically neutral, assuring that these will not fall under the category of ‘e-commerce’, and
- (ii) protect and strengthen existing support mechanisms for Australian cultural industries by:
  - (A) removing the regulations which restrict the number of foreign cast and crew per production from any FTA negotiations, and
  - (B) removing local content quota regulations, and the Government’s ability to increase the quota in the future, from any FTA negotiations. (*general business notice of motion no. 610*)

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

- (a) recognises the inherent justice in the claim by public sector education unions for a substantial salary increase for teachers in New South Wales public schools and Technical and Further Education (TAFE) colleges;
- (b) believes that without a significant increase in both teachers' salaries and the level of respect they enjoy in the community, it will become increasingly difficult to attract enthusiastic and committed school leavers into the teaching profession;
- (c) reiterates its support for the right of all young people to a quality public education;
- (d) expresses its strongest opposition to any attempt to fund increases in teachers' salaries by efficiency gains or other sacrifices of the teaching and learning conditions in Australia's public schools and TAFE colleges; and
- (e) calls on the Government to substantially increase funding for public education to ensure that no state government can use the excuse that it cannot afford to pay in full from Treasury funds the costs of any salary rises that might be granted by the Industrial Relations Commission to New South Wales public school and TAFE teachers. (*general business notice of motion no. 611*)

#### 10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 11 OF 2003

The Chairman of the Selection of Bills Committee (Senator Ferris) tabled the following report:

##### SELECTION OF BILLS COMMITTEE REPORT NO. 11 OF 2003

1. The committee met on Tuesday, 16 September 2003.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003 and the Energy Grants (Cleaner Fuels) Scheme Bill 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 16 October 2003;
  - (b) the *provisions* of the International Tax Agreements Amendment Bill 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 3 November 2003;
  - (c) the *provisions* of the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 3 November 2003;
  - (d) the order of the Senate of 20 August 2002 adopting the committee's 6th report of 2002 be varied to provide that the Workplace Relations Amendment (Improved Remedies for Unprotected Action) Bill 2002 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report on 13 October 2003; and
  - (e) the following bills *not* be referred to committees:
    - Crimes (Overseas) Amendment Bill 2003
    - Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003
    - Taxation Laws Amendment Bill (No. 8) 2003.

***The committee recommends accordingly.***

3. The committee *deferred* consideration of the following bills to the next meeting:

*Bill deferred from meeting of 12 August 2003*

Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003

*Bill deferred from meeting of 19 August 2003*

National Animal Welfare Bill 2003.

Jeannie Ferris

Chair

17 September 2003.

Senator Ferris moved—That the report be adopted.

Question put and passed.

**11 POSTPONEMENTS**

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Sherry for today, relating to the disallowance of the Retirement Savings Accounts Amendment Regulations 2003 (No. 2) and the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4), as contained in Statutory Rules 2003 Nos 195 and 196, postponed till 18 September 2003.

General business notice of motion no. 601 standing in the name of Senator Hutchins for today, relating to compensation for Hepatitis C sufferers, postponed till 18 September 2003.

General business notice of motion no. 602 standing in the name of Senator Nettle for today, relating to anti-vehicle mines, postponed till 7 October 2003.

General business notice of motion no. 603 standing in the name of Senator Nettle for today, relating to Iranian asylum seekers, postponed till 18 September 2003.

**12 HEALTH—HIV/AIDS**

Senator Stott Despoja amended her 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. 600—That the Senate—

- (a) acknowledges the Australian Government's commitment of \$200 million over 6 years to combat HIV/AIDS, with a particular focus on the Asia-Pacific region;
- (b) notes:
  - (i) that the United Nations (UN) General Assembly will review the implementation of the Declaration of Commitment on HIV/AIDS at a meeting in New York on 22 September 2003,
  - (ii) that the Global Fund to Fight AIDS, Tuberculosis and Malaria ('Global Fund') was unanimously endorsed by the UN General Assembly at its Special Session on HIV/AIDS in June 2001, and came into operation in January 2002,
  - (iii) evidence suggesting that the Asia-Pacific region is benefiting substantially from the Global Fund, which, in its first two rounds of grants, committed AUD\$494 million (US\$315 million) over 2 years to program proposals within South-East Asia and the Pacific,

- (iv) that the Global Fund is facing a significant shortfall in funding, which is jeopardizing its ability to disburse funds to countries which have had program proposals approved, and to fund new rounds of grants,
  - (v) that Australia is one of only a few among the world's wealthier nations which has not yet made any contribution to the Global Fund; and
- (c) urges the Australian Government to support the Global Fund as a key global initiative that is enabling countries to strengthen their own national response to HIV/AIDS, tuberculosis and malaria, and to consider making a significant contribution to the Global Fund by the end of 2004.

Question put and passed.

**13 ANIMAL WELFARE—LIVE SHEEP EXPORT—ORDER FOR PRODUCTION OF DOCUMENTS**

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 596—That the Senate—

- (a) notes that:
- (i) the *Cormo Express* shipment of 57 000 sheep rejected by Saudi Arabia 3 weeks ago, because of suspected scabby mouth, and subsequently rejected by a second unnamed country is now to be offered free to a third unnamed country in the region,
  - (ii) the *Cormo Express* sailed with a shipment of 57 000 sheep in mid-August 2003 but, by 12 September 2003, after around 5 weeks at sea, the number had been reduced by at least 6 per cent,
  - (iii) Saudi Arabia's rejection of Australian shipments because of disease concerns resulted in the cessation of the live sheep trade for a decade from 1991, and trade only resumed in 2000 after Australian exporters agreed to vaccinate all sheep against scabby mouth before shipment,
  - (iv) throughout the period the *Cormo Express* has been at sea, Livecorp spokespeople have continually assured the Australian Government, media and community that the *Cormo Express* shipment of live sheep would soon find an alternative port,
  - (v) on Wednesday, 10 September 2003, it was reported in the Australian media that the *Cormo Express* shipment of 57 000 were still stranded; and a day later Meat and Livestock Australia announced that Australia's live sheep exports were soaring, with reference made to exports to Saudi Arabia, Kuwait, Bahrain and Jordan all being on the increase,
  - (vi) Tuesday, 9 September 2003, saw the National Livestock Service announcing that the number of sheep slaughtered in Australia's eastern states was in decline due to the huge numbers of sheep euthanased and dead because of the drought,
  - (vii) the Australian Bureau of Statistics export data for the 2002-03 financial year and the Australian Bureau of Agricultural and Resource Economics estimates that the beef, veal, mutton and lamb carcass trade was worth \$4 964 million while the live cattle and sheep trade was worth in the vicinity of \$976 million; and

(b) demands that the Government:

- (i) provide full details to the Senate by 3 pm on Thursday, 18 September 2003 of the number of mortalities aboard the *Cormo Express*, and identify the second and any subsequent ports approached after the Saudi Arabian rejection of the shipment, and identify the port, if any, prepared to accept the sheep and at what cost, and
- (ii) enforce minimum welfare standards in the live export trade and increases support for the chilled and frozen meat export trade.

Question put and passed.

#### 14 DEFENCE—IRAQ—WEAPONS OF MASS DESTRUCTION

*Motion determined as not formal:* Senator Brown requested that general business notice of motion no. 604 standing in his name for today, relating to Iraq's weapons of mass destruction, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

*Proposed suspension of standing orders:* Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 604.

Debate ensued.

Question put.

The Senate divided—

#### AYES, 9

Senators—

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

#### NOES, 46

Senators—

Barnett	Denman	Lundy	Ray
Bishop	Eggleston	Macdonald, Sandy	Scullion
Bolkus	Faulkner	Mackay	Sherry
Brandis	Ferris (Teller)	Marshall	Stephens
Buckland	Forshaw	Mason	Tchen
Campbell, George	Hogg	McGauran	Tierney
Campbell, Ian	Humphries	McLucas	Troeth
Chapman	Hutchins	Moore	Watson
Colbeck	Johnston	Murphy	Webber
Collins	Kirk	O'Brien	Wong
Cook	Lightfoot	Patterson	
Crossin	Ludwig	Payne	

Question negatived.

#### 15 INDIGENOUS AUSTRALIANS—CHILDREN

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 599—That the Senate—

- (a) notes that, on 19 September 2003, the Committee on the Rights of the Child decided to devote its 2003 day of general discussion to the rights of Indigenous children;



- (b) recognises that Article 2 of the Convention on the Rights of the Child obliges states to prevent discrimination against Indigenous children and Article 30 requires states to provide them with special protection in order to exercise all their rights and allow them to enjoy their own culture, language and religion;
- (c) notes that, of the 410 000 Indigenous people in Australia, approximately 40 per cent are under the age of 15 and that 44 per cent of all Indigenous teenagers are likely to be at risk of entering into poverty, compared to 15 per cent of non-Indigenous teenagers; and
- (d) calls on the Government to meet its obligations to Indigenous children under the Convention through negotiation with Indigenous peoples to establish an appropriate framework for setting benchmarks and targets.

Question put and passed.

#### 16 TRADE—FREE TRADE AGREEMENT

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 544—That the Senate—

- (a) notes that
  - (i) the United States (US) Under Secretary of Commerce, Mr Grant Aldonan, has stated publicly that the US wishes to challenge reference pricing as part of the free trade agreement negotiations with Australia, saying, according to the *Australian Financial Review* of 13 August 2003, ‘there is a sense of unfairness in the US’ because US consumers paid high prices under a free market while consumers in Australia and elsewhere benefited from low ‘reference prices’ under schemes like the Pharmaceutical Benefits Scheme (PBS),
  - (ii) the price of pharmaceuticals and the PBS would increase significantly in Australia if our PBS ‘reference pricing scheme’ was diminished or abandoned, and
  - (iii) any free trade agreement with Australia must pass the US Congress; and
- (b) calls on the Australian Government to:
  - (i) advise the US that it will not agree to change Australia’s ‘reference pricing’ on the PBS and remove the matter from US free trade agreement negotiations, and
  - (ii) bring any free trade agreement to the Parliament for ratification.

*Statements by leave:* Senators Cook and Ridgeway, by leave, made statements relating to the motion.

Question put and negatived. Senators Brown and Nettle, by leave, recorded their votes for the ayes.

#### 17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE— LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 598—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 17 September 2003, from 5 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.

**18 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TRADE—WORLD TRADE ORGANIZATION**

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

The World Trade Organization negotiations have broken down and as a result, a significant opportunity has been missed for Australian primary producers, exporters and the national economy.

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

**19 SCRUTINY OF BILLS—STANDING COMMITTEE—10TH REPORT AND ALERT DIGEST NO. 11 OF 2003**

Senator Mackay, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

10th report of 2003, dated 17 September 2003.

Alert Digest No. 11 of 2003, dated 17 September 2003.

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

**20 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03—BUDGET ESTIMATES 2003-04**

Senator Mason, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee (Additional estimates 2002-03—Answers to questions [2]; Budget estimates 2003-04—vols 1 and 2 and attachments [5]).

**21 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—9TH AND 10TH REPORTS OF 2003**

Senator Colbeck, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

9th report—Construction of a new chancery, New Delhi, India, dated September 2003.

10th report—Refurbishment of staff apartments, Australian embassy complex, Paris, France, dated September 2003.

Senator Colbeck moved—That the Senate take note of the reports.

Question put and passed.

**22 TREATIES—JOINT STANDING COMMITTEE—54TH REPORT**

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

Treaties—Joint Standing Committee—54th report—Treaties tabled in June and August 2003, dated September 2003, *Hansard* record of proceedings and minutes of proceedings.

Senator Kirk moved—That the Senate take note of the report.

Question put and passed.

**23 NATIONAL SAFE SCHOOLS FRAMEWORK—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled the following document:

National Safe Schools Framework—Ministerial statement by the Minister for Education, Science and Training (Dr Nelson), dated 17 September 2003.

**24 ENVIRONMENT—GENETICALLY-MODIFIED MATERIAL—DOCUMENT**

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

Environment—Genetically-modified material—Letter to the President of the Senate from the Minister for Agriculture, Fisheries and Forestry (Mr Truss) responding to the resolution of the Senate of 11 August 2003, dated 15 September 2003.

**25 CAMBODIAN NATIONAL ASSEMBLY ELECTIONS 2003—AUSTRALIAN PARLIAMENTARY DELEGATION—DOCUMENT**

Senator Bishop, by leave, tabled the following document:

Cambodian National Assembly Elections 2003—Election observation report of the Australian parliamentary delegation, 24 to 29 July 2003, dated September 2003.

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

Debate ensued.

Question put and passed

**26 DOCUMENTS**

The following documents were tabled by the Clerk:

Health Insurance Act—Determination under section 124S, dated 19 June 2003.

Migration Act—Statement under section 252A for period 1 January to 30 June 2003.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 8/03.

**27 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL 2003**

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

Message no. 401, dated 16 September 2003—A Bill for an Act to amend the *International Tax Agreements Act 1953*, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) 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 Macdonald moved—That this bill 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.

**28 FAMILY ASSISTANCE LEGISLATION AMENDMENT (EXTENSION OF TIME LIMITS)  
BILL 2003**

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

Message no. 403, dated 17 September 2003—A Bill for an Act to extend time limits in relation to family tax benefit and child care benefit, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) 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 Macdonald moved—That this bill 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.

**29 WORKPLACE RELATIONS AMENDMENT (FAIR TERMINATION) BILL 2002**

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

Message no. 402, dated 16 September 2003—Workplace Relations Amendment (Fair Termination) Bill 2002, agreeing to amendments nos 2, 3 and 4 made and insisted on by the Senate and agreeing to the further amendments.

**30 SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003  
SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS)  
BILL 2003  
SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS)  
(CONSEQUENTIAL AMENDMENTS) BILL 2003**

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

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*In the committee*

**SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003—**

Consideration resumed of the bill, as amended.

*Statement by leave:* Senator Mason, by leave, made a statement indicating to the committee that there was an error in the count for the division on the amendment moved by Senator Sherry to this bill and that the count for the noes should have been 30, rather than 31 (*see entry no. 3*).

Leave was granted for the result of the division to be recorded for the ayes. Amendment agreed to accordingly.

Bill, as amended, agreed to.

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**SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS)  
BILL 2003—**

Bill, taken as a whole by leave, debated.

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*At 6.50 pm:* The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Watson) reported progress.

**31 GOVERNMENT DOCUMENTS**

The following government document tabled earlier today (*see entry no. 2*) was considered:

Australian Postal Corporation (Australia Post)—Statement of corporate intent 2003/04-2005/06. Motion to take note of document moved by Senator Tierney. Debate adjourned till Thursday at general business, Senator Tierney in continuation.

**32 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.22 pm till Thursday, 18 September 2003 at 9.30 am.

**33 ATTENDANCE**

Present, all senators except Senators Carr, Conroy\*, Evans\*, Harris and Knowles\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate