

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 101

THURSDAY, 18 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 NOTICES

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—

No. 1—That the Criminal Code Amendment Regulations 2003 (No. 9), as contained in Statutory Rules 2003 No. 184 and made under the *Criminal Code Act 1995*, be disallowed.

No. 2—That Determination No. 4 of 2003—Reporting Standards for Superannuation Entities, made under paragraph 13(1)(a) of the *Financial Sector (Collection of Data) Act 2001*, be disallowed.

No. 3—That the Electoral and Referendum Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 188 and made under the *Commonwealth Electoral Act 1918*, be disallowed.

No. 4—That the Fishing Levy Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 134 and made under the *Fisheries Management Act 1991* and the *Fishing Levy Act 1991*, be disallowed.

No. 5—That the Great Barrier Reef Marine Park Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 200 and made under the *Great Barrier Reef Marine Park Act 1975*, be disallowed.

No. 6—That the Marriage Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 198 and made under the *Marriage Act 1961*, be disallowed.

No. 7—That the Migration Amendment Regulations 2003 (No. 5), as contained in Statutory Rules 2003 No. 154 and made under the *Migration Act 1958*, be disallowed.

No. 8—That the Retirement Savings Accounts Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 195 and made under the *Retirement Savings Accounts Act 1997*, be disallowed.

No. 9—That the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4), as contained in Statutory Rules 2003 No. 196 and made under the *Superannuation Industry (Supervision) Act 1993*, be disallowed.

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

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

(a) notes:

- (i) the claims by the Prime Minister (Mr Howard) about Iraq's weapons of mass destruction program, in the lead up to the war with that country, have proven false, and
- (ii) that the Prime Minister failed to adequately inform the Australian public on intelligence agency warnings that a war with Iraq would increase the likelihood of terrorist activity; and

(b) censures the Prime Minister for misleading the country in his determination to join the President of the United States of America, Mr GW Bush, in the war on Iraq. (*general business notice of motion no. 612*)

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business order of the day no. 8 (National Residue Survey (Customs) Levy Amendment Bill 2002 and three related bills) be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

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

- (a) general business notice of motion no. 606 standing in the name of Senator McLucas relating to the crisis in Australia's health system; and
- (b) consideration of government documents.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That business of the Senate orders of the day nos 2 and 3, relating to the presentation of reports of the committee, be postponed till a later hour.

Question put and passed.

4 POSTPONEMENTS

Items of business were postponed as follows:

Government business notice of motion no. 1 standing in the name of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) for today, relating to the consideration of legislation, postponed till 7 October 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 7 October 2003.

General business notice of motion no. 607 standing in the names of the Leader of the Australian Democrats (Senator Bartlett) and Senator Stott Despoja for today, relating to the explosive remnants of war, postponed till 7 October 2003.

General business notice of motion no. 609 standing in the name of Senator Nettle for today, relating to the World Trade Organization meeting and free trade agreements, postponed till 8 October 2003.

General business notice of motion no. 610 standing in the name of Senator Nettle for today, relating to the free trade agreement between Australia and the United States, postponed till 8 October 2003.

5 RETIREMENT SAVINGS ACCOUNTS AMENDMENT REGULATIONS— SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT REGULATIONS— MOTION FOR DISALLOWANCE

Senator Sherry, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That—

- (a) the Retirement Savings Accounts Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 195 and made under the *Retirement Savings Accounts Act 1997*; and
- (b) the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4), as contained in Statutory Rules 2003 No. 196 and made under the *Superannuation Industry (Supervision) Act 1993*,

be disallowed.

Question put and passed (*and see entry no. 17*).

6 QUALIFICATION OF A SENATOR—PROVISION OF ADVICE

Motion determined as not formal: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Leader of the Government in the Senate (Senator Hill), asked that business of the Senate notice of motion no. 2 standing in the name of Senator Hill for today, relating to the qualification of a senator, be taken as formal.

Statement by leave: Senator Brown, by leave, made a statement relating to the motion. An objection was raised and the motion was not proceeded with as a formal motion.

7 IMMIGRATION—IRAN—ASYLUM SEEKERS

Senator Nettle 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. 603—That the Senate—

(a) notes that:

- (i) there are currently more than 250 Iranians in immigration detention in Australia,
- (ii) the Government has signed a Memorandum of Understanding (MOU) with the Iranian Government that creates a bilateral response to Iranian asylum seekers that fail to be granted refugee status in Australia,
- (iii) a number of these detainees were, in August 2003, offered \$1 000 to return to Iran voluntarily, or face forced deportation,
- (iv) Amnesty International has described ongoing concerns about human rights abuses in Iran, including its 2003 report on Iran which states:

Scores of political prisoners including prisoners of conscience were arrested. Others continued to be held in prolonged detention without trial or were serving prison sentences imposed after unfair trials. Some had no access to lawyers or family. Freedom of expression and association continued to be restricted by the judiciary and scores of students, journalists and intellectuals were detained. At least 113 people, including long-term political prisoners were executed, frequently in public and some by stoning, and 84 were flogged, many in public,

- (v) at least four Iranian asylum seekers who were returned to Iran by Australia have reportedly ‘disappeared’, and one of them was reportedly killed, and
- (vi) these disappearances add to a tragic list of deaths and disappearances which have occurred following deportations and repatriations triggered by the failure of Australian authorities to correctly ascertain refugee status or monitor the situation of returnees; and

(b) calls on the Government to:

- (i) suspend forced deportations of Iranian asylum seekers whilst their safety cannot be guaranteed and no monitoring of returned asylum seekers is undertaken, and
- (ii) release the details of the MOU with the Iranian Government.

Question put and passed.

8 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 605—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. Question put and passed.

9 EDUCATION—FUNDING

Senator Nettle 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. 611—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, reversing the bias currently shown to private schools, to deliver much needed resources for staff, students and infrastructure in the public school system.

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

Question put and negatived.

10 FINANCIAL MANAGEMENT AND ACCOUNTABILITY (ANTI-RESTRICTIVE SOFTWARE PRACTICES) AMENDMENT BILL 2003

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 608—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.

Question put and passed.

Senator Greig presented the bill and 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 Greig moved—That this bill be now read a second time.

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

11 PUBLICATIONS—STANDING COMMITTEE—11TH REPORT

Senator Ferris, at the request of the Chair of the Standing Committee on Publications (Senator Colbeck), tabled the following report:

PUBLICATIONS COMMITTEE

11TH REPORT

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

The Committee, having considered documents presented to the Parliament since 20 August 2003, recommends that the following be printed:

Commonwealth Grants Commission—Report for 2002-03.

Housing Assistance Act 1996—Report for 2001-02 on the operation of the 1999 Commonwealth-State Housing Agreement.

National Health and Medical Research Council—Report for 2002.

Natural Heritage Trust—Report for 2001-02.

Queensland Fisheries Joint Authority—Report for 2001-02.

Remuneration Tribunal—Report for 2002-03.

Reserve Bank of Australia—Report for 2002-03.

War Crimes Act 1945—Report for 2002-03 on the operation of the Act.

Senator Richard Colbeck

Chairman

18 September 2003.

Senator Ferris moved—That the Senate adopt the report.

Question put and passed.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REPORT—ASPECTS OF THE VETERANS' ENTITLEMENTS ACT 1986 AND THE MILITARY COMPENSATION SCHEME

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) tabled the following report and documents:

Foreign Affairs, Defence and Trade Legislation Committee—Aspects of the *Veterans' Entitlements Act 1986* and the Military Compensation Scheme—Report, dated September 2003, *Hansard* record of proceedings [2 vols], additional information and submissions [16].

Report ordered to be printed on the motion of Senator Sandy Macdonald.

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

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

**13 CRIMES (OVERSEAS) AMENDMENT BILL 2003
TAXATION LAWS AMENDMENT BILL (NO. 8) 2003
TAXATION LAWS AMENDMENT (SUPERANNUATION CONTRIBUTIONS SPLITTING)
BILL 2003**

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

Message no. 404, dated 17 September 2003—A Bill for an Act to amend the *Crimes (Overseas) Act 1964*, and for related purposes.

Message no. 408, dated 17 September 2003—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 409, dated 17 September 2003—A Bill for an Act in respect of taxation measures relating to superannuation, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ian Campbell moved—That these bills be now read a second time.

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

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

Question put and passed.

**14 ENERGY GRANTS (CLEANER FUELS) SCHEME BILL 2003
ENERGY GRANTS (CLEANER FUELS) SCHEME (CONSEQUENTIAL AMENDMENTS)
BILL 2003**

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

Message no. 405, dated 17 September 2003—A Bill for an Act to provide grants relating to certain fuels, and for related purposes.

Message no. 406, dated 17 September 2003—A Bill for an Act to deal with consequential matters arising from the enactment of the *Energy Grants (Cleaner Fuels) Scheme Act 2003*, and for other purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ian Campbell moved—That these bills be now read a second time.

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

15 QUALIFICATION OF A SENATOR—PROVISION OF ADVICE

The Minister for Communications, Information Technology and the Arts (Senator Alston), at the request of the Leader of the Government in the Senate (Senator Hill) and pursuant to notice, moved business of the Senate notice of motion no. 2—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 Brown moved the following amendment:

Omit all words after “That”, substitute “the following matters be referred to the Court of Disputed Returns under section 376 of the *Commonwealth Electoral Act 1918*:

- (1) Whether there is a vacancy in the representation of the Northern Territory consequent on the matters disclosed by Senator Scullion to the President on 10 May 2002.
- (2) If so, whether such vacancy may be filled by the further counting or recounting of ballot papers cast for candidates for election for senators for the Northern Territory.
- (3) Alternatively, whether there is a casual vacancy for one senator for the Northern Territory within the meaning of section 44 of the *Commonwealth Electoral Act 1918*.”.

Debate ensued.

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

Main question put and passed.

16 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—RECRUITMENT AND TRAINING IN THE AUSTRALIAN PUBLIC SERVICE

Pursuant to order, the Chair of the Finance and Public Administration References Committee (Senator Forshaw) tabled the following report and documents:

Finance and Public Administration References Committee—Recruitment and training in the Australian Public Service—Report, dated September 2003, *Hansard* record of proceedings [4 vols], documents presented to the committee, additional information and submissions [51].

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

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

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

17 RETIREMENT SAVINGS ACCOUNTS AMENDMENT REGULATIONS—SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Statement by leave: The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, made a statement relating to the vote on business of the Senate notice of motion no. 1 (*see entry no. 5*).

Question—That the motion be agreed to—put again, by leave.

The Senate divided—

AYES, 31

Senators—

Allison	Cherry	Hogg	O'Brien
Bartlett	Collins	Lees	Ray
Bishop	Cook	Lundy	Ridgeway
Bolkus	Crossin	Mackay (Teller)	Sherry
Brown	Denman	Marshall	Stephens
Buckland	Faulkner	Murphy	Stott Despoja
Campbell, George	Forshaw	Murray	Webber
Carr	Greig	Nettle	

NOES, 27

Senators—

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

Question agreed to.

**18 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.

—————
In the committee

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

Consideration resumed of the bill.

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the following requests for amendments, taken together by leave, were debated and agreed to:

That the House of Representatives be requested to make the following amendments:

Clause 6, page 4 (line 13), omit “\$32,500”, substitute “the higher income threshold”.

Clause 10, page 6 (table), omit the table, substitute:

Maximum Government co-contribution		
Item	Person’s total income for the income year	Maximum amount
1	the lower income threshold or less	\$1,000
2	more than the lower income threshold but less than the higher income threshold	\$1,000 reduced by 8 cents for each dollar by which the person’s total income for the income year exceeds the lower income threshold

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

Clause 7, page 4 (line 28), omit “2002”, substitute “2003”.

Clause 9, page 6 (line 9), after “10,”, insert “10A,”.

Clause 10, page 6 (line 16), after “sections”, insert “10A,”.

Page 6 (after line 16), after clause 10, insert:

10A Increases in lower and higher income threshold

- (1) This section provides for:
 - (a) indexation of the lower income threshold for the 2007-08 income year and later income years; and
 - (b) increases in the higher income threshold for the 2007-08 income year and each later income year equal to the indexation increase in the lower income threshold for that year.
- (2) The **lower income threshold** for an income year is:
 - (a) for an income year before the 2007-08 income year—\$27,500; or
 - (b) for the 2007-08 income year—\$27,500 multiplied by the indexation factor for that income year; or
 - (c) for a later income year—the amount of the lower income threshold for the previous income year multiplied by the indexation factor for that later income year.
- (3) The **higher income threshold** for an income year is:
 - (a) for an income year before the 2007-08 income year—\$40,000; or
 - (b) for a later income year—the sum of:
 - (i) the lower income threshold for that later income year; and
 - (ii) \$12,500.
- (4) If the lower income threshold for an income year is an amount of dollars and cents:
 - (a) if the number of cents is less than 50—the lower income threshold is to be rounded down to the nearest whole dollar; or
 - (b) otherwise—the lower income threshold is to be rounded up to the nearest whole dollar.
- (5) The **indexation factor** for an income year is the number calculated, to 3 decimal places, using the formula:

$$\frac{\text{Index number for the last quarter in current year}}{\text{Index number for the last quarter in previous year}}$$

where:

current year means the period of 12 months ending on 31 March immediately before the income year for which the lower income threshold is being calculated.

index number, for a quarter, means the estimate of full-time adult average weekly ordinary time earnings for the middle month of the quarter published by the Australian Statistician.

previous year means the period of 12 months immediately before the current year.

- (6) If the number calculated under subsection (5) for a financial year would, if it were worked out to 4 decimal places, end with a number greater than 4, the number so calculated is increased by 0.001.

- (7) If at any time, whether before or after the commencement of this Act, the Australian Statistician has published or publishes an index number for a quarter in substitution for an index number previously published for the quarter, the publication of the later index number is to be disregarded.
- (8) The Commissioner must publish before, or as soon as practicable after, the start of the 2007-08 income year, and before the start of each later income year, the lower income threshold and the higher income threshold for the income year.

Clause 26, page 21 (line 6), omit “1 July 2003”, substitute “a day prescribed by the regulations”.

Clause 27, page 22 (line 4), omit “1 July 2003”, substitute “a day prescribed by the regulations”.

Clause 33, page 28 (line 7), before “provider”, insert “superannuation”.

Clause 54, page 42 (lines 4 to 7), omit the clause, substitute:

54 Reports

- (1) After the end of each quarter, and after the end of each financial year, the Commissioner must give the Minister a report on the working of this Act during the quarter or during the year for presentation to the Parliament.
- (2) A report under subsection (1) must include, for the quarter or financial year to which the report relates, the prescribed details about beneficiaries of, and amounts of, co-contribution payments.

Clause 56, page 45 (after line 12), after the definition of *Government co-contribution*, insert:

higher income threshold has the meaning given by section 10A.

Clause 56, page 45 (after line 23), after the definition of *income year*, insert:

indexation factor has the meaning given by section 10A.

Clause 56, page 45 (after line 24), after the definition of *infringement notice*, insert:

lower income threshold has the meaning given by section 10A.

Senator Sherry moved the following amendment:

Page 6 (after line 16), after clause 10, insert:

10B Indexation of maximum amount

The maximum amount provided for by section 10 is indexed to rise at the rate equivalent to any increase in the consumer price index.

Debate ensued.

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

Senator Sherry moved the following amendment:

Page 38 (after line 31), after Division 2, insert:

Division 2A—Quarterly reports

51A Commissioner to prepare quarterly reports of determinations under section 13

- (1) For the purposes of this section a **quarterly report** means a regular report setting out the information required under subsection (2) for a particular period of three months, commencing no earlier than 1 July 2003, and ending on 31 March, 30 June, 30 September or 31 December.
- (2) As soon as practicable but in any event not later than three months after 31 March, 30 June, 30 September and 31 December each year, the Commissioner must prepare and give to the Minister a quarterly report which includes:
 - (a) the number of determinations made under section 13 of this Act during the period; and
 - (b) the number of persons in respect of whom a determination was made who had income for the income year in each of the income groups set out in subsection (3); and
 - (c) the number of persons in respect of whom a determination was made whose spouse had income for the income year in each of the income groups set out in subsection (3); and
 - (d) details of the combined income of the person in respect of whom a determination was made and the income of the spouse of that person; and
 - (e) any other information prescribed in the regulations.
- (3) Information provided under paragraphs (2)(b) and (c) must be presented as follows:
 - (a) by income groups of \$0 to \$999, \$1,000 to \$1,999, and similar, up to the income limit specified in paragraph 6(1)(c); and
 - (b) information provided under paragraph (2)(c) related to the income of the person's spouse must be presented by the income groups of the spouse as follows:
 - (i) \$0 to \$999, \$1,000 to \$1,999 and similar up to the limit of \$39,999;
 - (ii) \$40,000 to \$49,999, \$50,000 to \$59,999 and similar up to the limit of \$149,000;
 - (iii) \$150,000 to \$199,000, \$200,000 to \$249,000 and similar up to the limit of \$499,999;
 - (iv) \$500,000 to \$999,999, \$1,000,000 to \$1,499,999 and \$1,500,000 to \$1,999,999;
 - (v) over \$2,000,000.
- (4) The Minister must cause a quarterly report received under subsection (2) to be laid before each House of the Parliament within 7 sitting days of that House after the receipt of the report by the Minister.

Note: For the purposes of this section, income to be reported includes assessable income plus reportable fringe benefits total as defined in this Act.

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

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

Clause 15, page 10 (after line 16), after paragraph (1)(d), insert:

- (da) where the person does not have a legal personal representative, a dependant of the person; or

Clause 18, page 12 (line 10), after paragraph (1)(b), insert:

or (c) where the person does not have a legal personal representative, a dependant of the person;

Clause 19, page 13 (after line 22), after paragraph (4)(d), insert:

(da) where the person does not have a legal personal representative, a dependant of the person; or

Clause 56, page 45 (lines 1 and 2), omit the definition of *dependant*, substitute:

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.

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.

Senator Sherry moved the following amendment:

Clause 56, page 45 (lines 1 and 2), omit the definition of *dependant*, substitute:

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 basis as a partner of the person.

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.

Debate ensued.

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

19 NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL 2002
NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL (NO. 2) 2003
NATIONAL RESIDUE SURVEY (EXCISE) LEVY AMENDMENT BILL 2002
NATIONAL RESIDUE SURVEY (EXCISE) LEVY AMENDMENT BILL (NO. 2) 2003

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.

Question put and passed.

Bills read a second time.

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

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

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

At 2 pm—

20 QUESTIONS

Questions without notice were answered.

Document: The Special Minister of State (Senator Abetz) tabled the following document:

Centenary House—Leasing by the Commonwealth of accommodation—Copy of letter to the Leader of the Opposition (Mr Crean) from the Special Minister of State (Senator Abetz), dated 18 September 2003.

Further questions without notice were answered.

21 MINISTER FOR HEALTH AND AGEING—ANSWERS TO QUESTIONS

Senator Stephens moved—That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked today.

Debate ensued.

Question put and passed.

22 URGENCY MOTION—INDIGENOUS AUSTRALIANS—CHILDREN

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from Senator Ridgeway advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The requirement for the Australian Government to act to ensure that it is meeting its obligations to Indigenous children under the Convention of the Rights of the Child, given that the United Nations Committee on the Rights of the Child is holding a general discussion on the rights of Indigenous children on 19 September 2003, and the committee has identified Indigenous children as a group which most suffers from discrimination and which is confronted by various forms of violence both in the home and in society at large.

The proposal was supported by 4 senators.

Senator Ridgeway moved the motion.

Debate ensued.

Question put and passed.

At 4.30 pm: The Acting Deputy President (Senator Brandis) reminded the Senate that the standing orders provided for general business to be called on at this time.

Leave was granted to enable the tabling of certain documents and for certain motions to be moved prior to the commencement of general business.

**23 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2003—
MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled the following document:

Building and Construction Industry Improvement Bill 2003—Ministerial statement by the Minister for Employment and Workplace Relations (Mr Abbott), dated 18 September 2003.

**24 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—AVIATION SAFETY**

The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled the following document:

Rural and Regional Affairs and Transport References Committee—Airspace 2000 and related issues—Government response, dated September 2003.

25 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—REPORT FOR 2002-03

The Acting Deputy President (Senator Brandis) tabled the following report:

Appropriations and Staffing—Standing Committee—Report for 2002-03, dated September 2003.

Report ordered to be printed on the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan).

26 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENT—APPROVAL

The Acting Deputy President (Senator Brandis) tabled the following documents:

Parliament Act—Parliamentary Zone—Capital works—Proposal, together with supporting documentation, relating to the installation of a commemorative plaque to the victims of the Bali atrocity in the northern hedged room of the formal gardens of the parliamentary precincts.

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Joint House Department for the installation of a commemorative plaque to the victims of the Bali atrocity.

Question put and passed.

**27 ANIMAL WELFARE—LIVE SHEEP EXPORT—ORDER FOR PRODUCTION OF
DOCUMENTS—STATEMENT BY LEAVE**

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, made a statement relating to the order of the Senate of 17 September 2003 for the production of documents concerning the number of livestock mortalities aboard the *MV Cormo Express* (see entry no. 13, 17 September 2003).

**28 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—AGE
DISCRIMINATION BILL 2003**

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

Legal and Constitutional Legislation Committee—Provisions of the Age Discrimination Bill 2003—Report, dated September 2003, *Hansard* record of proceedings and submissions [10].

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

29 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—MIGRATION LEGISLATION AMENDMENT (IDENTIFICATION AND AUTHENTICATION) BILL 2003

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

Legal and Constitutional Legislation Committee—Provisions of the Migration Legislation Amendment (Identification and Authentication) Bill 2003—Report, dated September 2003, *Hansard* record of proceedings, additional information, documents presented to the committee and submissions [6].

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

30 IMMIGRATION—IRAN—ASYLUM SEEKERS—DOCUMENT

Senator Nettle, by leave, tabled the following document:

Immigration—Iran—Asylum seekers—Open letter to the Australian Senate from Iranian asylum seekers.

31 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Crime Commission Act—Regulations—Statutory Rules 2003 No. 236.

Australian Meat and Live-stock Industry Act—Regulations—Statutory Rules 2003 Nos 234 and 235.

Australian Security Intelligence Organisation Act—Regulations—Statutory Rules 2003 No. 233.

Civil Aviation Act—Civil Aviation Regulations—Instruments Nos CASA 398/03 and CASA 423/03.

Corporations (Fees) Act and Corporations Act—Regulations—Statutory Rules 2003 No. 241.

Customs Act—Regulations—Statutory Rules 2003 No. 237.

Energy Grants (Credits) Scheme Act—Regulations—Statutory Rules 2003 No. 242.

Higher Education Funding Act—Determinations under section 15—Determinations Nos T16-2003 and T17-2003.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice under paragraph 18(b), dated 16 September 2003.

Public Service Act—Public Service Commissioners Amendment Directions 2003 (No. 2).

Statutory Declarations Act—Regulations—Statutory Rules 2003 No. 238.

32 ECONOMICS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

The Acting Deputy President (Senator Brandis) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, moved—That Senator Cherry replace Senator Murray on the Economics Legislation Committee for the committee's inquiry into the provisions of the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003.

Question put and passed.

General business was called on.

33 HEALTH—MEDICARE—BULK BILLING

Senator McLucas, pursuant to notice, moved general business notice of motion no. 606—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.

Debate ensued.

At 6 pm: Debate was interrupted while Senator Barnett was speaking.

34 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Roads to Recovery Act 2000—Roads to Recovery programme—Report for 2002-03 on the operation of the Act. Motion of Senator Murphy to take note of document agreed to.

Defence Housing Authority—Statement of corporate intent 2003-04. Motion of Senator Murphy to take note of document agreed to.

APEC—Australia's individual action plan 2003. Motion of Senator Cook to take note of document agreed to.

Natural Heritage Trust—Report for 2001-02. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of document agreed to.

Defence Force Remuneration Tribunal—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.

Housing Assistance Act 1996—Report for 2001-02 on the operation of the 1999 Commonwealth-State Housing Agreement. Motion of Senator Bartlett to take note of document agreed to.

Australian Postal Corporation (Australia Post)—Statement of corporate intent 2003-04 to 2005-06. Motion of Senator Tierney to take note of document agreed to.

General business order of the day no. 5 relating to government documents was called on but no motion was moved.

General business concluded.

35 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following order of the day relating to committee reports and government responses was considered:

Superannuation—Select Committee—Report—Draft Superannuation Industry (Supervision) Amendment Regulations 2003 and draft Retirement Savings Accounts Amendment Regulations 2003. Motion of the chair of the committee (Senator Watson) to take note of report debated and agreed to.

36 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 6 of 2003-04—Performance audit—APRA's prudential supervision of superannuation entities: Australian Prudential Regulation Authority. Motion to take note of document moved by Senator Sherry and agreed to.

Orders of the day nos 1 to 3 relating to reports of the Auditor-General were called on but no motion was moved.

37 PRIVILEGES—STANDING COMMITTEE—115TH REPORT

The Chair of the Standing Committee of Privileges (Senator Ray) tabled the following report:

Privileges—Standing Committee—115th report—Persons referred to in the Senate (Board members of Electronic Frontiers Australia Inc.), dated September 2003.

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

Senator Ray, by leave, moved—That the report be adopted.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.24 pm till Tuesday, 7 October 2003 at 12.30 pm.

39 ATTENDANCE

Present, all senators except Senators Evans*, Harradine, Harris, Knowles*, Ian Macdonald and Scullion (* on leave).

HARRY EVANS
Clerk of the Senate