

2002-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 133

TUESDAY, 9 MARCH 2004

Contents

1	Meeting of Senate	3111
2	Government Documents	3111
3	Corporations and Financial Services—Joint Statutory Committee—Leave to Meet During Sitting.....	3111
4	Medical Indemnity Amendment Bill 2004 Medical Indemnity (IBNR Indemnity) Contribution Amendment Bill 2004.....	3111
5	Great Barrier Reef Marine Park Amendment Bill 2004	3111
6	Questions	3112
7	Family and Community Services—Answers to Questions.....	3112
8	Education—Higher Education—Funding—Answer to Question	3112
9	Notices.....	3112
10	Health—Tobacco Advertising—Australian Grand Prix	3113
11	Communications—Australian Broadcasting Corporation—Radio National	3114
12	Women—International Women’s Day.....	3114
13	Foreign Affairs, Defence and Trade Legislation Committee—Extension of Time to Report	3114
14	Community Affairs Legislation Committee—Extension of Time to Report	3114
15	Foreign Affairs, Defence and Trade References Committee—Extension of Time to Report	3115
16	Urgency Motion—Education—Higher Education—Funding.....	3115
17	Documents.....	3115
18	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents	3115
19	Departmental and Agency Contracts—Order for Production of Documents—Document.....	3116
20	Privacy Amendment Bill 2004	3116
21	Electoral Matters—Joint Standing Committee—Variation of Appointment	3116
22	Electoral Matters—Joint Standing Committee—Change in Membership	3116
23	Great Barrier Reef Marine Park Amendment Bill 2004	3117
24	A New Tax System (Commonwealth-State Financial Arrangements) Amendment Bill 2003.....	3117

25	Superannuation Safety Amendment Bill 2003	3117
26	Government Documents—Consideration	3118
27	Adjournment	3118
28	Attendance.....	3118

1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Crime Commission—Report for 2002-03, including the final report of the National Crime Authority [1 July to 31 December 2002].

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2003.

Native Title Act 1993—Native title representative bodies—Reports for 2002-03—
Mirimbiak Nations Aboriginal Corporation.

Yamatji Marlpa Barna Baba Maaaja Aboriginal Corporation.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 September to 31 December 2003.

Telecommunications (Interception) Act 1979—Report for 2002-03 pursuant to Division 2 of Part IX of the Act.

**3 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
LEAVE TO MEET DURING SITING**

Senator Ferris, by leave and at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman), moved—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee's inquiry into the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003—exposure draft and relevant related matters.

Question put and passed.

**4 MEDICAL INDEMNITY AMENDMENT BILL 2004
MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION AMENDMENT BILL 2004**

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—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 Minister for Local Government, Territories and Roads (Senator Ian Campbell) the bills were read a third time.

5 GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) was speaking.

6 QUESTIONS

Questions without notice were answered.

7 FAMILY AND COMMUNITY SERVICES—ANSWERS TO QUESTIONS

Senator Collins moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Patterson) to questions without notice asked today relating to family and community services.

Debate ensued.

Question put and passed.

8 EDUCATION—HIGHER EDUCATION—FUNDING—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to a question without notice asked by Senator Stott Despoja today relating to higher education funding.

Question put and passed.

9 NOTICES

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

(a) notes:

(i) the annual ‘Universities meet Parliament’ event in Canberra from 9 March to 11 March 2004, and

(ii) that this event provides a valuable opportunity for Members of Parliament to meet Vice-Chancellors from their electorates;

(b) congratulates the Australian Vice-Chancellors’ Committee for organising this event; and

(c) urges all political parties to recognise the importance of universities to this nation’s future, socially, economically, culturally and environmentally, and to adopt policies which reflect this fact. (*general business notice of motion no. 797*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to 13 May 2004. (*general business notice of motion no. 798*)

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, 11 March 2004, from 4 pm, to take evidence for the committee’s inquiry into the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003—exposure draft and relevant related matters. (*general business notice of motion no. 799*)

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

(a) notes that:

(i) the Australian Council for Overseas Aid (ACFOA) was formed in 1965 and continues to play a significant role as a representative and regulatory body for non-government organisations in Australia,

- (ii) ACFOA provides representation, advocacy and a forum for cooperation for some 80 member agencies, and
 - (iii) on 10 March 2004, ACFOA will change its name to the Australian Council for International Development (ACFID);
- (b) further notes that:
- (i) the United Nations has warned that the international community is falling short of achieving the goals set by world leaders at the Millennium Development Summit in 2000 (the Millennium Development Goals),
 - (ii) Australia's aid budget currently remains at 0.25 per cent of gross national income, which is less than half the level of contribution advocated by the United Nations,
 - (iii) ACFID's submission to the 2004-05 Budget calls on the Government to increase the aid budget by approximately \$500 million in the next budget year, as a first step towards ensuring that Australia contributes its fair share towards achieving the Millennium Development Goals by 2015, and
 - (iv) ACFID also calls on the Government to implement fair trade, debt relief and good governance policies that underpin the poverty reduction objective of Australia's aid program; and
- (c) calls on the Government to consider increasing the aid budget in the 2004-05 Budget, as advocated by ACFID. (*general business notice of motion no. 800*)

10 HEALTH—TOBACCO ADVERTISING—AUSTRALIAN GRAND PRIX

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 794—That the Senate—

- (a) notes that:
- (i) the press coverage of the Australian Grand Prix in Melbourne on 6 March and 7 March 2004 again provided tobacco companies with unparalleled advertising opportunities, and
 - (ii) this will be the ninth year that the race has made an operating loss, and Victorian taxpayers will again underwrite the event; and
- (b) urges the Federal Government to:
- (i) bring forward the removal of the exemption for tobacco advertising at the Grand Prix from October 2006 to January 2005, in line with the recent decision of the European Commission,
 - (ii) progressively tighten conditions on tobacco advertising up until the removal of the exemption, and
 - (iii) ban incidental advertising of tobacco products outside the confines of the Grand Prix from 2005.

Documents: Senator Allison, by leave, tabled the following documents:

Australian Grand Prix—Tobacco advertising—Press extracts [22] illustrating tobacco advertising associated with the Australian Grand Prix, March 2004.

Question put and passed.

11 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—RADIO NATIONAL

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 795—That the Senate—

(a) notes:

(i) that the Australian Broadcasting Corporation's Radio National is a vital part of Australia's broadcasting sector, offering analysis and in-depth coverage of current affairs, politics, the arts, health, law and other key aspects of contemporary life, and

(ii) media reports that the Radio National network may be abolished; and

(b) calls on the Government to guarantee the future of Radio National.

Question put and passed.

12 WOMEN—INTERNATIONAL WOMEN'S DAY

Senator Crossin, also on behalf of Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 796—That the Senate—

(a) acknowledges:

(i) 8 March 2004 as International Women's Day, a day when women across the globe mark the importance of continuing the struggle for equality and fairness, and the fight against discrimination in all of its forms, and

(ii) the massive contribution of Australian women to our community, through both paid and unpaid work; and

(b) urges the Government to:

(i) develop and introduce better policies to support women in both their work and family lives, and

(ii) introduce measures to combat barriers to the healthy, safe and independent participation of women in our society, such as violence, poverty and discrimination, and ensure that such measures are adequately resourced.

Question put and passed.

13 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 791—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the 2003-04 additional estimates be extended to 1 April 2004.

Question put and passed.

14 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 793—That the time for the presentation of the report of the Community Affairs Legislation Committee on annual reports tabled by 31 October 2003 be extended to 1 April 2004.

Question put and passed.

15 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 792—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002 be extended to 13 May 2004.

Question put and passed.

16 URGENCY MOTION—EDUCATION—HIGHER EDUCATION—FUNDING

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

The failure of ‘Backing Australia’s Future: Our Universities’ to produce a diverse level of higher education contribution scheme (HECS) fees in 2005 across the higher education sector through the partial deregulation of HECS, as stated by the Minister for Education, Science and Training (Dr Nelson).

The proposal was supported by 4 senators.

Senator Stott Despoja moved the motion.

Debate ensued.

Question put and passed.

17 DOCUMENTS

The following documents were tabled by the Clerk:

Australian National Training Authority Amendment Act—Australian National Training Authority (ANTA) Agreement for 2001-2004.

Commonwealth Authorities and Companies Act—Notices under paragraphs 45(1)(b) and (f)—Disposal of shares and cessation of membership of—

Bankstown Airport Limited (BAL).

Camden Airport Limited (CAL).

Hoxton Park Airport Limited (HPAL).

Defence Act—Determinations under section 58H—Defence Force Remuneration Tribunal—Determinations Nos 18 and 27-33 of 2003.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 1 March 2004 [2].

18 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2003—Statements of compliance—

Australian Trade Commission.

Defence portfolio.

Department of Veterans’ Affairs.

Education, Science and Training portfolio.
 Employment and Workplace Relations portfolio.
 Family and Community Services portfolio.
 Finance and Administration portfolio.

19 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2003—Letters of advice—Veterans' Affairs portfolio.

20 PRIVACY AMENDMENT BILL 2004

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

Message no. 527, dated 8 March 2004—A Bill for an Act to amend the *Privacy Act 1988*, and for related purposes.

The Minister for Revenue and Assistant Treasurer (Senator Coonan) 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 Coonan moved—That this bill be now read a second time.

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

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

21 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—VARIATION OF APPOINTMENT

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

Message no. 526, dated 8 March 2004—Agreeing to the amendment made by the Senate to the resolution of appointment of the Joint Standing Committee on Electoral Matters.

22 ELECTORAL MATTERS—JOINT STANDING 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 Bartlett be discharged from and Senator Faulkner be appointed to the Joint Standing Committee on Electoral Matters.

Question put and passed.

23 GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the report from the committee was adopted and the bill read a third time.

24 A NEW TAX SYSTEM (COMMONWEALTH-STATE FINANCIAL ARRANGEMENTS) AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the bill was read a third time.

25 SUPERANNUATION SAFETY AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone)—That this bill be now read a second time.

Debate resumed.

Senator Sherry moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for failing to take this opportunity to bring in much needed improved safety measures to ensure the safety of the superannuation savings of all Australians, in particular the need to:

- (a) improve the compensation rules to include losses as a consequence of trustee negligence as an entitlement and make 100 per cent compensation available in cases of theft, fraud and negligence;
- (b) provide compensation for unpaid superannuation guarantee contributions resulting from the failure of a business;
- (c) remove unnecessary secrecy provisions that prevent people obtaining reasonable access to information from the Australian Tax Office on their claims for unpaid superannuation contributions;
- (d) provide yearly reporting to members of defined benefit funds on the financial status of their funds including the debt or surplus level and the detail of the makeup in any shortfall of funds required to pay benefits to members; and
- (e) make all superannuation contributions, including salary sacrifice contributions, payable on a quarterly basis in line with the payment of superannuation guarantee contributions”.

Debate ensued.

At 6.50 pm: Debate was interrupted while the Minister for Revenue and Assistant Treasurer (Senator Coonan) was speaking.

26 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2003. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

Telecommunications (Interception) Act 1979—Report for 2002-03 pursuant to Division 2 of Part IX of the Act. Motion to take note of document moved by Senator Stott Despoja and agreed to.

27 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.38 pm till Wednesday, 10 March 2004 at 9.30 am.

28 ATTENDANCE

Present, all senators except Senators Buckland, Harris and Moore* (* on leave).

HARRY EVANS
Clerk of the Senate