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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Competition and Consumer Commission—Telecommunications reports for 2002-03—Report 1: Telecommunications competitive safeguards; Report 2: Changes in prices paid for telecommunications services in Australia; Report 3: Telstra's compliance with price control arrangements.

Australian Institute of Health and Welfare—Report—Australia's health 2004—Ninth biennial report.

Department of Communications, Information Technology and the Arts—Report—Review of the operation of the universal service obligation and customer service guarantee under section 159A of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, 7 April 2004.

Judge Advocate General—Report for 2003.

National Handgun Buyback Act 2003—Agreement between the Commonwealth of Australia and the States and Territories concerning the accountability and administrative procedures for the handgun buyback, 2003 (Amended).

National Health Act 1953—Private health insurance premium increases—Report for quarter ending 31 March 2004.

National Health and Medical Research Council—Report for 2003.

Native Title Act 1993—Native title representative bodies—Carpentaria Land Council Aboriginal Corporation—Report for 2002-03.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—

Agreement between the Government of Australia and the Government of the United Arab Emirates relating to Air Services, done at Dubai City on 8 September 2002.

Agreement, done at Melbourne on 10 May 2004, between Nauru and Australia concerning additional police and other assistance to Nauru.

Multilateral—Text, together with national interest analysis and annexures—

Agreement on Mutual Acceptance of Oenological Practices, done at Toronto, Canada on 18 December 2001.

Amendments, made at New Delhi in 2002, to the Constitution of the Asia Pacific Telecommunity (Bangkok 1976) as amended by the Management Committee Meeting (Colombo 1991).

Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict, done at New York on 25 May 2000.

WIPO Copyright Treaty, adopted by the Diplomatic Conference at Geneva on 20 December 1996.

WIPO Performances and Phonograms Treaty, adopted by the Diplomatic Conference at Geneva on 20 December 1996.

United Nations—Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 920/2000—Views.

No. 1080/2002—Views.

No. 1239/2004—Decision.

3 TAXATION LAWS AMENDMENT BILL (NO. 7) 2003

Order of the day read for the further consideration of message no. 428 from the House of Representatives in committee of the whole (*see entry no. 35, 21 June 2004*).

—————
In the committee

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

Senator Sherry moved the following amendment:

At the end of the motion, add “and agrees to the following further amendment:

Schedule 2, item 1, page 9 (after line 6), omit:

2.2.30	The Constitution Education Fund	the gift must be made after 20 June 2003”.
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Debate ensued.

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

Senator Cherry moved the following amendment:

At the end of the motion, add “and agrees to the following further amendment:

Schedule 2, item 2, page 9 (after line 8), at the end of the table, add:

4.2.27	The Australian Council of Social Service Incorporated	the gift must be made after 30 June 2004
4.2.28	The Council of Social Service of NSW	the gift must be made after 30 June 2004
4.2.29	Victorian Council of Social Service	the gift must be made after 30 June 2004
4.2.30	The Queensland Council of Social Service Incorporated	the gift must be made after 30 June 2004
4.2.31	The Western Australian Council of Social Service Incorporated	the gift must be made after 30 June 2004
4.2.32	South Australian Council of Social Service Incorporated	the gift must be made after 30 June 2004
4.2.33	Tasmanian Council of Social Service Incorporated	the gift must be made after 30 June 2004
4.2.34	ACT Council of Social Service Incorporated	the gift must be made after 30 June 2004

4.2.35	Northern Territory Council of Social Service Incorporated	the gift must be made after 30 June 2004”.
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Debate ensued.

The question for the motion was divided—

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

Question—That the committee does not insist on its amendments—put and negatived.

Resolution to be reported.

The Acting Deputy President (Senator Lightfoot) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 428 from the House of Representatives relating to the Taxation Laws Amendment Bill (No. 7) 2003 and had resolved to insist on the amendments made by the Senate to which the House had disagreed, and had agreed to a further amendment.

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

4 SUPERANNUATION LEGISLATION AMENDMENT (CHOICE OF SUPERANNUATION FUNDS) 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 is of the opinion that a reporting system should be established by the regulator, the Australian Prudential Regulation Authority (APRA), requiring:

- (a) that all superannuation funds report to APRA:
 - (i) all fees, charges and expenses charged in relation to each individual account paid on superannuation guarantee contributions,
 - (ii) all commissions charged in relation to each individual account paid on superannuation guarantee contributions,
 - (iii) all fees, charges and expenses charged in relation to each individual account paid on non-superannuation guarantee contributions, and
 - (iv) all commissions charged in relation to each individual account paid on all non-superannuation guarantee contributions;
- (b) that APRA report on a quarterly basis on the APRA website:
 - (i) the total level of superannuation guarantee contributions,
 - (ii) the total level of non-superannuation guarantee contributions, and
 - (iii) the average level of fees and charges per \$500 of superannuation guarantee contributions for each individual provider; and
- (c) that APRA establish a register by provider name, of all superannuation products managed by that provider with a record of all fees, charges, expenses and commissions charged in relation to each product”.

Debate ensued.

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

5 QUESTIONS

Questions without notice were answered.

6 FAMILY AND COMMUNITY SERVICES—FAMILY ASSISTANCE—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 by Senators Forshaw, Collins and Webber today relating to family assistance.

Debate ensued.

Question put and passed.

7 PETITIONS

The following 6 petitions, lodged with the Clerk by the senators indicated, were received:

Senators Bolkus and Buckland, 3 petitions similar in wording, from 202, 251 and 32 petitioners, respectively, requesting that the Senate take action to ensure that the funding policies of the Commonwealth Government are reformed to provide increased and fairer funding for public schools.

Senator George Campbell, from 160 petitioners, requesting that the Senate take action to ensure priority funding to public schools to enable them to continue to provide high quality education to all, regardless of wealth, location, ethnicity, religion or special needs.

Senators Marshall and O'Brien, from 13 and 50 petitioners, respectively, requesting that the Senate oppose any legislation to abolish the Aboriginal and Torres Strait Islander Commission.

8 NOTICES

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade References Committee present an interim report on its inquiry into the effectiveness of the Australian military justice system on 9 September 2004. (*general business notice of motion no. 916*)

The Chair of the Legal and Constitutional References Committee (Senator Bolkus): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional References Committee on the needs of expatriate Australians be extended to 5 October 2004. (*general business notice of motion no. 917*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 23 June 2004, from 5.30 pm. (*general business notice of motion no. 918*)

Senator Mason: To move on the next day of sitting—That the time for the presentation of the report of the Joint Standing Committee on Electoral Matters on electoral funding and disclosure and any amendments to the Commonwealth Electoral Act necessary in relation to political donations be extended to 12 August 2004. (*general business notice of motion no. 919*)

Senator Cherry: To move on the next day of sitting—That there be laid on the table, no later than 6.30 pm on Thursday, 24 June 2004, the documents described in paragraphs (a) and (b), in response to applications 020/2002 (Monsanto) and 021/2002 (Bayer) to the Office of the Gene Technology Regulator (OGTR) for the commercial release of GE canola:

- (a) all submissions from state governments in response to the above applications and all submissions from other state bodies, including inter- and intra-departmental committees providing peer review, comments and feedback to the OGTR; and
- (b) all submissions from committees formed under the *Gene Technology Act 2000* in relation to the above applications, including submissions from individuals in their capacity as members of those committees. (*general business notice of motion no. 920*)

Senators Allison and Cherry: To move on the next day of sitting—That the Senate—

- (a) congratulates the Queensland Government on the announcement of its intention, as part of a wide-ranging blueprint for a campaign to encourage the development of a sustainable Queensland ethanol industry which the Queensland cabinet endorsed on 22 June 2004, to appoint an ethanol advocate and include the 12 900 state government vehicles in the campaign;
- (b) notes the Queensland Premier's call for the Federal Government to 'mandate the availability of ethanol and indefinitely extend the fuel excise exemption', to give the fledging industry the certainty it needs to expand;
- (c) encourages all states to consider adopting similar action plans; and
- (d) calls on the Federal Government to phase in the mandated use of 10 per cent ethanol-blended petrol. (*general business notice of motion no. 921*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the following matters relating to government advertising be referred to the Finance and Public Administration References Committee for inquiry and report by 27 October 2004:

- (a) the level of expenditure on, and the nature and extent of, government advertising since 1996;
- (b) the processes involved in decision-making on government advertising, including the role of the Government Communications Unit and the Ministerial Committee on Government Communications;
- (c) the adequacy of the accountability framework and, in particular, the 1995 guidelines for government advertising, with reference to relevant reports, guidelines and principles issued by the Auditor-General and the Joint Committee of Public Accounts and Audit;
- (d) the means of ensuring the ongoing application of guidelines based on those recommended by the Auditor-General and the Joint Committee of Public Accounts and Audit to all government advertising; and
- (e) the order of the Senate of 29 October 2003 relating to advertising projects, and whether the order is an effective mechanism for parliamentary accountability in relation to government advertising.

Senator Cherry: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Industry, Tourism and Resources, no later than 6.30 pm on 24 June 2004, the following documents:

Any assessment or analysis of the synthetic aperture radar work commissioned or acquired by Geoscience Australia, or related documents. (*general business notice of motion no. 922*)

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

(a) notes that:

- (i) the ceasefire agreement signed on 8 April 2004 by the Khartoum Government and Darfur's two rebel groups – the Sudan People's Liberation Army and the Justice and Equality Movement – has been repeatedly violated,
- (ii) there is widespread evidence to suggest that the Khartoum Government has provided support to the Janjaweed militias and is now attempting to integrate them into its official forces,
- (iii) it is also alleged that the Khartoum Government has obstructed humanitarian organisations in their attempts to gain access to war-affected areas,
- (iv) it is estimated that there are around 1.2 million Internally Displaced Persons within Sudan,
- (v) the conflict has already claimed around 30 000 lives since it commenced in February 2003, and
- (vi) estimates of the number of Sudanese who are still at risk range from 350 000 to 2.2 million;

(b) urges the Sudanese Government to:

- (i) provide immediate and full access for humanitarian organisations to war-affected populations in Darfur,
- (ii) cease logistical, equipment and direct military assistance to the militias, and
- (iii) ensure that summary executions by the Government-sponsored militias cease; and

(c) calls on the Australian Government to make representations to United Nations Security Council members regarding the need to:

- (i) take decisive action to prevent further loss of life within Sudan, and
- (ii) condemn the atrocities and insist upon the deployment of human rights monitors to accompany the Internally Displaced Persons back to their home areas. (*general business notice of motion no. 923*)

The Leader of the Opposition in the Senate (Senator Faulkner): To move on the next day of sitting—That there be laid on the table by the Leader of the Government in the Senate, no later than 4 pm on Thursday, 24 June 2004, a copy of that part of the Office of National Assessments' (ONA) classified document log which relates to requests for, and movements of, the December 2002 ONA report on the humanitarian impact of the war in Iraq, during the period 16 June to 23 June 2003. (*general business notice of motion no. 924*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the second reading of the National Health Amendment (Pharmaceutical Benefits—Budget Measures) Bill 2002 [No. 2] be restored to the *Notice Paper* and be made an order of the day for a later hour.

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

- (a) notes, in relation to plans for expanded container ports in New South Wales, that:
 - (i) the proposal by Sydney Ports to develop a third terminal at Botany Bay will have a massive detrimental impact on residents and the environment, including increased container truck traffic, threats to internationally-recognised waterbird habitat, contaminated groundwater and beach erosion, and
 - (ii) the Mayors of Newcastle and Wollongong support the development taking place in their respective cities; and
- (b) opposes Sydney Ports' plan to develop a third terminal at Botany Bay. (*general business notice of motion no. 925*)

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

- (a) notes that:
 - (i) to date, 22 universities have announced that they will increase their higher education contribution scheme (HECS) fees, most of them by the full 25 per cent across all disciplines,
 - (ii) increasing HECS fees will further deter students from low socio-economic backgrounds,
 - (iii) all three South Australian universities will increase HECS fees by 25 per cent in 2005, severely impacting student choice in South Australia, and
 - (iv) by 2008, the Government's policy 'Backing Australia's future: Our universities' will have shifted more than \$1 billion of the costs of higher education to students through HECS increases and increases in domestic full-fee paying student numbers;
- (b) supports students in their attempts to prevent the remaining universities from increasing HECS fees; and
- (c) condemns the Government for under-funding universities for the past 7 years to such an extent that universities are now turning to students to provide a short-term increase in funding. (*general business notice of motion no. 926*)

9 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins), by leave, moved—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on 23 June 2004, from 9.30 am to 12.30 pm, to take evidence for the committee's inquiry into 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.

Question put and passed.

10 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Forshaw for today, proposing the reference of matters to the Community Affairs References Committee, postponed till 23 June 2004.

General business notice of motion no. 895 standing in the name of Senator Allison for today, relating to nuclear weapons systems and Colonel Stanislav Petrov, postponed till 23 June 2004.

General business notice of motion no. 911 standing in the name of Senator Cherry for today, relating to the People's Mojahedin Organisation of Iran, postponed till 23 June 2004.

General business notice of motion no. 912 standing in the name of Senator Allison for today, proposing that the Environment, Communications, Information Technology and the Arts Legislation Committee reconvene to further consider the 2004-05 Budget estimates, postponed till 23 June 2004.

11 SENATE RESOLUTIONS FOR INQUIRIES

Senator Stott Despoja, at the request of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 915—That the Senate—

- (a) notes the Government's decision to implement a judicial review of the lease arrangements for Centenary House, as called for by an order of the Senate of 4 March 2004; and
- (b) calls on the Government to act on other, more long-standing Senate resolutions calling for inquiries, namely:
 - (i) the resolution of the Senate of 15 May 2003 urging the establishment of a Royal Commission into child sexual abuse in Australia, and
 - (ii) the resolution of the Senate of 16 October 2003 calling for the establishment of a judicial inquiry into all aspects of the People Smuggling Disruption Program operated by the Commonwealth Government and agencies and, in particular, issues surrounding the sinking of the boat known as the SIEV X, with the loss of 353 lives.

Question put and passed.

12 DEATH OF MR DJERRKURA

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 910—That the Senate—

- (a) notes with sadness the passing on 26 May 2004 of senior Wangurri elder and cultural leader, Mr Djerrkura;
- (b) pays tribute to Mr Djerrkura as an advocate of economic development through his leadership of Yirkala Business Enterprises which operated independently, providing employment and training to local Aboriginal people;
- (c) notes that he was awarded the Order of Australia in 1984 and was involved in the following official positions during his life:
 - (i) Chairman of the Aboriginal and Torres Strait Islander Commission (ATSIC) Board of Commissioners,
 - (ii) Chairman of the Batchelor Institute of Indigenous Tertiary Education,

- (iii) Chairman of ATSIC Commercial Development Corporation,
 - (iv) Northern Territory North Zone ATSIC Commissioner,
 - (v) Chairperson of the Miwatj Provincial Governing Council,
 - (vi) Director of the Board of the Indigenous Land Corporation,
 - (vii) board member of the Council for Aboriginal Reconciliation, and
 - (viii) board member of the National Australia Day Council;
- as well as other key positions in Aboriginal organisations and in the former Department of Aboriginal Affairs; and
- (d) acknowledges his outstanding contribution to public life in Australia, his cultural leadership and his work in trying to build bridges between Indigenous people and other Australians.

Question put and passed.

13 INDIGENOUS AUSTRALIANS—ANANGU TOURS

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 909—That the Senate—

- (a) congratulates Anangu Tours, an Aboriginal-owned tourist operation based at Uluru, which won the 2004 National Geographic world legacy heritage tourism award;
- (b) notes that Anangu Tours has previously won Australian tourism awards for both Indigenous tourism and for heritage and culture and has been inducted into the Tourism Hall of Fame;
- (c) notes also that Anangu Tours provides employment and training for local Anangu people and economic development for local communities; and
- (d) calls on the Government to acknowledge the vital role these types of companies play in remote Australia and to honour the assurances given by the Minister for Small Business and Tourism (Mr Hockey) in the process of approving the Tourism Australia Bill 2004, to commit to the development and promotion of Indigenous tourism through its new body, Tourism Australia.

Question put and passed.

14 SCRUTINY OF BILLS—STANDING COMMITTEE—PUBLIC HEARINGS

Senator Hutchins, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 913—That the Standing Committee for the Scrutiny of Bills be authorised to hold public hearings in relation to its inquiry into entry, search and seizure provisions in Commonwealth legislation.

Question put and passed.

15 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That—

- (1) On Tuesday, 22 June 2004:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
 - (b) the routine of business from 7.30 pm shall be government business only; and

- (c) the question for the adjournment of the Senate shall be proposed at 9.50 pm.
- (2) On Wednesday, 23 June 2004:
- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 10.30 pm;
- (b) the routine of business from 7.30 pm shall be consideration of:
- (i) Appropriation (Parliamentary Departments) Bill (No. 1) 2004-2005 and four related bills—second reading, and
- (ii) Sex Discrimination Amendment (Teaching Profession) Bill 2004—second reading speeches only; and
- (c) the question for the adjournment of the Senate shall be proposed not later than 9.50 pm.
- (3) On Thursday, 24 June 2004:
- (a) the hours of meeting shall be 9.30 am to adjournment;
- (b) if the Senate is sitting at midnight, the sitting of the Senate shall be suspended till 9 am on Friday, 25 June 2004;
- (c) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
- (d) the routine of business from not later than 4.30 pm shall be government business only;
- (e) divisions may take place after 4.30 pm; and
- (f) the question for the adjournment of the Senate shall not be proposed till after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:
- Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003 and a related bill
 Superannuation Budget Measures Bill 2004
 Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004 and a related bill
 Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2003
 Tax Laws Amendment (2004 Measures No. 3) Bill 2004
 Extension of Charitable Purpose Bill 2004
 Family and Community Services and Veterans' Affairs Legislation Amendment (Income Streams) Bill 2004
 Higher Education Legislation Amendment Bill (No. 2) 2004
 Family and Community Services and Veterans' Affairs Legislation Amendment (Sugar Reform) Bill 2004
 Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003
 National Health Amendment (Pharmaceutical Benefits—Budget Measures) Bill 2002 [No. 2]
 Treasury Legislation Amendment (Professional Standards) Bill 2003
 Australian Energy Market Bill 2004 and a related bill
 Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004
 Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Bill 2004

Sex Discrimination Amendment (Teaching Profession) Bill 2004
Appropriation (Parliamentary Departments) Bill (No. 1) 2004-2005
and four related bills
Customs Legislation Amendment (Airport, Port and Cargo Security)
Bill 2004
Health Legislation Amendment (Podiatric Surgery and Other
Matters) Bill 2004
Excise and Other Legislation Amendment (Compliance Measures)
Bill 2004
Veterans' Entitlements Amendment (Direct Deductions and Other
Measures) Bill 2004
Industrial Chemicals (Notification and Assessment) Amendment
(Low Regulatory Concern Chemicals) Bill 2004.

Question put and passed.

**16 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—PROPOSED
REFERENCE—ORDER OF THE DAY DISCHARGED**

Senator Brown, by leave, moved—That business of the Senate order of the day no. 1, relating to the proposed reference of a matter to the Foreign Affairs, Defence and Trade References Committee, be discharged from the *Notice Paper*.

Question put and passed.

**17 DEFENCE—IRAQ—HUMAN RIGHTS ABUSES—ORDER FOR PRODUCTION OF
DOCUMENTS**

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 914—That there be laid on the table by the Minister for Defence, no later than 4 pm on Wednesday, 23 June 2004, the following document:

The 61-page report and nine additional annexures, prepared by the Department of Defence's Iraq Detainees Fact-Finding Team which formed the basis for the statement by the Minister for Defence (Senator Hill) to the Senate on the abuse of detainees held in Iraq, prepared by Mr Michael Pezzullo, Head of Infrastructure, Department of Defence for the Secretary of the Department of Defence and the Commander of the Defence Forces, and referred to by the Minister in the 2004-05 Budget estimates hearings of the Foreign Affairs, Defence and Trade Legislation Committee on 17 June 2004.

Question put and passed.

**18 DEPARTMENT OF THE SENATE—SENATE SENIOR EXECUTIVE OFFICERS'
INTERESTS—DOCUMENT**

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

Department of the Senate—Senate senior executive officers' interests incorporating notifications of alterations of interests of senior executive officers lodged between 28 November 2003 and 18 June 2004, dated June 2004.

19 SENATORS' INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS' INTERESTS—DOCUMENT

Senator McGauran, at the request of the Deputy Chair of the Standing Committee of Senators' Interests (Senator Lightfoot), tabled the following document:

Senators' Interests—Standing Committee—Register of senators' interests incorporating declarations of interests and notifications of alterations of interests of senators lodged between 28 November 2003 and 18 June 2004, dated June 2004.

20 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (2004 MEASURES NO. 3) BILL 2004

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

Economics Legislation Committee—Tax Laws Amendment (2004 Measures No. 3) Bill 2004—Report, dated June 2004, *Hansard* record of proceedings and additional information.

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

21 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—SUPERANNUATION BUDGET MEASURES BILL 2004 AND SUPERANNUATION LAWS AMENDMENT BILLS

Senator McGauran, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following document:

Economics Legislation Committee—Report—Superannuation Budget Measures Bill 2004, Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004 and Superannuation Laws Amendment (2004 Measures No. 2) Bill 2004—Additional information.

22 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2003-04

Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee (Additional estimates 2003-04—vol. 4).

23 INTER-PARLIAMENTARY UNION—110TH ASSEMBLY—DOCUMENT

Senator Chapman, by leave, tabled the following document:

Inter-Parliamentary Union—110th Assembly, Mexico City, Mexico, 15 to 25 April 2004 and the ANZAC Day ceremony, Mexico City—Report of the Australian delegation, dated June 2004.

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

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

Children—Sexual exploitation—

'Child protection: A handbook for parliamentarians', UNICEF and Inter-Parliamentary Union (Handbooks for Parliamentarians No. 7, 2004).

Inter-Parliamentary Union—110th Assembly and related meetings, Mexico City, 15 to 23 April 2004—Panel on the commercial sexual exploitation of children—Documents submitted to the panel.

Question put and passed.

24 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE ASIA PACIFIC PARLIAMENTARY FORUM—DOCUMENT

Senator McGauran, by leave, tabled the following document:

Asia Pacific Parliamentary Forum—12th annual meeting, Beijing, People's Republic of China, 12 to 14 January 2004—Report of the Australian parliamentary delegation, dated June 2004.

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

Question put and passed.

25 DOCUMENTS

The following documents were tabled by the Clerk:

Currency Act—Currency (Royal Australian Mint) Determination 2004 (No. 4).

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

105, dated 5 [4], 13, 26 [13], 27 [2] and 28 [7] May 2004.

106, dated 5, 27 [5] and 28 [8] May 2004.

107, dated 28 May 2004.

Higher Education Funding Act—Determination under section 15—Determination T14-2004.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 6/04 [2].

26 TOURISM AUSTRALIA BILL 2004

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 617, dated 21 June 2004—Tourism Australia Bill 2004.

27 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2004-2005

APPROPRIATION BILL (NO. 1) 2004-2005

APPROPRIATION BILL (NO. 2) 2004-2005

APPROPRIATION BILL (NO. 5) 2003-2004

APPROPRIATION BILL (NO. 6) 2003-2004

EXCISE AND OTHER LEGISLATION AMENDMENT (COMPLIANCE MEASURES) BILL 2004

VETERANS' ENTITLEMENTS AMENDMENT (DIRECT DEDUCTIONS AND OTHER MEASURES) BILL 2004

TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004

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

Message no. 612, dated 21 June 2004—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 610, dated 21 June 2004—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 611, dated 21 June 2004—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

Message no. 613, dated 21 June 2004—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 614, dated 21 June 2004—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

Message no. 615, dated 21 June 2004—A Bill for an Act to amend the *Excise Act 1901*, and for other purposes.

Message no. 616, dated 21 June 2004—A Bill for an Act to amend the law relating to veterans' entitlements, and for related purposes.

Message no. 619, dated 22 June 2004—A Bill for an Act to amend the *Telecommunications (Interception) Act 1979*, and for other purposes.

The Minister for Local Government, Territories and Roads (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.

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

Consideration of legislation: Senator Ian Campbell moved—That the Excise and Other Legislation Amendment (Compliance Measures) Bill 2004, the Veterans' Entitlements Amendment (Direct Deductions and Other Measures) Bill 2004 and the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

28 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL (NO. 2) 2004

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:

Message no. 618, dated 21 June 2004—Trade Practices Amendment (Personal Injuries and Death) Bill (No. 2) 2004.

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) consideration of the message in committee of the whole was made an order of the day for a later hour.

29 SUPERANNUATION LEGISLATION AMENDMENT (CHOICE OF SUPERANNUATION FUNDS) 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—and on the amendment moved by Senator Sherry (see entry no. 4).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Bishop	Cook	Lundy	Ray
Bolkus	Crossin (Teller)	Mackay	Sherry
Brown	Forshaw	Marshall	Stephens
Buckland	Harradine	McLucas	Webber
Campbell, George	Hogg	Moore	Wong
Carr	Hutchins	Murphy	
Collins	Kirk	Nettle	
Conroy	Ludwig	O'Brien	

NOES, 40

Senators—

Abetz	Colbeck	Johnston	Patterson
Allison	Coonan	Kemp	Payne
Barnett	Eggleston	Knowles	Ridgeway
Bartlett	Ellison	Lees	Santoro
Boswell	Ferguson	Lightfoot	Scullion
Brandis	Ferris	Macdonald, Sandy	Stott Despoja
Calvert	Fifield	Mason	Tchen
Campbell, Ian	Greig	McGauran (Teller)	Troeth
Chapman	Heffernan	Minchin	Vanstone
Cherry	Humphries	Murray	Watson

Question negatived.

Main 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.

Explanatory memorandum: The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Clause 2, page 1 (lines 16 and 17), omit the clause, substitute:

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	1 July 2005.	1 July 2005
3. Schedule 2	The day on which this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

Schedule 1, item 22, page 14 (lines 17 and 18), omit paragraphs 32C(2)(a) and (b), substitute:

- (a) there is no chosen fund for the employee; and
 (b) the fund is an eligible choice fund for the employer; and
 (c) the fund complies with the requirements (if any) set out in the regulations in relation to offering insurance in respect of death.

Schedule 1, item 22, page 20 (after line 6), after subsection 32N(4), insert:

- (5) An employer must also give a standard choice form to an employee if:
 (a) the employer is making contributions, in accordance with subsection 32C(2), to a fund for the benefit of the employee; and
 (b) the employer changes the fund to which the employer makes contributions, in accordance with that subsection, for the benefit of the employee.

The standard choice form must be given within 28 days after the change.

Schedule 1, page 22 (after line 20), at the end of the Schedule, add:

Superannuation Industry (Supervision) Act 1993

23 At the end of Part 7

Add:

68A Conduct relating to fund membership

- (1) A trustee of a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund, must not:
- (a) supply, or offer to supply, goods or services to a person; or
 - (b) supply, or offer to supply, goods or services to a person at a particular price; or
 - (c) give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of goods or services to a person;
- on the condition that one or more of the employees of the person will be, or will apply or agree to be, members of the fund.
- (2) However, subsection (1) does not apply in relation to a supply of a kind prescribed in the regulations for the purposes of this subsection.
- (3) A trustee of a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund, must not refuse:
- (a) to supply, or offer to supply, goods or services to a person; or
 - (b) to supply, or offer to supply, goods or services to a person at a particular price; or
 - (c) to give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of goods or services to a person;
- for the reason that one or more of the employees of the person are not, or have not applied or agreed to be, members of the fund.
- (4) However, subsection (3) does not apply in relation to a supply of a kind prescribed in the regulations for the purposes of this subsection.
- Civil liability*
- (5) If:
- (a) a person (the *offender*) contravenes subsection (1) or (3); and
 - (b) another person (the *victim*) suffers loss or damage because of the contravention;
- the victim may recover the amount of the loss or damage by action against the offender.
- (6) The action must be begun within 6 years after the day on which the cause of action arose.
- (7) This section does not affect any liability that the offender or another person has under any other provision of this Act or under any other law.

Page 22 (after line 21), at the end of the bill, add:

Schedule 2—Extension of definition of dependant***Income Tax Assessment Act 1936*****1 Subsection 27A(1) (definition of *dependant*)**

Repeal the definition, substitute:

dependant, in relation to a person (the *first person*), includes:

- (a) in subparagraph (3)(a)(ii), subsections (5), (5C) and (7) and paragraph (12)(a):

- (i) any spouse or former spouse of the first person; and
- (ii) any child of the first person; and
- (b) in any other case:
 - (i) any spouse or former spouse of the first person; and
 - (ii) any child, aged less than 18 years, of the first person; and
 - (iii) any person with whom the first person has an interdependency relationship.

2 Subsection 27A(1)

Insert:

interdependency relationship has the meaning given by section 27AAB.

3 After section 27AAA

Insert:

27AAB Interdependency relationship

- (1) Subject to subsection (3), for the purposes of this Subdivision, 2 persons (whether or not related by family) have an *interdependency relationship* if:
 - (a) they have a close personal relationship; and
 - (b) they live together; and
 - (c) one or each of them provides the other with financial support; and
 - (d) one or each of them provides the other with domestic support and personal care.
- (2) Subject to subsection (3), for the purposes of this Subdivision, if:
 - (a) 2 persons (whether or not related by family) satisfy the requirement of paragraph (1)(a); and
 - (b) they do not satisfy the other requirements of an interdependency relationship under subsection (1); and
 - (c) the reason they do not satisfy the other requirements is that either or both of them suffer from a physical, intellectual or psychiatric disability;
 they have an *interdependency relationship*.
- (3) The regulations may specify:
 - (a) matters that are, or are not, to be taken into account in determining under subsection (1) or (2) whether 2 persons have an *interdependency relationship*; and
 - (b) circumstances in which 2 persons have, or do not have, an *interdependency relationship*.

Retirement Savings Accounts Act 1997

4 Section 16

Insert:

interdependency relationship has the meaning given by section 20A.

5 Subsection 20(1)

Omit “and any child of the person”, substitute “of the person, any child of the person and any person with whom the person has an interdependency relationship”.

6 After section 20

Insert:

20A Interdependency relationship

- (1) Subject to subsection (3), for the purposes of this Act, 2 persons (whether or not related by family) have an *interdependency relationship* if:
 - (a) they have a close personal relationship; and
 - (b) they live together; and
 - (c) one or each of them provides the other with financial support; and
 - (d) one or each of them provides the other with domestic support and personal care.
- (2) Subject to subsection (3), for the purposes of this Act, if:
 - (a) 2 persons (whether or not related by family) satisfy the requirement of paragraph (1)(a); and
 - (b) they do not satisfy the other requirements of an interdependency relationship under subsection (1); and
 - (c) the reason they do not satisfy the other requirements is that either or both of them suffer from a physical, intellectual or psychiatric disability;they have an *interdependency relationship*.
- (3) The regulations may specify:
 - (a) matters that are, or are not, to be taken into account in determining under subsection (1) or (2) whether 2 persons have an *interdependency relationship*; and
 - (b) circumstances in which 2 persons have, or do not have, an *interdependency relationship*.

Superannuation Industry (Supervision) Act 1993**7 Subsection 10(1) (definition of dependant)**

Omit “and any child of the person”, substitute “of the person, any child of the person and any person with whom the person has an interdependency relationship”.

8 Subsection 10(1)

Insert:

interdependency relationship has the meaning given by section 10A.

9 After section 10

Insert:

10A Interdependency relationship

- (1) Subject to subsection (3), for the purposes of this Act, 2 persons (whether or not related by family) have an *interdependency relationship* if:
 - (a) they have a close personal relationship; and

- (b) they live together; and
 - (c) one or each of them provides the other with financial support; and
 - (d) one or each of them provides the other with domestic support and personal care.
- (2) Subject to subsection (3), for the purposes of this Act, if:
- (a) 2 persons (whether or not related by family) satisfy the requirement of paragraph (1)(a); and
 - (b) they do not satisfy the other requirements of an interdependency relationship under subsection (1); and
 - (c) the reason they do not satisfy the other requirements is that either or both of them suffer from a physical, intellectual or psychiatric disability;
- they have an *interdependency relationship*.
- (3) The regulations may specify:
- (a) matters that are, or are not, to be taken into account in determining under subsection (1) or (2) whether 2 persons have an *interdependency relationship*; and
 - (b) circumstances in which 2 persons have, or do not have, an *interdependency relationship*.

10 Application

- (1) The amendments made by items 1 to 3 of this Schedule apply to eligible termination payments made after the commencement of those items.
- (2) The amendments made by items 4 to 9 of this Schedule apply to the doing of things after the commencement of those items.

Senator Sherry moved the following amendment:

Schedule 1, page 7 (after line 21), after item 15, insert:

15AA At the end of section 12

Add:

- (12) A person employing 20 persons or less is not an employer within the meaning of this Act.

Debate ensued.

Senator Sherry, by leave, withdrew the amendment.

Senator Sherry moved the following amendment:

Schedule 1, item 22, page 21 (after line 7), after section 32X, insert:

32XA Non-application of Part to small businesses

This Part does not apply to an employer who employs 20 persons or less.

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

Senator Sherry moved the following amendment:

Schedule 1, item 22, page 17 (after line 14), at the end of section 32D, add:

- (2) A fund ceases to be an eligible choice fund if it does not offer contributors 6 or more investment options including an ethical fund as defined in the regulations.

Debate ensued.

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

Senator Sherry moved the following amendment:

Schedule 1, item 22, page 22 (after line 8), after section 32Y, insert:

32YA Fund entry and exit fees

Where a fund sets an entry fee or an exit fee, the level of those fees shall be prescribed by regulation.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

Senator Coonan moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

**30 CORPORATIONS (FEES) AMENDMENT BILL (NO. 2) 2003
CORPORATE LAW ECONOMIC REFORM PROGRAM (AUDIT REFORM AND
CORPORATE DISCLOSURE) BILL 2003**

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

In the committee

**CORPORATE LAW ECONOMIC REFORM PROGRAM (AUDIT REFORM AND
CORPORATE DISCLOSURE) BILL 2003—**

Consideration resumed of the bill, as amended—and of the amendments moved by Senator Conroy:

Schedule 8, page 229 (after line 12), after item 9, insert:

9A Subsections 250A(4) and (5)

Repeal the subsections, substitute:

- (4) An appointment may specify the way the proxy is to vote on a particular resolution. If it does:
 - (a) the proxy need not vote on a show of hands, but if the proxy does so, the proxy must vote that way; and
 - (b) if the proxy has 2 or more appointments that specify different ways to vote on the resolution—the proxy must not vote on a show of hands;
 - (c) if the proxy is the chair—the proxy must vote on a poll, and must vote as directed in respect of each appointment; and

- (d) if the proxy votes on a poll and if the proxy has 2 or more appointments that specify different ways to vote on the resolution—the proxy must vote on a poll as directed in respect of each appointment.

If a proxy is also a member, this subsection does not affect the way that person can cast any votes he or she holds as a member.

- (5) A person who contravenes subsection (4) is guilty of an offence.

Schedule 8, page 230 (after line 16), after item 14, insert:

14A After section 250T

Insert:

250U Confirmation of appointment of Chair

- (1) At the first AGM following the appointment of a new person as chair of a listed corporation's board of directors where that corporation was at the date that the notice convening the AGM (the *notice date*) one of the top 300 listed companies on the Australian Stock Exchange by market capitalisation, a resolution confirming the appointment of that person as chair of that listed corporation's board of directors must be put to the vote where that person (at the notice date) was also the chair of another company which was one of the top 300 listed companies on the Australian Stock Exchange by market capitalisation.

Note: Under subsection 249L(2), the notice of the AGM must inform members that this resolution will be put at the AGM.

- (2) The vote on the resolution is advisory only and does not bind the directors or the listed corporation.

Schedule 8, page 230 (after line 16), after item 14, insert:

14B At the end of the subsection 251AA(1)

Add:

- ; and (c) if a resolution is withdrawn prior to the meeting, the nature of the resolution and a statement that it was withdrawn.

Schedule 8, page 230 (after line 16), after item 14, insert:

14C At the end of subsection 300(10)

Add:

- ; and (d) the qualifications and experience of each person who is a company secretary of the company as at the end of the year.

Schedule 12, item 2, page 253 (after line 8), after subsection 1471(2), insert:

- (2A) The amendments made by item 14A of Schedule 8 to the amending Act apply to an AGM held on or after 1 October 2004.

Debate resumed.

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

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

Schedule 8, page 227 (after line 5), before item 1, insert:

1A Section 9

Insert:

voting authority means, in respect of an entity, that the entity:

- (a) is entitled to attend and cast a vote;
- (b) is entitled to appoint a proxy to attend and cast a vote for that entity; or
- (c) has the power to direct another entity to vote in the way in which the firstmentioned entity directs;

at a meeting of a listed corporation's members where the corporation is listed on the Australian Stock Exchange. An entity does not have voting authority if the entitlement in paragraph (a) or (b) arises solely because another entity directs the firstmentioned entity to vote in the way in which the secondmentioned entity directs. An exercise of voting authority includes considering a resolution and not voting on that resolution but does not include not considering a resolution and not voting on that resolution.

Schedule 8, page 227 (after line 5), before item 1, insert:

1B Section 9

Insert:

voting disclosure means, in respect of voting policies and voting records, making the policies and records publicly available in printed or electronic form where electronic form includes publishing on the Internet on the website of the relevant entity.

Schedule 8, page 227 (after line 5), before item 1, insert:

1C Section 9

Insert:

voting policy means, in respect of an entity with voting authority, a clear, concise, effective and up-to-date statement of the basis on which the entity exercises or, if applicable, does not exercise, its voting authority, including, without limitation:

- (a) the circumstances in which the entity will exercise its voting authority for or against the management of listed corporations;
- (b) the manner in which the entity exercises its voting authority in relation to material resolutions (as defined in the regulations);
- (c) the currency date of the policy; and
- (d) any other matter prescribed by the regulations.

Schedule 8, page 227 (after line 5), before item 1, insert:

1D Section 9

Insert:

voting record means a record, produced annually, that summarises the manner in which an entity exercised its voting authority for the relevant year and must include:

- (a) for each listed corporation for which the entity has exercised its voting authority in respect of at least one resolution during the relevant year:
 - (i) the corporation's name;
 - (ii) the symbol used in the prescribed financial market for the corporation;
 - (iii) the member meeting date;

- (iv) a clear and concise description of each resolution that was voted on by members;
 - (v) whether the resolution was proposed by the management of the listed corporation or by a member;
 - (vi) whether the entity voted for or against the resolution;
 - (vii) if the entity did not vote for or against the resolution, whether the entity considered the resolution but did not vote or did not consider the resolution and did not vote;
 - (viii) whether the entity voted for or against the management of the listed corporation; and
- (b) for all the listed corporations in respect of which the entity has voting authority, the total number of resolutions for which the entity:
- (i) exercised its voting authority;
 - (ii) did not exercise its voting authority;
 - (iii) voted for a resolution;
 - (iv) voted against a resolution;
 - (v) considered a resolution but did not vote;
 - (vi) did not consider a resolution and did not vote;
 - (vii) voted for the management of the listed corporation;
 - (viii) voted against the management of the listed corporation;
- and
- (c) any other matter prescribed by the regulations.

Schedule 8, page 231 (after line 9), after item 16, insert:

16A At the end of section 601FC

Insert:

- (7) If a responsible entity has voting authority, then the responsible entity:
 - (a) should exercise that voting authority in every case where the responsible entity has voting authority; and
 - (b) subject to subsection (8), must maintain a voting record; and
 - (c) must establish a voting policy.
- (8) A responsible entity is not required to maintain a voting record if the entity does not exercise its voting authority over the period that would otherwise be covered by the voting record.
- (9) If a responsible entity is required by subsection (7) to establish a voting policy then the responsible entity must make voting disclosure.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

Life Insurance Act 1995

18 At the end of section 43

Add:

- (8) If a life company has voting authority, then the life company:
 - (a) should exercise that voting authority in every case where the life company has voting authority; and
 - (b) subject to subsection (9), must maintain a voting record; and
 - (c) must establish a voting policy.

- (9) A life company is not required to maintain a voting record if the life company does not exercise its voting authority over the period that would otherwise be covered by the voting record.
- (10) If a life company is required by subsection (8) to establish a voting policy then the life company must make voting disclosure.
- (11) A contravention of subsection (8), (9) or (10) is prohibited by the regulations.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

19 At the end of the Schedule

Add:

voting authority has the same meaning as in the *Corporations Act 2001*.

voting disclosure has the same meaning as in the *Corporations Act 2001*.

voting policy has the same meaning as in the *Corporations Act 2001*.

voting record has the same meaning as in the *Corporations Act 2001*.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

Superannuation Industry (Supervision) Act 1993

20 Section 10

Insert:

voting authority has the same meaning as in the *Corporations Act 2001*.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

21 Section 10

Insert:

voting disclosure has the same meaning as in the *Corporations Act 2001*.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

22 Section 10

Insert:

voting policy has:

- (a) the same meaning as in the *Corporations Act 2001*; or
- (b) where any part of a voting policy relates to the voting records of an investment manager, that part of the voting policy will be a clear, concise, effective and up-to-date statement of the basis on which the entity is influenced by the voting records of an investment manager in choosing an investment manager and such a statement will include:
 - (i) the extent to which the choice of investment manager is influenced by this paragraph; and
 - (ii) the currency date of that part of the policy; and
 - (iii) any other matter prescribed by the regulations.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

23 Section 10

Insert:

voting record has the same meaning as in the *Corporations Act 2001*.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

24 At the end of paragraph 52(2)(f)

Add:

- (v) if applicable, the voting records and voting policy of the entity and, if the entity has engaged an investment manager, the voting records of entity's investment manager that relate to investments made on behalf of the entity;

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

25 At the end of paragraph 102(1)(a)

Add:

- (iii) to provide the voting records of the investment manager, or that part of the voting records of the investment manager, that relate to investments made on behalf of the entity; and

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

26 After section 105

Insert:

105A Duty to exercise voting authority

- (1) If the trustee of a superannuation entity, other than a self-managed superannuation fund, has voting authority, then the trustee:
 - (a) must exercise that voting authority in every case where the trustee has voting authority in relation to material resolutions; and
 - (b) should exercise that voting authority in every other case where the trustee has voting authority; and
 - (c) must maintain a voting record.
- (2) If an investment manager has voting authority, then the investment manager:
 - (a) must exercise that voting authority in every case where the investment manager has voting authority in relation to material resolutions; and
 - (b) should exercise that voting authority in every other case where the investment manager has voting authority; and
 - (c) must maintain a voting record.
- (3) The trustee is guilty of an offence if the trustee contravenes subsection (1). This is an offence of ordinary liability.
Maximum penalty: 100 penalty units.
- (4) The investment manager is guilty of an offence if the investment manager contravenes subsection (2). This is an offence of ordinary liability.
Maximum penalty: 100 penalty units.

- (5) In this section, *material resolution* has the same meaning as in the *Corporations Regulations 2001*.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

27 After section 105

Insert:

105B Duty to establish a voting policy

- (1) If the trustee of a superannuation entity is:
- (a) required by section 105A to maintain voting records; or
 - (b) engages an investment manager and that investment manager is required by section 105A to maintain voting records;
- then the trustee must establish a voting policy.
- (2) The trustee is guilty of an offence if the trustee contravenes subsection (1). This is an offence of ordinary liability.
- Maximum penalty: 100 penalty units.

Schedule 8, page 231 (after line 22), at the end of the Schedule, add:

28 After section 105

Insert:

105C Duty to disclose voting records and voting policies

- (1) If a trustee of a superannuation entity is required by sections 105A and 105B to maintain voting records and establish voting policies then the trustee must make voting disclosure at least annually.
- (2) The trustee is guilty of an offence if the trustee contravenes subsection (1). This is an offence of ordinary liability.
- Maximum penalty: 100 penalty units.

On the motion of Senator Conroy the following amendment was debated and agreed to:

Schedule 8, page 230 (after line 22), after item 15, insert:

15A At the end of section 300

Add:

- (16) Where the listing rules of a listed market operator require the disclosure of substantial shareholding information in the annual report, the list of substantial shareholders in the annual report must include the name of a person which is disclosed to the listed company or responsible entity under section 672A or 672C and is kept in the register in accordance with 672DA.

Senator Murray moved the following amendment:

Schedule 9, page 233 (after line 15), after item 11, insert:

11A After section 179

Insert:

179A Procedures for merit selection of Government appointments

- (1) The Minister must by writing determine a code of practice, for selecting a person to be appointed to a position under this Act by the Commonwealth or a Minister, that sets out general principles on which the selections are to be made, including but not limited to:

- (a) merit; and
 - (b) independent scrutiny of appointments; and
 - (c) probity; and
 - (d) openness and transparency.
- (2) After determining a code of practice under subsection (1), the Minister must publish the code in the *Gazette*.
 - (3) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.
 - (4) In reviewing a code of practice, the Minister must invite the public to comment on the code.
 - (5) A code of practice determined under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Debate ensued.

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

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

Schedule 10, page 241 (after line 13), at the end of the Schedule, add:

2 At the end of Chapter 6CA

Add:

678A Other disclosures

- (1) Presentations given by a listed corporation during an analyst briefing shall be made generally available to all members of that corporation as prescribed by the regulations.
- (2) For the purposes of subsection (1), an analyst briefing is a briefing provided to a representative or representatives of financial institutions regarding the performance or operation of a listed corporation.

Schedule 10, page 241 (after line 13), at the end of the Schedule, add:

3 Section 9

Insert:

analyst means the employee or authorised representative of the financial services licensee who prepares a research report.

4 Section 9

Insert:

research report has a meaning as defined in the regulations.

5 After Division 4 of Part 7.7

Insert:

Division 4A—Analyst independence

950D Disclosures required in research report

- (1) Subject to subsection (2), a research report which is provided to a retail client must include the following:

- (a) information about the remuneration or other benefits that the analyst may receive that might reasonably be expected to be capable of influencing the analyst in preparing the research report; and
 - (b) information about:
 - (i) any other interests of which the analyst is aware, whether pecuniary or not and whether direct or indirect, of the analyst or the financial services licensee who employs the analyst or for whom the analyst is an authorised representative that might reasonably be expected to be capable of influencing the analyst in preparing the research report; and
 - (ii) any associations or relationships of which the analyst is aware between the analyst or the financial services licensee who employs the analyst or for whom the analyst is an authorised representative, and the listed corporation that is the subject of the research report, that might reasonably be expected to be capable of influencing the analyst in preparing the research report; and
 - (c) any other information required by the regulations.
- (2) The requirements set out in subsection (1) do not apply in the situations set out in the regulations.
 - (3) A more detailed statement of the information required by one or more provisions of subsection (1) may be provided in the regulations.

950E Restrictions on issue of research reports

- (1) A financial services licensee must not issue a research report to a retail client regarding a listed corporation for which the analyst or the employer of the analyst acted as manager or co-manager of an initial public offering of securities for that corporation within the period prescribed by the regulations.
- (2) A financial services licensee must not issue a research report to a retail client regarding a listed corporation for which the analyst or the employer of the analyst acted as manager or co-manager of any offering of securities (other than an initial public offering of securities) for that corporation within the period prescribed by the regulations.
- (3) Notwithstanding subsections (1) and (2), a financial services licensee may issue a research report to a retail client that is issued due to significant news and events.

950F Current reports

- (1) An analyst must not trade in securities that are the subject of the latest research report, prepared by the analyst and published within the period prescribed in the regulations.
- (2) Except as prescribed in the regulations, an analyst must not trade in securities in a manner that is inconsistent with a recommendation or opinion contained in the latest research report prepared by that analyst and published in the period prescribed in the regulations.

950G Trading in company securities

- (1) A listed corporation must establish a policy concerning trading in the company's securities by directors, officers and employees.
- (2) The policy must be made publicly available in printed or electronic form (where electronic form includes publishing on the Internet on the website of the relevant entity).

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

Schedule 11, page 242 (after line 14), after item 3, insert:

3A After subsection 136(3)

Insert:

- (3A) Any further requirement specified in the constitution must not be inconsistent with this Act.
- (3B) If a company has an existing further requirement in the constitution which is inconsistent with this Act, it is void.
- (3C) Subsection (3A) and (3B) are subject to the exceptions in the regulations.

Schedule 1, page 23 (after line 13), after item 39, insert:

39A After subsection 249N(1A)

Insert:

- (1AB) A further requirement in subsection 136(3) must not modify the application of subsection (1) or (1A).
- (1AC) If a company constitution contains a further requirement which modifies the application of subsection (1) or (1A), this further requirement is void.
- (1AD) Subsections (1AB) and (1AC) are subject to the exceptions in the regulations.

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) the following amendments, taken together by leave, were agreed to:

Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1 The later of:
 - (a) 1 July 2004; and
 - (b) the day after this Act receives the Royal Assent.

Clause 2, page 2 (after table item 2), insert:

- 2A. Schedule 2, The later of:
 - (a) 1 July 2004; and
 - (b) the day after this Act receives the Royal Assent.

2B. Schedule 2,	1 January 2005.	1 January 2005
Part 3		

2C. Schedule 2, Part 4 The later of:
(a) 1 July 2004; and
(b) the day after this Act receives the Royal Assent.

Clause 2, page 2 (table item 4), omit the table item, substitute:

4. Schedule 4, Part 1 The later of:
(a) 1 July 2004; and
(b) the day after this Act receives the Royal Assent.

Clause 2, page 2 (table item 6), omit the table item, substitute:

6. Schedule 4, Part 3 The later of:
(a) 1 July 2004; and
(b) the day after this Act receives the Royal Assent.

Clause 2, page 2 (table item 8), omit the table item, substitute:

8. Schedule 4, Part 5 The later of:
(a) 1 July 2004; and
(b) the day after this Act receives the Royal Assent.

Clause 2, page 2 (table item 9), omit the table item, substitute:

9. Schedule 5 The later of:
(a) 1 July 2004; and
(b) the day after this Act receives the Royal Assent.

Clause 2, page 2 (table item 11), omit the table item, substitute:

11. Schedules 8 and 9 Immediately after the commencement of the provisions covered by table item 9.

Clause 2, page 2 (table item 13), omit the table item, substitute:

13. Schedule 11 Immediately after the commencement of the provisions covered by table item 2.

13A. Schedule 11A 1 January 2005. 1 January 2005

Page 243 (after line 21), after Schedule 11, insert:

Schedule 11A—Register of information about relevant interests

Corporations Act 2001

1 Subsection 168(1) (after note 1)

Insert:

Note 1A: See also section 672DA (register of relevant interests in listed company or registered scheme).

2 After section 672D

Insert:

672DA Register of information about relevant interests in listed company or listed managed investment scheme

- (1) A listed company, or the responsible entity for a listed managed investment scheme, must keep a register of the following information that it receives under this Part on or after 1 January 2005 (whether the information is received pursuant to a direction the company, or responsible entity, itself gives under section 672A or is received from ASIC under section 672C):
 - (a) details of the nature and extent of a person's relevant interest in shares in the company or interests in the scheme;
 - (b) details of the circumstances that give rise to a person's relevant interest in shares in the company or interests in the scheme;
 - (c) the name and address of a person who has a relevant interest in shares in the company or interests in the scheme;
 - (d) details of instructions that a person has given about:
 - (i) the acquisition or disposal of shares in the company or interests in the scheme; or
 - (ii) the exercise of any voting or other rights attached to shares in the company or interests in the scheme; or
 - (iii) any other matter relating to shares in the company or interests in the scheme;
 - (e) the name and address of a person who has given instructions of the kind referred to in paragraph (d).The register must be kept in accordance with this section.
- (2) A register kept under this section by a listed company must be kept at:
 - (a) the company's registered office; or
 - (b) the company's principal place of business in this jurisdiction; or
 - (c) a place in this jurisdiction (whether or not an office of the company) where the work involved in maintaining the register is done; or
 - (d) another place in this jurisdiction approved by ASIC.
- (3) A register kept under this section by the responsible entity of a listed managed investment scheme must be kept at:
 - (a) the responsible entity's registered office; or
 - (b) the responsible entity's principal place of business in this jurisdiction; or
 - (c) a place in this jurisdiction (whether or not an office of the responsible entity) where the work involved in maintaining the register is done; or
 - (d) another place in this jurisdiction approved by ASIC.
- (4) The company, or the responsible entity, must lodge with ASIC a notice of the address at which the register is kept within 7 days after the register is:
 - (a) established at a place that:
 - (i) is not the registered office of the company or responsible entity; and

(ii) is not at the principal place of business of the company or responsible entity in this jurisdiction; or

(b) moved from one place to another.

Notice is not required for moving the register between the registered office and the principal place of business in this jurisdiction.

Note: The obligation to notify ASIC under this subsection is a continuing obligation and the company or responsible entity is guilty of an offence for each day, after the 7 day period, until ASIC is notified (see section 4K of the *Crimes Act 1914*).

(5) An offence based on subsection (2), (3) or (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(6) The register must either contain:

(a) the name of each holder of shares in the company, or interests in the scheme, to whom the information relates; and

(b) against the name of each such holder:

(i) the name and address of each other person (if any) who, according to information the company, or the responsible entity, has received under this Part on or after 1 January 2005, has a relevant interest in any of the shares or interests (together with details of the relevant interest and of the circumstances because of which the other person has the relevant interest); and

(ii) the name and address of each person who, according to information received by the company, or the responsible entity, under this Part on or after 1 January 2005, has given relevant instructions in relation to any of the shares or interests (together with details of those relevant instructions); and

(c) in relation to each item of information entered in the register, the date on which the item was entered in the register;

or be in such other form as ASIC approves in writing.

(7) The register must be open for inspection:

(a) by any member of the company or scheme—without charge; and

(b) by any other person:

(i) if the company, or the responsible entity, requires the payment of a fee for the inspection—on payment of the fee; or

(ii) if the company, or the responsible entity, does not require the payment of a fee for the inspection—without charge.

The amount of the fee required by the company, or the responsible entity, under subparagraph (b)(i) must not exceed the amount prescribed by the regulations for the purposes of this subsection.

(8) A person may request the company, or the responsible entity, to give to the person a copy of the register (or any part of the register) and, if such a request is made, the company, or the responsible entity, must give the person the copy:

(a) if the company, or the responsible entity, requires payment of a fee for the copy:

- (i) before the end of 21 days after the day on which the payment of the fee is received by the company or the responsible entity; or
- (ii) within such longer period as ASIC approves in writing; or
- (b) if the company, or the responsible entity, does not require payment of a fee for the copy:
 - (i) before the end of 21 days after the day on which the request is made; or
 - (ii) within such longer period as ASIC approves in writing.

The amount of the fee required by the company, or the responsible entity, under paragraph (a) must not exceed the amount prescribed by the regulations for the purposes of this subsection.

Note: The obligation to give the copy under this subsection is a continuing obligation and the company or responsible entity is guilty of an offence for each day, after the period referred to in paragraph (a) or (b), until the copy is given (see section 4K of the *Crimes Act 1914*).

- (9) The information that subsection (6) requires to be entered in the register must be entered in the register by the company, or the responsible entity, before the end of 2 business days after the day on which the company, or the responsible entity, receives the information.

Note: The obligation to enter the details in the register under this subsection is a continuing obligation and the company or responsible entity is guilty of an offence for each day, after the 2 business day period, until the details are entered in the register (see section 4K of the *Crimes Act 1914*).

3 Schedule 3 (after table item 229)

Insert:

229AA Subsections 672DA(1), 10 penalty units.
(2), (3), (4), (6), (7),
(8) and (9)

Schedule 12, item 1, page 244 (after line 17), at the end of section 285, add:

Schedule 1 commencement means the day on which Schedule 1 to the *Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004* commences.

Schedule 12, item 1, page 244 (line 25), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 244 (line 26), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 3), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 4), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 10), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 11), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 18), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 19), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 21), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (line 22), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 1, page 245 (lines 28 and 29), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 2, page 246 (after line 13), at the end of section 1453, add:

Schedule 1 commencement means the day on which Schedule 1 to the *Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004* commences.

Schedule 4 commencement means the day on which Schedule 4 to the *Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004* commences.

Schedule 5 commencement means the day on which Schedule 5 to the *Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004* commences.

Schedule 8 commencement means the day on which Schedule 8 to the *Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004* commences.

Schedule 12, item 2, page 246 (line 29), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 2, page 247 (lines 6 to 10), omit subsection 1455(4), substitute:

- (4) Standards prescribed under subsection (1) do not have effect as auditing standards:
 - (a) in relation to financial reports for periods ending after 30 June 2006; or
 - (b) in relation to financial reports for periods ending after a later date specified by regulations made for the purposes of subsection (1) before 30 June 2006.

Schedule 12, item 2, page 247 (line 26), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 2, page 247 (lines 32 to 34), omit subsection 1457(1), substitute:

- (1) The requirement under section 1287A for a registered company auditor to lodge an annual statement applies from the first anniversary of the auditor’s registration that occurs on or after 1 January 2005.

Schedule 12, item 2, page 248 (line 6), omit “31 December 2004”, substitute “the first anniversary of registration occurring on or after 1 January 2005”.

Schedule 12, item 2, page 248 (line 11), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

Schedule 12, item 2, page 248 (line 25), omit “1 July 2004”, substitute “the Schedule 1 commencement”.

- Schedule 12, item 2, page 248 (line 27), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 248 (line 31), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 248 (line 32), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 11), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 13), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 14), omit “(2A)”, substitute “(3)”.
- Schedule 12, item 2, page 249 (line 16), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 17), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 20), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 23), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 26), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 29), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 249 (line 32), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 250 (line 3), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 250 (line 5), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 250 (line 7), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 250 (line 9), omit “on 1 July 2004”, substitute “on the Schedule 1 commencement”.
- Schedule 12, item 2, page 250 (line 9), omit “after 1 July 2004”, substitute “after the Schedule 1 commencement”.
- Schedule 12, item 2, page 250 (line 13), omit “1 July 2004”, substitute “the Schedule 1 commencement”.
- Schedule 12, item 2, page 251 (lines 1 to 3), omit subsection 1465(3), substitute:
(3) The amendments made by Part 3 of Schedule 2 apply to financial reports lodged with ASIC on or after 1 January 2004.
- Schedule 12, item 2, page 251 (lines 14 and 15), omit “1 July 2004”, substitute “the Schedule 4 commencement”.
- Schedule 12, item 2, page 251 (line 25), after “4”, insert “, 4A”.
- Schedule 12, item 2, page 251 (line 27), omit “1 July 2004”, substitute “the Schedule 5 commencement”.

Schedule 12, item 2, page 253 (line 8), omit “1 July 2004”, substitute “the Schedule 8 commencement”.

Bill, as amended, further debated and agreed to.

The Corporations (Fees) Amendment Bill (No. 2) 2003 to be reported without requests for amendments and the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003 to be reported with amendments.

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

On the motion of Senator Ian Campbell the report from the committee was adopted and the bills read a third time.

31 EXTENSION OF CHARITABLE PURPOSE BILL 2004

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

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

32 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.50 pm till Wednesday, 23 June 2004 at 9.30 am.

33 ATTENDANCE

Present, all senators except Senators Denman*, Harris and Tierney* (* on leave).

HARRY EVANS
Clerk of the Senate