

2002-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 134

WEDNESDAY, 10 MARCH 2004

**Contents**

1	Meeting of Senate .....	3121
2	Government Documents .....	3121
3	Superannuation Safety Amendment Bill 2003 .....	3121
4	Energy Grants (Cleaner Fuels) Scheme Bill 2003 Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003 .....	3126
5	Matters of Public Interest .....	3126
6	Questions .....	3127
7	Aged Care—Answers to Questions .....	3127
8	Education—Male Teachers—Answer to Question .....	3127
9	Tobacco Advertising Prohibition (Film, Internet and Misleading Promotion) Amendment Bill 2004—Exposure Draft .....	3127
10	Notices .....	3127
11	Selection of Bills—Standing Committee—Reports Nos 3 and 4 of 2004 .....	3130
12	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting .....	3131
13	Rural and Regional Affairs and Transport References Committee— Extension of Time to Report .....	3131
14	Education—Universities Meet Parliament .....	3131
15	Foreign Affairs—Australian Council for International Development— Australia's Aid Budget .....	3132
16	Corporations and Financial Services—Joint Statutory Committee—Leave to Meet During Sitting .....	3132
17	Discussion of Matter of Public Importance—Aged Care—Funding .....	3132
18	Scrutiny of Bills—Standing Committee—Alert Digest No. 3 of 2004 .....	3132
19	Public Works—Joint Statutory Committee—67th Annual Report .....	3132
20	Documents .....	3133
21	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents .....	3133
22	Textile, Clothing and Footwear Strategic Investment Program Amendment Bill 2004 .....	3133

23	Greater Sunrise Unitisation Agreement Implementation Bill 2004	
	Customs Tariff Amendment (Greater Sunrise) Bill 2004.....	3134
24	Legislation Committees—Reports—Annual Reports.....	3134
25	Energy Grants (Cleaner Fuels) Scheme Bill 2003	
	Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments)	
	Bill 2003.....	3134
26	Order of Business—Rearrangement.....	3134
27	Health Legislation Amendment (Medicare) Bill 2003.....	3135
28	Social Security Amendment (Further Simplification) Bill 2003.....	3135
29	Health Legislation Amendment (Medicare) Bill 2003.....	3135
30	Notice.....	3136
31	Government Documents—Consideration.....	3137
32	Adjournment.....	3137
33	Attendance.....	3137

**1 MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2003—

Native title.

Social justice.

Australian Communications Authority—National relay service provider performance—Report for 2002-03.

**3 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—and on the amendment moved by Senator Sherry:

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 resumed.

Question—That the amendment be agreed to—put and passed. Senator Watson, by leave, recorded his vote for the noes.

Main question, as amended, put and passed.

Bill read a second time.

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

---

*In the committee*

Bill taken as a whole by leave.

---

*Explanatory memorandum:* The Minister for Local Government, Territories and Roads (Senator Ian Campbell) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

---

Bill debated.

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

Schedule 1, page 61 (after line 2), after item 59, insert:

**59A Section 327 (at the end of the definition of *modifiable provision*)**

Add:

; or (d) subsection 63(7B), (7C) or (7D).

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

Schedule 3, item 2, page 102 (lines 10 to 15), omit the item (including the note), substitute:

**2 Subsection 66(3)**

Repeal the subsection, substitute:

*RSA provider and Regulator to be told about the matter*

- (3) Subject to subsection (4), the person must, as soon as practicable after forming the opinion mentioned in paragraph (1)(a):
- (a) tell the RSA provider about the matter in writing; and
  - (b) if the contravention about which the person has formed the opinion mentioned in paragraph (1)(a) is of such a nature that it may affect the interests of holders of RSAs—tell the Regulator about the matter in writing.

Schedule 3, item 3, page 102 (lines 18 and 19), omit the heading to subsection (4), substitute:

*The person may not have to tell the RSA provider or Regulator about the matter*

Schedule 3, item 3, page 102 (line 21), omit “Regulator”, substitute “RSA provider”.

Schedule 3, item 3, page 102 (line 24), omit “Regulator”, substitute “RSA provider”.

Schedule 3, item 3, page 102 (line 27), omit “RSA provider”, substitute “Regulator”.

Schedule 3, item 3, page 102 (line 30), omit “RSA provider”, substitute “Regulator”.

Schedule 3, item 3, page 103 (line 1), omit the heading to subsection (5), substitute:

*Penalties for misinformation*

Schedule 3, item 3, page 103 (line 5), omit “the Regulator and”.

Schedule 3, item 3, page 103 (lines 7 and 8), omit “either or both the Regulator and”.

Schedule 3, item 3, page 103 (after line 13), after subsection (5), insert:

- (5A) A person (the *first person*) commits an offence if:
- (a) this section applies to the first person; and
  - (b) the first person is aware of a matter that must, under this section, be told to the Regulator; and
  - (c) the first person tells another person to whom this section applies that the first person has told the Regulator about the matter; and
  - (d) the first person has not done what the first person told the other person he or she had done.

Penalty: Imprisonment for 12 months.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Schedule 3, item 6, page 105 (lines 3 to 8), omit the item (including the note), substitute:

### **6 Subsection 129(3)**

Repeal the subsection, substitute:

*Trustee and Regulator to be told about the matter*

- (3) Subject to subsection (3A), the person must, as soon as practicable after forming the opinion mentioned in paragraph (1)(a):
- (a) tell a trustee of the entity about the matter in writing; and
  - (b) if the contravention about which the person has formed the opinion mentioned in paragraph (1)(a) is of such a nature that it may affect the interests of members or beneficiaries of the entity—tell the Regulator about the matter in writing.

Schedule 3, item 7, page 105 (lines 11 and 12), omit the heading to subsection (3A), substitute:

*The person may not have to tell a trustee or the Regulator about the matter*

Schedule 3, item 7, page 105 (line 14), omit “the Regulator”, substitute “a trustee of the entity”.

Schedule 3, item 7, page 105 (lines 16 and 17), omit “the Regulator”, substitute “a trustee of the entity”.

Schedule 3, item 7, page 105 (line 20), omit “a trustee of the fund”, substitute “the Regulator”.

Schedule 3, item 7, page 105 (lines 22 and 23), omit “a trustee of the fund”, substitute “the Regulator”.

Schedule 3, item 7, page 105 (line 26), omit the heading to subsection (3B), substitute:

*Penalties for misinformation*

Schedule 3, item 7, page 105 (line 30), omit “the Regulator and”.

Schedule 3, item 7, page 105 (lines 32 and 33), omit “either or both the Regulator and”.

Schedule 3, item 7, page 106 (after line 5), after subsection (3B), insert:

- (3C) A person (the **first person**) commits an offence if:
- (a) this section applies to the first person; and
  - (b) the first person is aware of a matter that must, under this section, be told to the Regulator; and
  - (c) the first person tells another person to whom this section applies that the first person has told the Regulator about the matter; and
  - (d) the first person has not done what the first person told the other person he or she had done.

Penalty: Imprisonment for 12 months.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Schedule 3, item 9, page 107 (line 6), omit “fund”, substitute “entity”.

Schedule 3, item 9, page 107 (line 9), omit “fund”, substitute “entity”.

Schedule 3, item 14, page 111 (line 2), omit “; and”, substitute “.”.

Schedule 3, item 14, page 111 (lines 3 to 5), omit paragraph (1)(c).

Schedule 3, item 14, page 111 (lines 6 to 9), omit subsection (2), substitute:

*Trustee and Regulator to be told about the matter*

- (2) Subject to subsection (3), the person must, as soon as practicable after forming the opinion mentioned in paragraph (1)(a):
  - (a) tell a trustee of the fund about the matter in writing; and
  - (b) if the contravention about which the person has formed the opinion mentioned in paragraph (1)(a) is of such a nature that it may affect the interests of members or beneficiaries of the fund—tell the Regulator about the matter in writing.

Schedule 3, item 14, page 111 (lines 10 and 11), omit the heading to subsection (3), substitute:

*The person may not have to tell a trustee or the Regulator about the matter*

Schedule 3, item 14, page 111 (line 13), omit “the Regulator”, substitute “a trustee of the fund”.

Schedule 3, item 14, page 111 (lines 15 and 16), omit “the Regulator”, substitute “a trustee of the fund”.

Schedule 3, item 14, page 111 (line 19), omit “a trustee of the fund”, substitute “the Regulator”.

Schedule 3, item 14, page 111 (lines 21 and 22), omit “a trustee of the fund”, substitute “the Regulator”.

Schedule 3, item 14, page 111 (line 25), omit the heading to subsection (4), substitute:

*Penalties for misinformation*

Schedule 3, item 14, page 111 (line 29), omit “the Regulator and”.

Schedule 3, item 14, page 111 (lines 31 and 32), omit “either or both the Regulator and”.

Schedule 3, item 14, page 112 (after line 3), after subsection (4), insert:

- (4A) A person (the **first person**) commits an offence if:
  - (a) this section applies to the first person; and

- (b) the first person is aware of a matter that must, under this section, be told to the Regulator; and
- (c) the first person tells another person to whom this section applies that the first person has told the Regulator about the matter; and
- (d) the first person has not done what the first person told the other person he or she had done.

Penalty: Imprisonment for 12 months.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 3, items 1 and 5.

Question—That Schedule 3, items 1 and 5 stand as printed—put and negatived.

Senator Sherry moved the following amendments together by leave:

Schedule 3, page 109 (after line 5), after item 10, insert:

**10A Section 227**

After “fraudulent conduct”, insert “negligence”.

Schedule 3, page 109 (after line 5), after item 10, insert:

**10B Section 228 (definition of eligible loss)**

After “fraudulent conduct,” (twice occurring), insert “negligence”.

Debate ensued.

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

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

Schedule 3, page 109 (after line 5), after item 10, insert:

**10C Paragraph 231(1)(b)**

Repeal the paragraph, substitute:

- (b) where the loss is a result of fraudulent conduct or theft, the amount of the grant of financial assistance shall be 100%.

Senator Sherry moved the following amendment:

Schedule 3, page 109 (after line 5), after item 10, insert:

**10D After subsection 254(1A)**

Insert:

(1B) Regulations made in accordance with subsection (1) and paragraph 31(2)(s) must include:

- (a) a requirement for defined benefit funds to report annually to APRA on the financial status of their funds, including the level of debt or surplus, and the details of any shortfall of funds required to pay benefits to members; and
- (b) a requirement for APRA to publish on its website the information received in accordance with paragraph (a).

Debate ensued.

Question—That the amendment be agreed to—put and passed. Senator Watson, by leave, recorded his vote for the noes.

Bill, as amended, further debated and agreed to.

Bill to be reported with amendments.

---

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

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

**4 ENERGY GRANTS (CLEANER FUELS) SCHEME BILL 2003  
ENERGY GRANTS (CLEANER FUELS) SCHEME (CONSEQUENTIAL AMENDMENTS)  
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 these bills be now read a second time.

Debate resumed.

The Special Minister of State (Senator Abetz) moved—That the debate be adjourned.

*Statements by leave:* Senators Brown, Abetz and Mackay, by leave, made statements relating to the matter.

Question put.

The Senate divided—

**AYES, 44**

Senators—

Abetz	Crossin	Hogg	McLucas
Barnett	Denman	Humphries	Patterson
Boswell	Eggleston (Teller)	Johnston	Payne
Brandis	Ellison	Kirk	Ray
Calvert	Evans	Knowles	Santoro
Campbell, George	Faulkner	Ludwig	Scullion
Campbell, Ian	Ferguson	Macdonald, Sandy	Sherry
Chapman	Ferris	Mackay	Tchen
Colbeck	Forshaw	Marshall	Watson
Collins	Harradine	Mason	Webber
Cook	Hill	McGauran	Wong

**NOES, 10**

Senators—

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

Question agreed to.

Senator Abetz moved—That the resumption of the debate be made an order of the day for a later hour.

Debate ensued.

*At 12.45 pm:* Debate was interrupted.

**5 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

---

*At 2 pm—*

**6 QUESTIONS**

Questions without notice were answered.

**7 AGED CARE—ANSWERS TO QUESTIONS**

Senator Forshaw moved—That the Senate take note of the answers given by the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to questions without notice asked by Senators Forshaw and Denman today relating to funding for residential aged care.

Debate ensued.

Question put and passed.

**8 EDUCATION—MALE TEACHERS—ANSWER TO QUESTION**

The Leader of the Australian Democrats (Senator Bartlett) 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 Tierney today relating to proposals to increase the number of male teachers.

Question put and passed.

**9 TOBACCO ADVERTISING PROHIBITION (FILM, INTERNET AND MISLEADING PROMOTION) AMENDMENT BILL 2004—EXPOSURE DRAFT**

Senator Allison, by leave, tabled the following document:

Tobacco Advertising Prohibition (Film, Internet and Misleading Promotion) Amendment Bill 2004—Exposure draft.

**10 NOTICES**

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 25 November 2004:

The progress and future direction of life-long learning and, in particular:

- (a) policies and strategies aimed at addressing the life-long learning needs of an ageing population;
- (b) the ways in which technological developments, particularly the Internet, have affected the nature and delivery of life-long learning since 1997;
- (c) the adequacy of any structural and policy changes at Commonwealth and state or territory level which have been made in response to these technological developments;
- (d) technological barriers to participation in life-long learning and adult and community education, and the ways and means by which these might be overcome;
- (e) the extent to which the training, professional development and role of adult educators has kept pace with or been influenced by technological and on-line developments since 1997; and
- (f) re-training strategies as an element in life-long learning, especially for those living in rural and regional areas.

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 25 November 2004:

Impediments to Indigenous employment and measures to improve vocational training and employment outcomes for Indigenous people, and, in particular:

- (a) the effect of the Community Development Employment Projects (CDEP) scheme on the education and long-term employment outcomes of Indigenous people in rural, remote and urban areas;
- (b) the appropriateness of the current framework for the funding and delivery of vocational education and training to meet the requirements of Indigenous communities and to prepare Indigenous people for employment, especially in rural and remote settings;
- (c) the effectiveness of competency-based training models to deliver an appropriate level or mix of skills necessary for employment of Indigenous people, including the achievement of the necessary standards of literacy and numeracy;
- (d) the effectiveness of Commonwealth, state and territory-based initiatives to engage more Indigenous people in training and to encourage higher level skill acquisition in skilled trades and professions, including health and teaching; and
- (e) models for engaging industry and Indigenous communities in partnerships to develop long-term employment opportunities for Indigenous people—in infrastructure development through to the arts—and the limitations and opportunities these confer.

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 25 November 2004:

The living costs of students enrolled in full-time and part-time courses and, in particular:

- (a) current measures for student income support, including Youth Allowance, Austudy and Abstudy, with reference to:
  - (i) the adequacy of these payments,
  - (ii) the age of independence,
  - (iii) the parental income test threshold, and
  - (iv) the ineligibility of Austudy recipients for rent assistance;
- (b) the effect of these income support measures on students and their families, with reference to:
  - (i) the increasing costs of higher education,
  - (ii) students being forced to work longer hours to support themselves, and
  - (iii) the closure of the Student Financial Supplement Scheme;
- (c) the importance of adequate income support measures in achieving equitable access to education, with reference to:
  - (i) students from disadvantaged backgrounds, and
  - (ii) improving access to education; and
- (d) alternative student income support measures.

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the report of the Foreign Affairs, Defence and Trade References Committee on current health preparation arrangements for the deployment of Australian Defence Forces overseas be presented on 17 June 2004. (*general business notice of motion no. 801*)

The Chair of the Community Affairs Legislation Committee (Senator Knowles): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Legislation Committee on the Truth in Food Labelling Bill 2003 be extended to 1 April 2004. (*general business notice of motion no. 802*)

Senator Conroy: To move on the next day of sitting—That the Senate calls on the Government to request the Productivity Commission, in accordance with the *Productivity Commission Act 1998*, to:

- (a) undertake a thorough assessment of the impact of the free trade agreement (FTA) made between the governments of Australia and the United States of America in February 2004 on Australia's economy, focussing in particular on:
  - (i) the impact on employment and investment,
  - (ii) the impact on Australian agriculture,
  - (iii) the impact on Australia's manufacturing sector across states, territories and regions,
  - (iv) rules of origin,
  - (v) government procurement,
  - (vi) intellectual property,
  - (vii) the Pharmaceutical Benefits Scheme, and
  - (viii) the audio-visual sector; and
- (b) report on any anticipated trade creation and trade diversion effects arising from the agreement and include in its analysis a full assessment of the environmental, social and cultural impact of the FTA. (*general business notice of motion no. 803*)

Senator Lundy: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Copyright Act 1968* to introduce a Resale Royalty Scheme for the visual arts, and for related purposes. **Resale Royalty Bill 2004**. (*general business notice of motion no. 804*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on 23 March 2004—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Greater Sunrise Unitisation Agreement Implementation Bill 2004  
Customs Tariff Amendment (Greater Sunrise) Bill 2004.

---

*Document:* Senator Ian Campbell tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of certain bills in the 2004 autumn sittings.

## 11 SELECTION OF BILLS—STANDING COMMITTEE—REPORTS NOS 3 AND 4 OF 2004

The Chair of the Selection of Bills Committee (Senator Ferris) tabled the following reports:

## SELECTION OF BILLS COMMITTEE

## REPORT NO. 3 OF 2004

1. The committee met on Tuesday, 9 March 2004.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report on 17 June 2004;
  - (b) the New International Tax Arrangements Bill 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 12 May 2004;
  - (c) the Tax Laws Amendment (2004 Measures No. 1) Bill 2004 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 12 May 2004;
  - (d) the order of the Senate of 3 March 2004 adopting the committee's 2nd report of 2004 be varied to provide that the Customs Tariff Amendment (Paraquat Dichloride) Bill 2004 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report on 13 May 2004; and
  - (e) the following bills *not* be referred to committees:
    - Euthanasia Laws (Repeal) Bill 2004
    - Invasion of Iraq Royal Commission (Restoring Public Trust in Government) Bill 2004
    - Trade Practices Amendment (Personal Injuries and Death) Bill (No. 2) 2004
    - Veterans' Entitlements Amendment (Electronic Delivery) Bill 2004.

*The committee recommends accordingly.*

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

*Bill deferred from meeting of 28 October 2003*

Intelligence Services Amendment Bill 2003.

*Bills deferred from meeting of 10 February 2004*

Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003

Corporations (Fees) Amendment Bill (No. 2) 2003

Racial and Religious Hatred Bill 2003 [No. 2].

*Bill deferred from meeting of 9 March 2004*

Telstra (Transition to Full Private Ownership) Bill 2003 [No. 2].

Jeannie Ferris  
Chair  
10 March 2004.

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2004

1. The committee met on Wednesday, 10 March 2004.
2. The committee resolved to recommend—That the *provisions* of the Greater Sunrise Unitisation Agreement Implementation Bill 2004 and the Customs Tariff Amendment (Greater Sunrise) Bill 2004 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 23 March 2004.

*The committee recommends accordingly.*

Jeannie Ferris  
Chair  
10 March 2004.

Senator Ferris moved—That the reports be adopted.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved the following amendment in respect of report no. 3:

At the end of the motion, add “but, in respect of the Customs Tariff Amendment (Paraquat Dichloride) Bill 2004, the bill be referred to the Rural and Regional Affairs and Transport Legislation Committee”.

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

Main question, as amended, put and passed.

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

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5 pm to 6.30 pm, to take evidence for the committee’s inquiry into the administration of Biosecurity Australia concerning the revised draft import risk analysis for bananas.

Question put and passed.

**13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
EXTENSION OF TIME TO REPORT**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 798—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.

Question put and passed.

**14 EDUCATION—UNIVERSITIES MEET PARLIAMENT**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 797—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.

Question put and passed.

**15 FOREIGN AFFAIRS—AUSTRALIAN COUNCIL FOR INTERNATIONAL DEVELOPMENT—AUSTRALIA'S AID BUDGET**

*Motion determined as not formal:* Senator Stott Despoja requested that general business notice of motion no. 800 standing in her name for today, relating to the Australian Council for International Development and Australia's aid budget, be taken as formal.

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

**16 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 799—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.

Question put and passed.

**17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AGED CARE—FUNDING**

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

The failure of the Howard Government to address the current crisis in aged care funding and accommodation.

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

**18 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 3 OF 2004**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin) tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 3 of 2004, dated 10 March 2004.

**19 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—67TH ANNUAL REPORT**

Senator McGauran, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—67th annual report, dated March 2004.

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

Question put and passed.

**20 DOCUMENTS**

The following documents were tabled by the Clerk:

Census and Statistics Act—Australian Bureau of Statistics—Statement No. 1 of 2004.

Family Law Act—Family Law (Superannuation) Regulations—

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2004 (No. 2).

Family Law (Superannuation) (Provision of Information — Commonwealth Superannuation Scheme) Determination 2004.

Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Determination 2004.

Seafarers Rehabilitation and Compensation Act—Notice No. 1 of 2004.

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(b) No. 1 of 2004.

**21 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—

Department of Communications, Information Technology and the Arts and the National Office of the Information Economy.

Environment and Heritage portfolio.

Immigration and Multicultural and Indigenous Affairs portfolio.

Treasury portfolio.

**22 TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT BILL 2004**

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

Message no. 528, dated 9 March 2004—A Bill for an Act to amend the *Textile, Clothing and Footwear Strategic Investment Program Act 1999*, and for related purposes.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ian Campbell moved—That this bill be now read a second time.

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

**23 GREATER SUNRISE UNITISATION AGREEMENT IMPLEMENTATION BILL 2004  
CUSTOMS TARIFF AMENDMENT (GREATER SUNRISE) BILL 2004**

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

Message no. 529, dated 10 March 2004—A Bill for an Act to amend the *Petroleum (Submerged Lands) Act 1967* and other legislation to give effect to the Greater Sunrise unitisation agreement, and for other purposes.

Message no. 530, dated 10 March 2004—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related 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.

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

**24 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS**

Pursuant to order, Senator McGauran, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2004, dated March 2004—

Economics Legislation Committee.

Employment, Workplace Relations and Education Legislation Committee.

Environment, Communications, Information Technology and the Arts Legislation Committee.

Finance and Public Administration Legislation Committee.

Foreign Affairs, Defence and Trade Legislation Committee.

Legal and Constitutional Legislation Committee.

Rural and Regional Affairs and Transport Legislation Committee.

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

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

Order read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That the resumption of the debate on the motion for the second reading of the bills be made an order of the day for a later hour.

Question put and passed.

**26 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Health Legislation Amendment (Medicare) Bill 2003).

Question put and passed.

**27 HEALTH LEGISLATION AMENDMENT (MEDICARE) BILL 2003**

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

---

*In the committee*

Bill, taken as a whole by leave, debated.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

---

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

Ordered, on the motion of Senator Ian Campbell, that the committee have leave to sit again at a later hour.

**28 SOCIAL SECURITY AMENDMENT (FURTHER SIMPLIFICATION) BILL 2003**

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

Senator Nettle moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for failing to take the opportunity presented by this bill to amend the Social Security Act to extend rent assistance to recipients of Austudy”.

Debate ensued.

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

Main question, as amended, 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 Family and Community Services (Senator Patterson) the bill was read a third time.

**29 HEALTH LEGISLATION AMENDMENT (MEDICARE) BILL 2003**

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

---

*In the committee*

Consideration resumed of the bill.

Senator Nettle moved the following amendment:

Schedule 1, page 3 (after line 4), before item 1, insert:

**1A After section 2**

Insert:

**2A Objects**

The objects of this Act are to ensure that:

- (a) all eligible persons have fair and equal access to medical benefits; and
- (b) all eligible persons are able to claim Medicare benefits for professional services listed in the Medical Benefits Schedule; and
- (c) the Medicare benefits for claimable professional services are based on the clinically relevant service provided for an eligible person, regardless of whether that person is a concessional beneficiary.

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

Bill further debated.

---

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

**30 NOTICE**

Senator Forshaw gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 31 August 2004:

- (a) the adequacy of staffing levels in residential aged care facilities;
- (b) the impact of staffing levels on the care and safety of residents in residential aged care facilities;
- (c) the adequacy of qualification levels and ongoing training of staff in the aged care system, both residential and community care;
- (d) the effectiveness of the current regulatory framework in ensuring adequate staffing levels and proper standards of care in the aged care industry, both residential and community care;
- (e) the performance and effectiveness of the Aged Care Standards and Accreditation Agency in assessing and monitoring care, health and safety and staffing levels in aged care facilities;
- (f) the performance of the Aged Care Standards and Accreditation Agency in identifying best practice and providing information, education and training to aged care facilities;
- (g) the impact on public hospitals of the shortage of nursing home beds; and
- (h) the appropriateness of accommodating young people with disabilities in aged care facilities and the effect this has on young people with disabilities and on the availability of aged care beds for elderly Australians.

**31 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title—Report for 2003. Motion to take note of document moved by Senator Greig. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2003. Motion to take note of document moved by Senator Greig. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Australian Communications Authority—National relay service provider performance—Report for 2002-03. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

**32 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.24 pm till Thursday, 11 March 2004 at 9.30 am.

**33 ATTENDANCE**

Present, all senators except Senator Moore (on leave).

**HARRY EVANS**  
Clerk of the Senate