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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 Broadcasting Authority—Online content co-regulatory scheme—Report for the periods January to June 2002, July to December 2002 and January to June 2003.

Australian National University—Report for 2003.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2003.

Australian River Co. Limited—Report for the period 1 December 2002 to 30 November 2003.

Department of Communications, Information Technology and the Arts—Report—Review of the operation of Schedule 5 to the *Broadcasting Services Act 1992* (Online content co-regulatory scheme).

Health Insurance Act 1973—Medical Training Review Panel—Biennial review of the Medicare provider number legislation—Record of proceedings of special meeting on 27 February 2004.

Health Services Australia—Statement of corporate intent 2003-2006.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited, IIF Newport Pty Limited—Reports for 2002-03.

Landcare Australia Limited—Report for 2002-03.

Pharmaceutical Benefits Pricing Authority—Supplementary report for 2002-03 on the operations of the Authority in relation to the Pharmaceutical Industry Investment Program.

3 FREE TRADE AGREEMENT—AUSTRALIA AND THE UNITED STATES OF AMERICA—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Mackay, by leave and at the request of the Chair of the Select Committee on the Free Trade Agreement between Australia and the United States of America (Senator Cook), moved—That the Select Committee on the Free Trade Agreement between Australia and the United States of America be authorised to hold a public meeting during the sitting of the Senate today, from 3.30 pm.

Question put and passed.

4 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2004

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

Message no. 580, dated 26 May 2004—A Bill for an Act to reduce personal income tax, 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.
 Debate ensued.
 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.
 Senator Murray moved the following amendments together by leave:

Schedule 1, item 1, page 3, omit table item 1, substitute:

- | | | |
|---|--|-----|
| 1 | (a) for the 2004-05 year of income—
exceeds \$7,500 but does not exceed
\$21,600; and
(b) for later years of income—exceeds
\$9,000 but does not exceed \$21,600 | 17% |
|---|--|-----|

Schedule 1, item 1, page 3, omit table items 2, 3 and 4.

Debate ensued.
 Question—That the amendments be agreed to—put.
 The committee divided—

AYES, 9

Senators—			
Bartlett	Greig	Murray	Ridgeway
Brown	Lees	Nettle (Teller)	Stott Despoja
Cherry			

NOES, 52

Senators—			
Abetz	Cook	Hutchins	O'Brien
Barnett	Coonan	Johnston	Patterson
Bishop	Crossin	Kemp	Payne
Boswell	Eggleston (Teller)	Kirk	Ray
Brandis	Evans	Knowles	Santoro
Buckland	Faulkner	Ludwig	Scullion
Calvert	Ferguson	Lundy	Sherry
Campbell, George	Ferris	Macdonald, Sandy	Stephens
Campbell, Ian	Fifield	Mackay	Tchen
Carr	Forshaw	Marshall	Troeth
Colbeck	Hill	McGauran	Watson
Collins	Hogg	McLucas	Webber
Conroy	Humphries	Moore	Wong

Question negatived.
 Question—That the bill be agreed to—divided in respect of Schedule 1, item 2.
 Schedule 1, item 2 agreed to.
 Bill agreed to.
 Bill to be reported without amendment.

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

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

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

Debate ensued.

At 2 pm: Debate was interrupted while the Leader of the Australian Democrats (Senator Bartlett) was speaking.

5 QUESTIONS

Questions without notice were answered.

Documents: The Minister for Finance and Administration (Senator Minchin) tabled the following documents:

Science and technology—Asia Pacific Space Centre—Copies of letters from the Minister for Finance and Administration (Senator Minchin) to—
Leader of the Opposition in the Senate (Senator Faulkner).
Shadow Minister for Industry and Innovation (Senator Carr).

6 FAMILY AND COMMUNITY SERVICES—FAMILY PAYMENT DEBTS—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 Collins, Forshaw and Moore today relating to family payment debts.

Debate ensued.

Question put and passed.

7 HEALTH—EMERGENCY CONTRACEPTIVE DRUG—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 Local Government, Territories and Roads (Senator Ian Campbell) to a question without notice asked by Senator Allison today relating to the availability of an emergency contraceptive drug.

Question put and passed.

8 PETITIONS

The following 12 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 27 petitioners, 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.

The President, from 19 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.

The President, from 4 petitioners, requesting that the Senate take action to ensure that the Government negotiates a fair and equitable maritime boundary with Timor Leste according to current international law and the provisions of the UN Convention on the Law of the Sea.

Senator Bartlett, from 355 petitioners, requesting that the Senate take action to end the live animal export trade and develop a chilled and frozen carcass trade using humane slaughtering practices.

Senator Bartlett, from 197 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

Senator Humphries, from 162 petitioners, requesting that the Senate take action to have the treatment for osteoporosis made available on the Pharmaceutical Benefits Scheme.

Senator Kemp, from 4 petitioners, requesting that the Senate oppose any change in the design or colour of the Australian national flag.

Senators McGauran, Moore, Patterson, Ray and Troeth, from 12, 3, 84, 26 and 11 petitioners, respectively, requesting that the Senate oppose any legislation to abolish the Aboriginal and Torres Strait Islander Commission.

9 NOTICES

Notices of motion:

Senators O'Brien, Ridgeway, Nettle and Lees: To move on the next day of sitting—
That—

- (1) A select committee, to be known as the Select Committee on the Administration of Indigenous Affairs, be appointed to inquire into and report, by 31 October 2004, on the following matters:
 - (a) the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;
 - (b) the proposed administration of Indigenous programs and services by mainstream departments and agencies; and
 - (c) related matters.
- (2) The committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, and 1 nominated by minority groups and independent senators.
- (3) The committee may proceed to the despatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (4) The chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
- (5) The deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.
- (6) The deputy chair act as chair when there is no chair or the chair is not present at a meeting.
- (7) The quorum of the committee be a majority of the members of the committee.
- (8) Where the votes on any question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

- (9) The committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (10) The committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (11) The quorum of a subcommittee be 2 members.
- (12) The committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (13) The committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 874*)

The Chair of the Select Committee on the Free Trade Agreement between Australia and the United States of America (Senator Cook): To move on the next day of sitting—That the Select Committee on the Free Trade Agreement between Australia and the United States of America be authorised to hold public meetings during the sittings of the Senate on the following days:

- Wednesday, 16 June 2004, from 3.30 pm to 6.30 pm
- Thursday, 17 June 2004, from 3.30 pm
- Monday, 21 June 2004, from 3.30 pm
- Tuesday, 22 June 2004, from 3.30 pm
- Wednesday, 23 June 2004, from 3.30 pm
- Thursday, 24 June 2004, from 3.30 pm. (*general business notice of motion no. 875*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 June 2004, from 6.30 pm to 7.30 pm, to take evidence for the committee's inquiry into the administration of Biosecurity Australia concerning the revised draft import risk analysis for bananas. (*general business notice of motion no. 876*)

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 be authorised to hold a public meeting during the sitting of the Senate on Monday, 21 June 2004, from 4 pm to 9 pm, to take evidence for the committee's inquiry into the effectiveness of the Australian military justice system. (*general business notice of motion no. 877*)

Senator Ferguson: To move on the next day of sitting—That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 24 June 2004, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the Wellington Chancery works. (*general business notice of motion no. 878*)

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the 2004-05 Budget estimates be extended to 24 June 2004. (*general business notice of motion no. 879*)

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 June 2004, from 4 pm to 10.30 pm, to further consider the 2004-05 Budget estimates for the Department of Defence. (*general business notice of motion no. 880*)

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

- (a) notes that:
 - (i) the Educational Textbook Subsidy Scheme currently subsidises the majority of the goods and services tax (GST) on students' textbooks,
 - (ii) this scheme will cease on 30 June 2004, and
 - (iii) without this scheme, all students (including school, university and technical and further education students) will have to pay up to 10 per cent more for textbooks; and
- (b) urges the Government to extend the scheme to prevent the imposition of this further cost burden on students and hold true to its promise of no GST on education. (*general business notice of motion no. 881*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to 12 August 2004. (*general business notice of motion no. 882*)

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the Office of the Chief Scientist be extended to 30 July 2004. (*general business notice of motion no. 883*)

The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move on the next day of sitting—That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 June 2004, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004. (*general business notice of motion no. 884*)

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

- (a) acknowledges that brain tumours can cause immense distress to those who are diagnosed with them, their carers, family and loved ones;
- (b) notes that:
 - (i) 1 400 Australians annually are diagnosed with a primary brain tumour,
 - (ii) statistical data from the United States suggests that there will be almost as many Australians diagnosed with benign brain tumours, many of which can be life threatening,
 - (iii) an even greater number are diagnosed with a metastatic brain tumour,
 - (iv) brain tumours, unlike some other malignant neoplasms, affect both males and females in all age groups from birth to old age and are now responsible for the cancer deaths of more children under 14 years of age than all types of leukaemia,

- (v) while the incidence of brain tumours is ranked thirteenth in a list of all cancers in Australia, they rank fourth in a table of the total number of person years of life lost as a result of deaths attributed to cancer, and
 - (vi) as yet, there does not appear to be any identifiable single cause of primary brain tumours, nor is there an efficient, safe and cost-effective method of screening for them, nor are they necessarily preventable by changes in diet or lifestyle, although these changes may be useful in alleviating distress and symptoms; and
- (c) calls on the Federal Government to recognise:
- (i) the need for a specialised response to the challenge caused by brain tumours, particularly in the areas of patient and carer support, and
 - (ii) the need for increased support for research, including the collection of more detailed clinical and statistical data, particularly by way of data sets and a brain tumour registry, with a view to developing better treatment protocols leading to longer survival and better quality of life. (*general business notice of motion no. 885*)

Senator Sherry: To move on the next day of sitting—That the Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 2), as contained in Statutory Rules 2004 No. 84 and made under the *Superannuation Industry (Supervision) Act 1993*, be referred to the Economics Legislation Committee for inquiry and report by 3 August 2004, with particular reference to:

- (a) the extent to which defined benefit arrangements have been used for:
 - (i) the purposes of tax minimisation,
 - (ii) estate planning,
 - (iii) reasonable benefit limit avoidance, and
 - (iv) any other purpose other than providing retirement income;
- (b) the extent of past losses to revenue from the above measures; and
- (c) the estimated future losses to revenue likely in the absence of these regulations.

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the time for the presentation of the following reports of the Environment, Communications, Information Technology and the Arts References Committee be extended to 5 August 2004:

- (a) Australian telecommunications network; and
- (b) competition in broadband services. (*general business notice of motion no. 886*)

Senator Brown: To move on 23 June 2004—

- (1) That the Senate is of the view that only serving senators or members of the House of Representatives may travel overseas for study purposes.
- (2) That the Senate requires the Special Minister of State to table in the Senate, within 4 sitting days of receipt, the report of any overseas study tour by a senator. (*general business notice of motion no. 887*)

Senator Nettle: To move on the next day of sitting—That there be laid on the table, no later than 3 pm on 30 June 2004, all documentation relating to the sale of Comland Limited to Lend Lease Corporation Limited that relates to the former Australian Defence Industries site at St Marys, New South Wales. (*general business notice of motion no. 888*)

Senator Nettle: To move on 17 June 2004—That the Senate—

- (a) notes that:
 - (i) 20 June 2004 is World Refugee Day, and
 - (ii) Australia has failed many asylum seekers who are hoping to rebuild their lives in safety and dignity;
- (b) condemns the Federal Government's treatment of asylum seekers, including:
 - (i) the indefinite detention of asylum seekers in harsh conditions, including the denial of basic human rights,
 - (ii) the official discrimination and denial of services and rights to those asylum seekers found to be refugees but granted only temporary protection visas,
 - (iii) the Pacific Solution, which has left many asylum seekers abandoned on Nauru and Manus Island, and
 - (iv) the forced deportation of asylum seekers to the countries they have fled or to inappropriate third countries; and
- (c) calls on the Government to end mandatory, non-reviewable detention of asylum seekers in Australia and adequately fund genuine community release programs. (*general business notice of motion no. 889*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to notice of intention given on 13 May 2004, withdrew business of the Senate notices of motion nos 1 and 2 standing in his name for 11 sitting days after today for the disallowance of the following instruments:

Excise Amendment Regulations 2004 (No. 1), as contained in Statutory Rules 2004 No. 27 and made under the *Excise Act 1901*.

Temporary Order No. 4 of 2003, made under subsection 43(8) of the *Fisheries Management Act 1991*.

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

Senator Moore, by leave and at the request of the Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell), moved—That the time for the presentation of the report of the committee on the exposure draft of the Building and Construction Industry Improvement Bill 2003 and the provisions of the Building and Construction Industry Improvement Bill 2003 and a related bill be extended to 21 June 2004.

Question put and passed.

11 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Colbeck, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That the time for the presentation of the report of the committee on the provisions of the Migration Amendment (Judicial Review) Bill 2004 be extended to 17 June 2004.

Question put and passed.

12 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate order of the day no. 4, proposing the reference of a matter to the Foreign Affairs, Defence and Trade References Committee, postponed till 22 June 2004.

13 NOTICE OF MOTION WITHDRAWN

The following notice of motion was withdrawn:

General business notice of motion no. 872 standing in the name of Senator Brown for today, proposing an order for the production of documents by the Minister for Immigration and Multicultural and Indigenous Affairs.

14 DEATH OF MR NICHOLAS BERG

Senator Evans, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 869—That the Senate expresses its abhorrence at the barbaric murder of Mr Nicholas Berg.

Question put and passed.

15 HEALTH—CHRONIC FATIGUE SYNDROME

Senator Greig, at the request of Senator Allison and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 870—That the Senate—

(a) notes that:

- (i) the week beginning 9 May 2004 is International Myalgic Encephalomyelitis/Chronic Fatigue Syndrome/Fibromyalgia (ME/CFS/FM) Awareness Week,
- (ii) Myalgic Encephalomyelitis (commonly referred to as Chronic Fatigue Syndrome) is a serious condition characterised by marked and prolonged fatigue for which no identifiable cause can be found, which also gives rise to a number of other symptoms including muscle weakness and pain, and causes considerable suffering and disability,
- (iii) Chronic Fatigue Syndrome (CFS) has devastating effects not only on the individual who has the disease but also on their family, and
- (iv) conservative estimates of the annual costs to the Australian community of CFS are \$416 million; and

(b) calls on the Government to:

- (i) support research into the prevalence, underlying causes and effective treatments for CFS,
- (ii) support the education of health professionals, including general practitioners, and the broader community, including employers, to increase recognition of the reality and seriousness of the suffering and associated disability experienced by individuals with CFS, and
- (iii) encourage and support organisations and groups that provide education, advice and practical assistance to individuals with CFS and their families.

Question put and passed.

**16 SCIENCE AND TECHNOLOGY—COOPERATIVE RESEARCH CENTRE PROGRAM—
ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Brown amended general business notice of motion no. 873 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table by the Minister representing the Minister for Science, no later than 4 pm on Thursday, 17 June 2004, the following documents:

- (a) a list of all of the proposals submitted for funding under the Government's Cooperative Research Centre (CRC) Program, including the amount of funds sought;
- (b) a list of all the proposals which the CRC Selection Committee approved, including the amount of funding allocated and the reasons for approving the proposals;
- (c) a list of all the proposals which the CRC Selection Committee rejected and the reasons for rejecting them;
- (d) AGO Brief 2003/(EA Sub 2897) Options for Support of the Australian Photovoltaic Industry, dated 12 December 2003, sent to the Minister for the Environment and Heritage and the Minister for Industry, Tourism and Resources by Gerry Morvell; and
- (e) AGO Brief 2003/264 (EA Sub 03/2609) (ITR Trace 03/43625) Mandatory Renewable Energy Target (MRET) – Government Response to Independent Review, dated 17 November 2003, sent to the Minister for the Environment and Heritage and the Minister for Industry, Tourism and Resources by Gerry Morvell.

Question put and passed.

**17 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO
REPORT**

Senator Mackay, at the request of the Chair of the Community Affairs References Committee (Senator McLucas) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 871—That the time for the presentation of the report of the Community Affairs References Committee on children in institutional care be extended to 30 July 2004.

Question put and passed.

18 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That, on Tuesday, 15 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.

Question put and passed.

19 CONSTITUTION—SECTION 57—MINISTERIAL STATEMENT—DOCUMENTS

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) tabled the following documents:

- Constitution—Section 57—Resolving deadlocks: The public response—
Ministerial statement by the Prime Minister (Mr Howard), dated 1 June 2004.
Report of the Consultative Group on Constitutional Change, dated March 2004.

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, moved—That the Senate take note of the statement.

Debate ensued.

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

20 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—40TH REPORT

The Acting Deputy President (Senator Chapman) tabled the following report received on 20 May 2004:

Appropriations and Staffing—Standing Committee—40th report—Senate Department budget 2004-05, dated May 2004.

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

Senator Coonan, by leave, moved—That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

Question put and passed.

21 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—INTERIM REPORT—LEGAL AID AND ACCESS TO JUSTICE

The Acting Deputy President (Senator Chapman) tabled the following report received on 25 May 2004:

Legal and Constitutional References Committee—Legal aid and access to justice—Interim report, dated 25 May 2004.

22 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—SURVEILLANCE DEVICES BILL 2004

The Acting Deputy President (Senator Chapman) tabled the following report and documents received on 27 May 2004:

Legal and Constitutional Legislation Committee—Provisions of the Surveillance Devices Bill 2004—Report, dated May 2004, *Hansard* record of proceedings and submissions [8].

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

23 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2003-04

The Acting Deputy President (Senator Chapman) tabled the following documents received on 31 May 2004:

Employment, Workplace Relations and Education Legislation Committee—Additional information received by the committee (Additional estimates 2003-04—vols 1 to 11 and attachments [2]).

24 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—CORPORATIONS AMENDMENT REGULATIONS 7.1.29A, 7.1.35A AND 7.1.40(H)

The Acting Deputy President (Senator Chapman) tabled the following report and documents received on 2 June 2004:

Corporations and Financial Services—Joint Statutory Committee—Corporations Amendment Regulations 7.1.29A, 7.1.35A and 7.1.40(h)—Report, dated June 2004 and *Hansard* record of proceedings.

**25 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
REPORT—CLERP (AUDIT REFORM AND CORPORATE DISCLOSURE) BILL 2003—
PART 1**

The Acting Deputy President (Senator Chapman) tabled the following report and documents received on 4 June 2004:

Corporations and Financial Services—Joint Statutory Committee—CLERP (Audit Reform and Corporate Disclosure) Bill 2003—Part 1: Enforcement, executive remuneration, continuous disclosure, shareholder participation and related matters—Report, dated June 2004, *Hansard* record of proceedings, documents presented to the committee and submissions [65].

**26 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—LEGAL AID
AND ACCESS TO JUSTICE**

The Acting Deputy President (Senator Chapman) tabled the following report received on 8 June 2004:

Legal and Constitutional References Committee—Legal aid and access to justice—Report, dated June 2004, *Hansard* record of proceedings [5 vols], documents presented to the committee and submissions [115].

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

27 GOVERNMENT DOCUMENT

The Acting Deputy President (Senator Chapman) tabled the following document received on 8 June 2004:

Higher education—Report for the 2004 to 2006 triennium.

**28 AUDITOR-GENERAL—AUDIT REPORTS NOS 46, 50 AND 51 OF 2003-04—
DOCUMENTS**

The Acting Deputy President (Senator Chapman) tabled the following documents received on the dates indicated:

Auditor-General—Audit reports for 2003-04—

No. 46—Performance audit—Client service in the Family Court of Australia and the Federal Magistrates Court. [*Received 20 May 2004*]

No. 50—Performance audit—Management of federal airport leases. [*Received 4 June 2004*]

No. 51—Performance audit—HIH claims support scheme—Governance arrangements: Department of the Treasury. [*Received 10 June 2004*]

**29 AUDITOR-GENERAL—AUDIT REPORTS NOS 47 TO 49 AND 52 OF 2003-04—
DOCUMENTS**

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

Auditor-General—Audit reports for 2003-04—

No. 47—Performance audit—Developing Air Force's combat aircrew: Department of Defence.

No. 48—Performance audit—The Australian Taxation Office's management and use of annual investment income reports: Australian Taxation Office.

No. 49—Business support process audit—The use and management of HRIS in the Australian Public Service.

No. 52—Performance audit—Information technology in the Department of Veterans' Affairs—Follow-up audit: Department of Veterans' Affairs.

30 LEAVE OF ABSENCE

Senator Eggleston, by leave, moved—That leave of absence be granted to Senator Tierney for the period 15 June to the end of the 2004 winter sittings, on account of ill health.

Question put and passed.

31 COMMUNICATIONS—BROADCASTING—PROPOSED MERGER—DOCUMENT

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

Communications—Broadcasting—Proposed merger—Letter to the President of the Senate from the Minister for Communications, Information Technology and the Arts (Mr Williams) responding to the resolution of the Senate of 4 December 2003, dated 21 May 2004.

32 INDIGENOUS AUSTRALIANS—REDFERN COMMUNITY CENTRE—DOCUMENT

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

Indigenous Australians—Redfern Community Centre—Letter to the President of the Senate from the Governor of New South Wales (Professor Marie Bashir, AC) responding to the resolution of the Senate of 23 March 2004, dated 13 May 2004.

33 IMMIGRATION—MANAGEMENT OF DETENTION CENTRES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Immigration—Management of detention centres—Letter to the President of the Senate from the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) responding to the resolution of the Senate of 13 October 2003, dated 3 June 2004.

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That the Senate take note of the document.

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

34 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—MATERIEL ACQUISITION AND MANAGEMENT IN DEFENCE—ADOPTION OF RECOMMENDATIONS—DOCUMENT

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

Foreign Affairs, Defence and Trade References Committee—Report—Materiel acquisition and management in defence—Adoption of recommendations—Letter to the Clerk of the Senate from the Auditor-General (Mr Barrett) responding to the resolution of the Senate of 14 May 2003, dated 20 May 2004.

35 ESTIMATES OF PROPOSED EXPENDITURE FOR 2004-05—PORTFOLIO BUDGET STATEMENTS—PORTFOLIO AND EXECUTIVE DEPARTMENTS—DOCUMENT

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

Estimates of Proposed Expenditure for 2004-05—Portfolio budget statements—Portfolio and executive departments—Employment and Workplace Relations—Correction.

36 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—1ST AND 2ND REPORTS OF 2004

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

Public Works—Joint Statutory Committee—

1st report of 2004—Proposed site remediation and construction of infrastructure for the defence site at Randwick Barracks, Sydney, NSW—Interim works, dated May 2004.

2nd report of 2004—Proposed fit-out of new leased premises for the Department of Health and Ageing at Scarborough House, Woden Town Centre, ACT, dated June 2004.

Senator Ferguson, by leave, moved—That the Senate take note of the reports.

Question put and passed.

37 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—INQUIRY INTO AUSTRALIA'S RELATIONSHIP WITH INDONESIA

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) tabled the following report and documents:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Near neighbours – Good neighbours: An inquiry into Australia's relationship with Indonesia—Report, dated May 2004, *Hansard* record of proceedings [9 vols] and submissions [8 vols].

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

Debate ensued.

Document: Senator Stott Despoja, by leave, tabled the following document:

Foreign affairs—Indonesia—'Backing democracy: An analysis of the rights and role of the media in Indonesia'—Paper prepared by Adam Rollason for Senator Stott Despoja, dated October 2003.

Debate continued.

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

38 EDUCATION—DOCUMENT

Senator Nettle, by leave, tabled the following document:

Education—Petitioning document—Public education: It is our future—Resource demands.

39 HUMAN RIGHTS—SEXUALITY DISCRIMINATION—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, made a statement in response to the order of the Senate of 1 April 2004 for the production of documents concerning the United Nations Human Rights Committee finding in the case of *Young v Australia* (see entry no. 9, 1 April 2004).

40 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—TREASURY LEGISLATION AMENDMENT (PROFESSIONAL STANDARDS) BILL 2003

Senator Eggleston, on behalf of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following document:

Economics Legislation Committee—Report—Treasury Legislation Amendment (Professional Standards) Bill 2003—Additional information.

41 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—CLERP (AUDIT REFORM AND CORPORATE DISCLOSURE) BILL 2003—PART 2

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and documents:

Corporations and Financial Services—Joint Statutory Committee—CLERP (Audit Reform and Corporate Disclosure) Bill 2003—Part 2: Financial reporting and audit reform—Report, dated June 2004, additional information and submissions [2].

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

Senator Chapman, by leave, moved—That the Senate take note of the report and the report tabled earlier today (*see entry no. 25*).

Debate ensued.

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

42 PARLIAMENTARY ELECTIONS IN INDONESIA—AUSTRALIAN PARLIAMENTARY OBSERVER DELEGATION—DOCUMENT

Senator Webber, by leave, tabled the following document:

Parliamentary elections in Indonesia 5 April 2004—Report of the Australian parliamentary observer delegation, 30 March to 8 April 2004, dated May 2004.

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

Debate ensued.

Question put and passed.

43 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) (Administration) Act—Family Assistance (Household Organisational Management Expenses (HOME) Advice Program) Determination 2004.

Aged Care Act—Determinations under section 52-1—ACA Ch. 3 1/2004, ACA Ch. 3 5/2004 and ACA Ch. 3 6/2004 [Incorrectly prepared as ACA Ch. 3 5/2004].

Australian Bureau of Statistics Act—Proposals Nos 4-8 of 2004.

Australian Communications Authority Act—

Telecommunications (Charges) Determination 2004.

Telecommunications (Facility Installation Permit — Application Charge) Determination 2004.

Telecommunications (Facility Installation Permit — Public Inquiry Charges) Determination 2004.

Telecommunications (Nominated Carrier Declaration Application Charge) Determination 2004.

Australian Prudential Regulation Authority Act—Instruments under section 51—Instruments fixing charges to be paid to APRA—Nos 1 and 2 of 2004.

- Australian Securities and Investments Commission Act—Regulations—Statutory Rules 2004 No. 102.
- Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2004.
- Census and Statistics Act—Determination—Statutory Rules 2004 No. 114.
- Christmas Island Act—Ordinance No. 1 of 2004 (*Land Administration Act 1997* (WA) (CI) Amendment Ordinance 2004 (No. 1)).
- Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—
105, dated 15 [2], 21, 27 [8], 28 [2], 29 [3] and 30 [2] April 2004.
107, dated 15 and 28 April 2004.
- Class Rulings CR 2004/38 (Addendum) and CR 2004/45-CR 2004/57.
- Cocos (Keeling) Islands Act—Ordinance No. 1 of 2004 (*Land Administration Act 1997* (WA) (CKI) Amendment Ordinance 2004 (No. 1)).
- Commonwealth Authorities and Companies Act—Regulations—Statutory Rules 2004 No. 116.
- Currency Act—Currency (Royal Australian Mint) Determination 2004 (No. 3).
- Customs Act—Regulations—Statutory Rules 2004 Nos 88, 107 and 108.
- Defence Act—
Defence Force (Superannuation) (Productivity Benefit) Amendment Determination 2004 (No. 2).
Determinations under section—
58B—Defence Determinations 2004/19-2004/21.
58H—Defence Force Remuneration Tribunal—Determinations Nos 4 and 5 of 2004.
- Defence Force Retirement and Death Benefits Act—Orders—Statutory Rules 2004 No. 99.
- Defence Forces Retirement Benefits Act—Orders—Statutory Rules 2004 No. 100.
- Designs Act—Regulations—Statutory Rules 2004 No. 117.
- Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 25 May 2004 [2].
- Energy Grants (Cleaner Fuels) Scheme Act—Regulations—Statutory Rules 2004 No. 96.
- Environment Protection and Biodiversity Conservation Act—Instrument amending list of—
Exempt native specimens under section 303DB, dated 16, 18 and 28 April 2004.
Specimens suitable for live import under section 303EB, dated 12 May 2004.
- Export Control Act—Export Control (Orders) Regulations—
Export Control (Fees) Amendment Orders 2004 (No. 2).
Livestock Export (Merino) Orders (Amendment) No. 1 of 2004.
- Export Market Development Grants Act—Determination 1/2004—Determination of the Balance Distribution Date for grant year 2002-03.
- Extradition Act—Regulations—Statutory Rules 2004 No. 89.

- Family Law Act—Family Law (Superannuation) Regulations—
Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2004 (No. 3).
Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval Amendment 2004 (No. 4).
Family Law (Superannuation) (Provision of Information — Commonwealth Superannuation Scheme) Amendment Determination 2004 (No. 1).
Family Law (Superannuation) (Provision of Information — Defence Force Schemes) Determination 2004.
Family Law (Superannuation) (Provision of Information — Military Superannuation and Benefits Scheme) Determination 2004.
Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Amendment Determination 2004 (No. 1).
- Federal Court of Australia Act—Rules of Court—Statutory Rules 2004 No. 98.
- Goods and Services Tax Ruling GSTR 2004/4.
- Health Insurance Act—
Declaration—QAA No. 1/2004.
Regulations—Statutory Rules 2004 Nos 101 and 110.
- Higher Education Funding Act—Determination under section 15—Determination T25-2003.
- Industry Research and Development Act—Industry Research and Development Board (Overseas Research and Development Activities) Guidelines 2004.
- International Air Services Commission Act—International Air Services Policy Statement No. 5.
- Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].
- Law Officers Act—Regulations—Statutory Rules 2004 No. 91.
- Medical Indemnity (Prudential Supervision and Product Standards) Act—Regulations—Statutory Rules 2004 No. 87.
- Migration Act—
Direction under section 499—Direction No. 35 of 2004.
Regulations—Statutory Rules 2004 Nos 93 and 94.
- Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2004 (No. 1).
- Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 2004 No. 90.
- National Workplace Relations Consultative Council Act—Regulations—Statutory Rules 2004 No. 92.
- Navigation Act—
Marine Orders—Orders Nos 1, 2 and 4 of 2004.
Regulations—Statutory Rules 2004 No. 95.
- Navigation Act and Protection of the Sea (Prevention of Pollution from Ships) Act—Marine Orders—Order No. 3 of 2004.
- Ozone Protection and Synthetic Greenhouse Gas Management Act—Notice of Grant of Exemption under section 40, dated 24 April 2004.

- Parliamentary Contributory Superannuation Act—Orders—Statutory Rules 2004 No. 97.
- Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2004 No. 111.
- Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2004 No. 103.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2004 Nos 104 and 106.
- Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2004 No. 105.
- Product Ruling—
Erratum—PR 2004/48-PR 2004/50.
PR 2003/40 (Addendum) and PR 2003/46 (Notice of Withdrawal).
PR 2004/54-PR 2004/71.
- Public Service Act—Public Service Commissioner’s Amendment Directions 2004 (No. 1).
- Radiocommunications Act—
Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment Determination 2004 (No. 1).
Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence Variation 2004 (No. 1).
- Remuneration Tribunal Act—Determination—
2004/11: Remuneration and Allowances for Holders of Public Offices.
2004/12: Remuneration and Allowances for Holders of Part-time Public Office.
2004/13: Remuneration and Allowances for Holders of Full-time Public Office.
2004/14: Judicial and related offices – remuneration and allowances.
2004/15: Principal Executive Office (PEO) Classification Structure and Terms and Conditions.
- Social Security (Administration) Act—
Social Security (Household Organisational Management Expenses (HOME) Advice Program) Determination 2004.
Social Security (Payment Pending—ARO Application for Review) Guidelines 2004.
Social Security (Payment Pending—SSAT Application for Review) Guidelines 2004.
- Social Security (International Agreements) Act—Regulations—Statutory Rules 2004 No. 109.
- Superannuation Act 1922*—Orders—Statutory Rules 2004 No. 85.
- Superannuation Act 1976*—Orders—Statutory Rules 2004 No. 86.
- Superannuation Act 1990*—Twenty-First Amending Deed under section 5, dated 9 May 2004.
- Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2004 No. 113.
- Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 5/04 [2].
- Taxation Administration Act—Regulations—Statutory Rules 2004 No. 112.

Taxation Determination—

TD 93/2 (Notice of Withdrawal).

TD 96/9 (Notice of Withdrawal).

TD 2004/15 and TD 2004/16.

Taxation Ruling (Old Series) IT 2574.

Telecommunications Act—

Telecommunications Numbering Plan Variation 2004 (No. 1).

Telecommunications Numbering Plan Variation 2004 (No. 2).

Telecommunications Numbering Plan Variation 2004 (No. 3).

Telecommunications Numbering Plan Variation 2004 (No. 4).

Telecommunications Regulations—Premium Service Determination 2004 (No. 1).

Telecommunications (Service Provider — Identity Checks for Pre-paid Public Mobile Telecommunications Services) Amendment Determination 2004 (No. 1).

Telecommunications Service Provider (Premium Services) Determination 2004 (No. 1).

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2004 (No. 1).

Therapeutic Goods Act—Determination under section 19A, dated 5 May 2004.

Veterans' Entitlements Act—Instrument under section—

88A—Veterans' Entitlements Treatment (Anxiety and Depressive Disorders) Determination 6/2004.

196B—Instruments Nos 11-24 of 2004.

44 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF PROVISIONS OF ACTS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

International Maritime Conventions Legislation Amendment Act 2001—Schedule 1—13 May 2004 (*Gazette* No. S 157, 13 May 2004).

Migration Legislation Amendment (Migration Agents Integrity Measures) Act 2004—Schedule 1—1 July 2004 (*Gazette* No. GN 23, 9 June 2004).

Military Rehabilitation and Compensation Act 2004—Sections 3 to 359—1 July 2004 (*Gazette* No. GN 22, 2 June 2004).

National Measurement Amendment Act 2004—Parts 1, 2 and 3 of Schedule 1—1 July 2004 (*Gazette* No. GN 22, 2 June 2004).

Superannuation Safety Amendment Act 2004—Part 1 of Schedule 1—1 July 2004 (*Gazette* No. GN 22, 2 June 2004).

45 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—APPOINTMENT OF MEMBER

The Acting Deputy President (Senator Kirk) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That Senator Stephens be appointed as a participating member of the Legal and Constitutional References Committee.

Question put and passed.

- 46 **ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2004**
ANTI-TERRORISM BILL 2004
BANKRUPTCY LEGISLATION AMENDMENT BILL 2004
EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2004
FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION
AMENDMENT (INCOME STREAMS) BILL 2004
FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2004
INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (LOW
REGULATORY CONCERN CHEMICALS) BILL 2004
SUPERANNUATION BUDGET MEASURES BILL 2004
TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE)
BILL 2004
TAX LAWS AMENDMENT (2004 MEASURES NO. 2) BILL 2004
TAX LAWS AMENDMENT (2004 MEASURES NO. 3) BILL 2004
CUSTOMS TARIFF AMENDMENT (FUELS) BILL 2004
EXCISE TARIFF AMENDMENT (FUELS) BILL 2004
ELECTORAL AND REFERENDUM AMENDMENT (ACCESS TO ELECTORAL ROLL AND
OTHER MEASURES) BILL 2004
ELECTORAL AND REFERENDUM AMENDMENT (ENROLMENT INTEGRITY AND
OTHER MEASURES) BILL 2004
MEDICAL INDEMNITY (RUN-OFF COVER SUPPORT PAYMENT) BILL 2004
MEDICAL INDEMNITY LEGISLATION AMENDMENT (RUN-OFF COVER INDEMNITY
AND OTHER MEASURES) BILL 2004
SUPERANNUATION LAWS AMENDMENT (2004 MEASURES NO. 1) BILL 2004
SUPERANNUATION LAWS AMENDMENT (2004 MEASURES NO. 2) BILL 2004
TOURISM AUSTRALIA BILL 2004
TOURISM AUSTRALIA (REPEAL AND TRANSITIONAL PROVISIONS) BILL 2004

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

Message no. 592, dated 2 June 2004—A Bill for an Act to amend the *Aboriginal and Torres Strait Islander Commission Act 1989*, and for related purposes.

Message no. 578, dated 13 May 2004—A Bill for an Act to amend the law relating to foreign incursions and recruitment, terrorism offences and proceeds of crime, and for related purposes.

Message no. 579, dated 24 May 2004—A Bill for an Act to amend the *Bankruptcy Act 1966*, and for other purposes.

Message no. 591, dated 31 May 2004—A Bill for an Act to amend the *Export Market Development Grants Act 1997*, and for related purposes.

Message no. 600, dated 3 June 2004—A Bill for an Act to amend the law relating to social security and veterans' entitlements, and for related purposes.

Message no. 599, dated 3 June 2004—A Bill for an Act to amend the *Farm Household Support Act 1992*, and for related purposes.

Message no. 582, dated 26 May 2004—A Bill for an Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for related purposes.

Message no. 586, dated 26 May 2004—A Bill for an Act to amend laws relating to superannuation, and for related purposes.

Message no. 593, dated 2 June 2004—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 601, dated 3 June 2004—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 602, dated 3 June 2004—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 594, dated 2 June 2004—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Message no. 595, dated 2 June 2004—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Message no. 587, dated 27 May 2004—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

Message no. 588, dated 27 May 2004—A Bill for an Act to make further amendments of the law relating to elections and referendums, and for related purposes.

Message no. 581, dated 26 May 2004—A Bill for an Act to impose a tax on premium payments for medical indemnity cover, and for related purposes.

Message no. 589, dated 31 May 2004—A Bill for an Act to amend the *Medical Indemnity Act 2002* and the *Medical Indemnity (Prudential Supervision and Product Standards) Act 2003*, to repeal the *Medical Indemnity (Enhanced UMP Indemnity) Contribution Act 2002*, and for related purposes.

Message no. 596, dated 2 June 2004—A Bill for an Act to amend the law relating to superannuation, and for other purposes.

Message no. 597, dated 2 June 2004—A Bill for an Act to amend the law relating to superannuation, and for related purposes.

Message no. 583, dated 26 May 2004—A Bill for an Act to establish Tourism Australia, and for related purposes.

Message no. 584, dated 26 May 2004—A Bill for an Act to repeal the *Australian Tourist Commission Act 1987*, to deal with transitional matters arising from the repeal of that Act and the enactment of the *Tourism Australia Act 2004*, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) 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 Troeth moved—That these bills be now read a second time.

Explanatory memoranda: Senator Troeth tabled the following documents:

Anti-terrorism Bill 2004—Correction to the explanatory memorandum.

Bankruptcy Legislation Amendment Bill 2004, Medical Indemnity (Run-off Cover Support Payment) Bill 2004 and Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Bill 2004—Revised explanatory memoranda [2].

Tourism Australia Bill 2004—Replacement explanatory memorandum.

On the motion of Senator Buckland the debate was adjourned.

On the motion of Senator Troeth the resumption of the debate was made an order of the day for a later hour.

Consideration of legislation: Senator Troeth moved—That the bills be listed on the *Notice Paper* as 16 orders of the day, as follows:

- (a) Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;
- (b) Anti-terrorism Bill 2004;
- (c) Bankruptcy Legislation Amendment Bill 2004;
- (d) Export Market Development Grants Amendment Bill 2004;
- (e) Family and Community Services and Veterans' Affairs Legislation Amendment (Income Streams) Bill 2004;
- (f) Farm Household Support Amendment Bill 2004;
- (g) Industrial Chemicals (Notification and Assessment) Amendment (Low Regulatory Concern Chemicals) Bill 2004;
- (h) Superannuation Budget Measures Bill 2004;
- (i) Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2004;
- (j) Tax Laws Amendment (2004 Measures No. 2) Bill 2004;
- (k) Tax Laws Amendment (2004 Measures No. 3) Bill 2004;
- (l) Customs Tariff Amendment (Fuels) Bill 2004 and Excise Tariff Amendment (Fuels) Bill 2004;
- (m) Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Bill 2004 and Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004;
- (n) Medical Indemnity (Run-off Cover Support Payment) Bill 2004 and Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Bill 2004;
- (o) Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004 and Superannuation Laws Amendment (2004 Measures No. 2) Bill 2004; and
- (p) Tourism Australia Bill 2004 and Tourism Australia (Repeal and Transitional Provisions) Bill 2004.

Question put and passed.

Senator Troeth, by leave, moved—That the Bankruptcy Legislation Amendment Bill 2004 and the Bankruptcy (Estate Charges) Amendment Bill 2004 may be taken together for their remaining stages.

Question put and passed.

47 AGE DISCRIMINATION BILL 2003

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

Message no. 585, dated 26 May 2004—Age Discrimination Bill 2003.

Ordered, on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), that the message be considered in committee of the whole immediately.

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

In the committee

Senator Troeth moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Kirk) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 585 from the House of Representatives relating to the Age Discrimination Bill 2003 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

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

48 AUSTRALIAN FEDERAL POLICE AND OTHER LEGISLATION AMENDMENT BILL 2004

A message from the House of Representatives was reported agreeing to the following bill with an amendment:

Message no. 590, dated 31 May 2004—Australian Federal Police and Other Legislation Amendment Bill 2004.

Ordered, on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), that the message be considered in committee of the whole immediately.

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

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE HOUSE OF REPRESENTATIVES

(1) Schedule 1, item 27A, page 24 (lines 12 to 19), omit the item.

Senator Troeth moved—That the committee agrees to the amendment made by the House of Representatives to the bill.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Kirk) reported that the committee had considered message no. 590 from the House of Representatives relating to the Australian Federal Police and Other Legislation Amendment Bill 2004 and had agreed to the amendment made by the House to the bill.

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

49 POSTAL SERVICES LEGISLATION AMENDMENT BILL 2003

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

Message no. 598, dated 3 June 2004—Postal Services Legislation Amendment Bill 2003, agreeing to amendments nos 1 to 5 and 10 to 12 made by the Senate, disagreeing to amendments nos 6 to 8, and making an amendment in place of amendment no. 9.

Ordered, on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), that the message be considered in committee of the whole immediately.

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(6) Opp (7) [Sheet 4149 Revised 2]

Schedule 1, page 5 (after line 16), after item 10, insert:

10A At the end of section 28C

Add:

- (3) Without limiting the operation of subsection (1), the prescribed performance standards may relate to methods of determining the level of mail service for a particular area.

(7) Opp (8) [Sheet 4149 Revised 2]

Schedule 1, page 5 (after line 16), after item 10, insert:

10B Subsection 28E(1)

After “Australia Post must”, insert “, unless the Minister considers it unnecessary in the circumstances,”.

(8) Opp (R9) [Sheet 4149 Revised 2]

Schedule 1, page 5 (after line 16), after item 10, insert:

10C After section 28E

Insert:

28F Minister may request additional reports

- (1) The Minister may request the Auditor-General to monitor and report to the Minister on specified matters relating to Australia Post’s supply of postal services.
 - (2) The Minister may publish the report.
 - (3) The Minister may exclude from the report referred to in subsection (2) any information that Australia Post claims is commercial-in-confidence information if the Minister is satisfied that:
 - (a) the claim is justified; or
 - (b) it is not in the public interest to publish the information.
-

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED BUT MADE AN AMENDMENT IN PLACE THEREOF

(9) Dem (R1) [Sheet 4201 Revised]

Schedule 1, page 6 (after line 34), after item 14, insert:

14A After section 30

Insert:

30A Enforcement for infringement of reserved services

- (1) A person shall not engage in conduct that involves an infringement of Australia Post's exclusive right to undertake the reserved services.
- (2) For the purposes of this section, *person* means any of the following:
 - (a) a company;
 - (b) a partnership;
 - (c) a person in the capacity of trustee;
 - (d) any other person.
- (3) If the Federal Court is satisfied that a person has contravened subsection (1), the Court may order the person to pay to the Commonwealth such pecuniary penalty, in respect of each contravention, as the Court determines to be appropriate.
- (4) In determining the pecuniary penalty, the Court must have regard to all relevant matters, including:
 - (a) the nature and extent of the contravention; and
 - (b) the nature and extent of any loss or damage suffered as a result of the contravention; and
 - (c) the circumstances in which the contravention took place; and
 - (d) whether the person has previously been found by the Court in proceedings under this Act to have engaged in any similar conduct.
- (5) The pecuniary penalty payable under subsection (3) by a body corporate is not to exceed \$250,000 for each contravention.
- (6) The pecuniary penalty payable under subsection (3) by a person other than a body corporate is not to exceed \$50,000 for each contravention.
- (7) The Minister or the ACCC may institute a proceeding in the Federal Court for the recovery on behalf of the Commonwealth of a pecuniary penalty referred to in subsection (3).
- (8) A proceeding under subsection (7) may be commenced within 6 years after the contravention.
- (9) For the avoidance of doubt, the remedy in this section is in addition to that provided in section 31 of this Act.

AMENDMENT MADE BY THE HOUSE OF REPRESENTATIVES IN PLACE OF
SENATE AMENDMENT NO. 9

- (1) Schedule 1, page 6 (after line 34), after item 14, insert:

14A After section 30

Insert:

30A Enforcement for infringement of reserved services

- (1) A person shall not engage in conduct that involves an infringement of Australia Post's exclusive right to undertake the reserved services.
- (2) If the Federal Court is satisfied that a person has contravened subsection (1), the Court may order the person to pay to the Commonwealth such pecuniary penalty, in respect of each contravention, as the Court determines to be appropriate.
- (3) In determining the pecuniary penalty, the Court must have regard to all relevant matters, including:
 - (a) the nature and extent of the contravention; and
 - (b) the nature and extent of any loss or damage suffered as a result of the contravention; and
 - (c) the circumstances in which the contravention took place; and
 - (d) whether the person has previously been found by the Court in proceedings under this Act to have engaged in any similar conduct.
- (4) The pecuniary penalty payable under subsection (2) by a body corporate is not to exceed \$250,000 for each contravention.
- (5) The pecuniary penalty payable under subsection (2) by a person other than a body corporate is not to exceed \$50,000 for each contravention.
- (6) The Minister or the ACCC may institute a proceeding in the Federal Court for the recovery on behalf of the Commonwealth of a pecuniary penalty referred to in subsection (2).
- (7) A proceeding under subsection (6) may be commenced within 6 years after the contravention.
- (8) For the avoidance of doubt, the remedy in this section is in addition to that provided in section 31 of this Act.

Senator Troeth moved—That the committee does not insist on its amendments nos 6 to 8 to which the House of Representatives has disagreed and agrees to the amendment made by the House in place of amendment no. 9.

Debate ensued.

Senator Troeth moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Kirk) reported that the committee had considered message no. 598 from the House of Representatives relating to the Postal Services Legislation Amendment Bill 2003, made progress and asked leave to sit again.

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

**50 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—
PARLIAMENTARY SUPERANNUATION BILL 2004 AND PARLIAMENTARY
SUPERANNUATION AND OTHER ENTITLEMENTS LEGISLATION AMENDMENT BILL
2004**

Pursuant to order, Senator Eggleston, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled the following report and documents:

Finance and Public Administration Legislation Committee—Provisions of the Parliamentary Superannuation Bill 2004 and the Parliamentary Superannuation and Other Entitlements Legislation Amendment Bill 2004—Report, dated June 2004, *Hansard* record of proceedings and submissions [5].

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

51 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2004

Order read for the adjourned debate on the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan)—That this bill be now read a third time.

Debate resumed.

Question put.

The Senate divided—

AYES, 47

Senators—

Barnett	Eggleston (Teller)	Knowles	Payne
Bishop	Evans	Lightfoot	Ray
Brandis	Ferguson	Ludwig	Santoro
Buckland	Ferris	Lundy	Scullion
Calvert	Fifield	Macdonald, Sandy	Sherry
Campbell, George	Forshaw	Mackay	Stephens
Campbell, Ian	Harris	Marshall	Tchen
Chapman	Hogg	Mason	Troeth
Colbeck	Humphries	McGauran	Watson
Collins	Hutchins	McLucas	Webber
Cook	Johnston	Moore	Wong
Crossin	Kirk	O'Brien	

NOES, 11

Senators—

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

Question agreed to.

Bill read a third time.

52 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

26 May 2004—Message No. 25—

Family Assistance Legislation Amendment (More Help for Families—Increased Payments) Act 2004 (Act No. 59, 2004)

Family Assistance Legislation Amendment (More Help for Families—One-off Payments) Act 2004 (Act No. 60, 2004)

Classification (Publications, Films and Computer Games) Amendment Act 2004 (Act No. 61, 2004)

Law and Justice Legislation Amendment Act 2004 (Act No. 62, 2004)

Veterans' Entitlements Amendment (Electronic Delivery) Act 2004 (Act No. 63, 2004).

53 CUSTOMS TARIFF AMENDMENT (FUELS) BILL 2004
EXCISE TARIFF AMENDMENT (FUELS) BILL 2004

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—
That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

Senator Allison moved the following request for an amendment in respect of the Excise Tariff Amendment (Fuels) Bill 2004:

That the House of Representatives be requested to make the following amendment:
Schedule 1, page 6 (after line 26), after item 6, insert:

6A Before the table in the Schedule

Insert:

Tariff items 11 and 12 of this Schedule do not include any biodiesel which has been produced for non-commercial purposes, using non-commercial facilities and equipment.

Debate ensued.

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

Bills agreed to.

Bills to be reported without requests for amendments.

The Acting Deputy President (Senator Watson) 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 bills read a third time.

54 POSTAL SERVICES LEGISLATION AMENDMENT BILL 2003

Order of the day read for the consideration of message no. 598 from the House of Representatives in committee of the whole (*see entry no. 49*).

In the committee

Consideration resumed of the message—and of the motion by the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—
That the committee does not insist on its amendments nos 6 to 8 to which the House of Representatives has disagreed and agrees to the amendment made by the House in place of amendment no. 9.

Debate resumed.

Schedule 7, item 2, page 22, table item 8, second column, paragraph (a), omit “\$250”, substitute “\$100”.

Debate ensued.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 10.

Schedule 10 debated.

Question—That Schedule 10 stand as printed—put.

The committee divided—

AYES, 43

Senators—

Abetz	Crossin	Kirk	Payne
Barnett	Eggleston	Knowles	Santoro
Boswell	Evans	Ludwig	Scullion
Brandis	Ferris (Teller)	Lundy	Sherry
Buckland	Fifield	Macdonald, Sandy	Stephens
Campbell, George	Forshaw	Marshall	Tchen
Campbell, Ian	Harris	McGauran	Troeth
Carr	Hogg	McLucas	Watson
Chapman	Humphries	Moore	Webber
Colbeck	Hutchins	O’Brien	Wong
Coonan	Johnston	Patterson	

NOES, 9

Senators—

Allison (Teller)	Greig	Murphy	Nettle
Brown	Lees	Murray	Ridgeway
Cherry			

Schedule agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Coonan the report from the committee was adopted and the bill read a third time.

56 TAX LAWS AMENDMENT (2004 MEASURES NO. 2) BILL 2004

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—That this bill be now read a second time.

Debate resumed.

At 9.50 pm: Debate was interrupted while the Minister for Revenue and Assistant Treasurer (Senator Coonan) was speaking.

57 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.01 pm till Wednesday, 16 June 2004 at 9.30 am.

58 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate