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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**Contents**

1	Meeting of Senate .....	3463
2	Government Documents .....	3463
3	Tax Laws Amendment (2004 Measures No. 2) Bill 2004 .....	3463
4	New International Tax Arrangements Bill 2003 .....	3463
5	Corporations (Fees) Amendment Bill (No. 2) 2003 Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003 .....	3463
6	Order of Business—Rearrangement .....	3464
7	Parliamentary Superannuation Bill 2004 Parliamentary Superannuation and Other Entitlements Legislation Amendment Bill 2004 .....	3464
8	Matters of Public Interest .....	3465
9	Questions .....	3465
10	Environment—Renewable Energy—Answers to Questions .....	3465
11	Petitions .....	3465
12	Notices .....	3465
13	Selection of Bills—Standing Committee—Report No. 8 of 2004 .....	3470
14	Postponements .....	3472
15	Leave of Absence .....	3472
16	Free Trade Agreement—Australia and the United States of America— Select Committee—Leave to Meet During Sittings .....	3472
17	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting .....	3472
18	Foreign Affairs, Defence and Trade References Committee—Leave to Meet During Sitting .....	3473
19	Public Works—Joint Statutory Committee—Leave to Meet During Sitting .....	3473
20	Foreign Affairs, Defence and Trade Legislation Committee—Extension of Time to Report .....	3473
21	Foreign Affairs, Defence and Trade Legislation Committee—Leave to Meet During Sitting .....	3473

22	Rural and Regional Affairs and Transport References Committee— Extension of Time to Report.....	3473
23	Employment, Workplace Relations and Education References Committee— Extension of Time to Report.....	3474
24	Legal and Constitutional Legislation Committee—Leave to Meet During Sitting.....	3474
25	Environment, Communications, Information Technology and the Arts References Committee—Extensions of Time to Report.....	3474
26	Administration of Indigenous Affairs—Select Committee—Appointment.....	3474
27	Education—Educational Textbook Subsidy Scheme .....	3475
28	Health—Brain Tumours .....	3476
29	Administration—Sale of Comland Limited—Order for Production of Documents.....	3476
30	Defence—Iraq—Human Rights Abuses—Ministerial Statement— Documents.....	3477
31	Scrutiny of Bills—Standing Committee—7th Report and Alert Digest No. 7 of 2004.....	3477
32	Economics Legislation Committee—Additional Information—Tourism Australia Bill 2004 .....	3477
33	Treaties—Joint Standing Committee—60th Report.....	3477
34	ASIO, ASIS and DSD—Joint Statutory Committee—Reports—Annual Report of Committee Activities 2002-2003 and Review of the Listing of the Palestinian Islamic Jihad (PIJ) .....	3478
35	Public Accounts and Audit—Joint Statutory Committee—Executive Minutes—Responses to Committee Recommendations on Reports Nos 390, 393, 394 and 396 .....	3478
36	Estimates of Proposed Expenditure for 2004-05—Portfolio Budget Statements—Portfolio and Executive Departments—Document.....	3478
37	Documents.....	3478
38	Committees—Appointment of Member.....	3479
39	Aged Care Amendment Bill 2004 Extension of Charitable Purpose Bill 2004 Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Bill 2004 .....	3479
40	Economics Legislation Committee—Reference .....	3480
41	Appropriations and Staffing—Standing Committee—40th Report— Consideration.....	3480
42	Consideration of Legislation.....	3480
43	Parliamentary Superannuation Bill 2004 Parliamentary Superannuation and Other Entitlements Legislation Amendment Bill 2004.....	3481
44	Government Documents—Consideration .....	3487
45	Adjournment .....	3488
46	Attendance.....	3488

**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:

Australia-Korea Foundation—Report for 2002-03.

Australian Maritime College—Report for 2003.

Department of Foreign Affairs and Trade—Iraq: The path ahead—Discussion paper, June 2004.

*Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2004.

**3 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.

Question put and passed.

Bill read a second time.

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

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

**4 NEW INTERNATIONAL TAX ARRANGEMENTS BILL 2003**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

**5 CORPORATIONS (FEES) AMENDMENT BILL (NO. 2) 2003**

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

Order of the day read for the 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.

Question put and passed.

Bills read a second time.

On the motion of the Minister for the Arts and Sport (Senator Kemp) consideration of the bills in committee of the whole was made an order of the day for a later hour.

**6 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for the Arts and Sport (Senator Kemp) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Parliamentary Superannuation Bill 2004 and a related bill).

Question put and passed.

**7 PARLIAMENTARY SUPERANNUATION BILL 2004**

**PARLIAMENTARY SUPERANNUATION AND OTHER ENTITLEMENTS LEGISLATION AMENDMENT BILL 2004**

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That 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.

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*In the committee*

**PARLIAMENTARY SUPERANNUATION BILL 2004—**

Bill taken as a whole by leave.

Senator Brown moved the following amendments together by leave:

Clause 5, page 4 (line 29), omit “becomes”, substitute “is”.

Clause 5, page 4 (lines 31 and 32), omit paragraph (1)(c).

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 10**

Senators—

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

**NOES, 38**

Senators—

Brandis	Ferris	Marshall	Scullion
Buckland (Teller)	Fifield	Mason	Sherry
Campbell, George	Forshaw	McGauran	Stephens
Carr	Hogg	McLucas	Tchen
Chapman	Hutchins	Minchin	Troeth
Colbeck	Kirk	Moore	Watson
Cook	Knowles	Murphy	Webber
Crossin	Lightfoot	O’Brien	Wong
Eggleston	Ludwig	Payne	
Ellison	Lundy	Santoro	

Question negatived.

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

**8 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**9 QUESTIONS**

Questions without notice were answered.

**10 ENVIRONMENT—RENEWABLE ENERGY—ANSWERS TO QUESTIONS**

Senator O'Brien moved—That the Senate take note of the answers given by the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), the Minister for Defence (Senator Hill) and the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Allison, Murphy, Mackay and Humphries today relating to the Government's white paper on renewable energy.

Debate ensued.

Question put and passed.

**11 PETITIONS**

The following 5 petitions, lodged with the Clerk by the senators indicated, were received:

The President and Senator Fifield, from 11 and 22 petitioners, respectively, requesting that the Senate oppose any legislation to abolish the Aboriginal and Torres Strait Islander Commission.

Senator Humphries, from 123 petitioners, requesting that the Senate take action to have the treatment for osteoporosis made available on the Pharmaceutical Benefits Scheme.

Senator Kirk, from 92 petitioners, requesting that the Senate take action to ensure that David Hicks' and Mamdouh Habib's rights are met under the guidelines of the Geneva Convention, as it applies to prisoners of war.

Senator Kirk, from 770 petitioners, requesting that the Senate take action to ensure that David Hicks' rights are met under the guidelines of the Geneva Convention, as it applies to prisoners of war.

**12 NOTICES**

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins): To move on the next day of sitting—That the time for the presentation of 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 extended to 5 August 2004. (*general business notice of motion no. 890*)

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot): To move on the next day of sitting—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 23 June 2004, from 5 pm to 8 pm, to take evidence for the committee's inquiry into the adequacy of funding for Australia's Antarctic Program. (*general business notice of motion no. 891*)

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 Thursday, 17 June 2004, from 4.30 pm to 8.30 pm, to take evidence for the committee's inquiry into the provisions of the Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Bill 2004. (*general business notice of motion no. 892*)

The Chair of the Community Affairs Legislation Committee (Senator Knowles): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold public meetings during the sitting of the Senate, from 9.30 am, on the following days:

- (a) Friday, 18 June 2004, to take evidence for the committee's inquiry into the Family and Community Services and Veterans' Affairs Legislation Amendment (Income Streams) Bill 2004; and
- (b) Friday, 25 June 2004, to take evidence for the committee's inquiry into the provisions of the Commonwealth Electoral Amendment (Preventing Smoking Related Deaths) Bill 2004 and related bills. (*general business notice of motion no. 893*)

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

- (a) notes that:
  - (i) 20 June 2004 is World Refugee Day, and
  - (ii) there are over 20 million refugees and displaced people in the world;
- (b) acknowledges Australia's long and proud record of resettling refugees in Australia as a signatory to the Refugee Convention;
- (c) commends the United Nations High Commissioner for Refugees (UNHCR) for the tireless work it undertakes worldwide;
- (d) congratulates the UNHCR Australia post for its ongoing work in assisting asylum seekers who were or remain a part of the Howard Government's 'Pacific Solution';
- (e) condemns the Howard Government's outsourcing offshore to foreign countries and an international company of Australia's immigration detention system through the 'Pacific Solution';
- (f) notes the report of the Human Rights and Equal Opportunity Commission's inquiry into children in detention;
- (g) calls on the Government to:
  - (i) acknowledge that it has presided over an immigration detention regime where the welfare, safety and health of children has not been its primary concern,
  - (ii) set the immigration detention system up for the future so that this cannot happen again, and

- (iii) release children from immigration detention facilities immediately, which is within the power of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone);
- (h) notes that there are over 9 000 temporary protection visa (TPV) holders in Australia and calls on the Government to provide certainty to the lives of these people by adopting the Australian Labor Party's one-off two year TPV policy;
- (i) condemns the Minister for the production of the selective and ill-informed 'Australia says YES to Refugees' school kit; and
- (j) commends the UNHCR for its activities to commemorate World Refugee Day 2004 and encourages Australian high school students to participate in the UNHCR's World Refugee Day writing competition. (*general business notice of motion no. 894*)

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

- (a) recalls the incident that took place in the Union of Soviet Socialist Republics (USSR) at Serpukhov-15 on 26 September 1983 at 12.30 pm Moscow time, and the role of Colonel Stanislav Petrov in this incident;
- (b) notes:
  - (i) that the Serpukhov-15 incident, in which a newly installed Soviet surveillance system reported that the United States of America (US) had launched nuclear missiles at the USSR, is considered by many analysts to have been the closest the world has ever come to nuclear war,
  - (ii) that the megatonnage that was likely to have been used at that time was between 30 and 60 times the amount required to produce a nuclear winter, and that the number of nuclear weapons that would have been launched would have been enough to end civilisation and kill most living things,
  - (iii) the role played by Colonel Petrov in refraining from launching a number of thousands of warheads at the US in retaliation and in pressing his superiors to consider the report a false alarm,
  - (iv) that the Canberra Commission of 1996 recommended that strategic nuclear weapons be taken off 'Launch on Warning' status, and
  - (v) the resolution of the European Parliament of 11 November 1999, and the Senate's own resolutions as well as repeated calls to lower the alert status of strategic nuclear weapons made by the Non-Aligned Movement and the New Agenda Coalition that have been passed year after year by the United Nations (UN) General Assembly;
- (b) offers its congratulations to Colonel Petrov for being presented with the World Citizen Award on Friday, 21 May 2004, in recognition of his actions; and
- (c) urges the Government to give unreserved support to measures aimed at lowering the readiness to launch nuclear weapon systems and to support such measures on the floor of the UN General Assembly. (*general business notice of motion no. 895*)

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

- (a) notes that:
  - (i) despite an overall improvement in average health status, trends in health statistics associated with the distribution of social, economic and cultural opportunities are worsening both within and between countries, and

- (ii) widening inequalities are a barrier to Australia's future social, economic and cultural development and that persistent coexistence of material poverty and cultural alienation in Australia poses an accumulating social risk; and
- (b) calls on the Government to adopt the recommendations of the Public Health Association of Australia, and in particular to:
  - (i) give priority across government agencies to reducing socio-economically related health inequalities as a national goal,
  - (ii) provide health impact statements as part of the development of all major policies, whether economic, environmental or social in focus, and
  - (iii) provide funding through the National Health and Medical Research Council for research into health inequities and their socio-economic determinants. (*general business notice of motion no. 896*)

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

- (a) notes the report of the Human Rights and Equal Opportunity Commission's inquiry into children in detention; and
- (b) recognises that the Government has presided over an immigration detention regime where the health, welfare and safety of children has not been its primary concern. (*general business notice of motion no. 897*)

Senator Allison: To move on the next day of sitting—That the following legislation committees whose recent examination of estimates have been affected by the Government's Energy White Paper reconvene to further consider the 2004-05 Budget estimates:

Economics  
 Environment, Communications, Information Technology and the Arts  
 Finance and Public Administration  
 Rural and Regional Affairs and Transport. (*general business notice of motion no. 898*)

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

- (a) acknowledges that domestic and intimate partner violence comes in many forms and occurs in all sections of the Australian community and across all cultures;
- (b) notes that:
  - (i) the Victorian Health Promotion Foundation report of 16 June 2004 on intimate partner violence revealed that physical and emotional abuse by a partner was the leading risk factor for death, disease and disability and was responsible for 9 per cent of the total health costs for Australian women aged between 15 and 24,
  - (ii) domestic violence affects between one in three to one in five Australian families,
  - (iii) the 1996 Australian Women's Survey found that more than one million women had experienced some form of physical or sexual violence from a current or previous partner,
  - (iv) more than 80 per cent of violence experienced by women is not reported to police or other services,



- (v) men, women and children can be victims of domestic violence as well as perpetrators, however, the vast majority of intimate partner violence is perpetrated by males, and
  - (vi) domestic violence is not limited to physical and sexual violence but covers a wide range of abusive behaviours such as bullying, verbal, emotional, social and financial abuse, which are often unrecognised by the community; and
- (c) calls on the Federal Government to:
- (i) return to the original violence against women campaign, ‘No Respect/No Relationship’, with its focus on young men and the need to develop respectful relationships,
  - (ii) provide funding for specialist services to meet the demand that the campaign will generate, and
  - (iii) direct urgently needed resources into implementing the National Safe Schools Framework, with a strong focus on tackling bullying behaviour. (*general business notice of motion no. 899*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That—

- (1) On Thursday, 17 June 2004:
- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 10.30 pm;
  - (b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) not be proceeded with;
  - (c) the routine of business from not later than 4.30 pm shall be government business only;
  - (d) divisions may take place after 4.30 pm; and
  - (e) the question for the adjournment of the Senate shall be proposed at 9.50 pm.
- (2) The Senate shall sit on Friday, 18 June 2004 and that:
- (a) the hours of meeting shall be 9 am to 4.25 pm;
  - (b) the routine of business shall be:
    - (i) notices of motion, and
    - (ii) government business only; and
  - (c) the question for the adjournment of the Senate shall be proposed at 3.45 pm.

Senators Ridgeway and Stott Despoja: To move on the next day of sitting—That the Senate—

- (a) notes that:
- (i) 19 June is the birthday of Aung San Suu Kyi, leader of the Burmese National League for Democracy (NLD),
  - (ii) 2004 marks the eighth birthday since 1989 that Aung San Suu Kyi has spent in detention under the Burmese military government (SPDC), and
  - (iii) 19 June is Women of Burma Day;
- (b) urges the SPDC to:
- (i) release Aung San Suu Kyi and her deputy Tin Oo, who remain under house arrest, and

- (ii) re-open all offices of the NLD and allow all offices full access to communication with people both inside and outside of Burma; and
- (c) calls on the Australian Government to reconsider the policy of full diplomatic relations with the Burmese military government until the release of Aung San Suu Kyi is ensured. (*general business notice of motion no. 900*)

Senator Lees: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to set a higher target for mandatory renewable energy requirements, and for related purposes. ***Renewable Energy Amendment (Increased MRET) Bill 2004.*** (*general business notice of motion no. 901*)

### 13 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2004

Senator Lightfoot, at the request of the Chair of the Selection of Bills Committee (Senator Ferris), tabled the following report:

#### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 8 OF 2004

1. The committee met on Tuesday, 15 June 2004.
2. The committee resolved to recommend—That—
  - (a) the ***provisions*** of the Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Bill 2004 be ***referred immediately*** to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 21 June 2004;
  - (b) the Family and Community Services and Veterans' Affairs Legislation Amendment (Income Streams) Bill 2004 be ***referred immediately*** to the Community Affairs Legislation Committee for inquiry and report by 21 June 2004;
  - (c) the ***provisions*** of the Family Law Amendment Bill 2004 be ***referred immediately*** to the Legal and Constitutional Legislation Committee for inquiry and report by 30 July 2004;
  - (d) the ***provisions*** of the National Security Information (Criminal Proceedings) Bill 2004 and the National Security Information (Criminal Proceedings) (Consequential Amendments) Bill 2004 be ***referred immediately*** to the Legal and Constitutional Legislation Committee for inquiry and report by 19 August 2004;
  - (e) the Superannuation Budget Measures Bill 2004, Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004 and the Superannuation Laws Amendment (2004 Measures No. 2) Bill 2004 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report by 21 June 2004;
  - (f) the ***provisions*** of the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004 be ***referred immediately*** to the Legal and Constitutional Legislation Committee for inquiry and report by 22 July 2004;
  - (g) the ***provisions*** of the Workplace Relations Amendment (Protecting Small Business Employment) Bill 2004 be ***referred immediately*** to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 14 September 2004;
  - (h) the Tax Laws Amendment (2004 Measures No. 3) Bill 2004 be ***referred immediately*** to the Economics Legislation Committee but was unable to reach agreement on a reporting date; and

- (i) the following bills **not** be referred to committees:
- Aged Care Amendment Bill 2004
  - Australian Institute of Marine Science Amendment Bill 2004
  - Child Support Legislation Amendment Bill 2004
  - Customs Legislation Amendment (Airport, Port and Cargo Security) Bill 2004
  - Customs Tariff Amendment (Fuels) Bill 2004
  - Excise Tariff Amendment (Fuels) Bill 2004
  - Excise and Other Legislation Amendment (Compliance Measures) Bill 2004
  - Export Market Development Grants Amendment Bill 2004
  - Extension of Charitable Purpose Bill 2004
  - Farm Household Support Amendment Bill 2004
  - Medical Indemnity (Run-off Cover Support Payment) Bill 2004
  - Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Bill 2004
  - New International Tax Arrangements (Participation Exemption and Other Measures) Bill 2004
  - Tax Laws Amendment (2004 Measures No. 2) Bill 2004
  - Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2004
  - Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004
  - Tourism Australia (Repeal and Transitional Provisions) Bill 2004
  - Workplace Relations Amendment (Fair Dismissal) Bill 2004.

***The committee recommends accordingly.***

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

*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 23 March 2004*

- Resale Royalty Bill 2004.

*Bill deferred from meeting of 30 March 2004*

- Flags Amendment (Eureka Flag) Bill 2004.

*Bills deferred from meeting of 15 June 2004*

- Aboriginal and Torres Strait Islander Commission Amendment Bill 2004
- Marriage Legislation Amendment Bill 2004.

Jeannie Ferris  
Chair  
16 June 2004.

Senator Lightfoot moved—That the report be adopted.

Question put and passed.

**14 POSTPONEMENTS**

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Forshaw for today, proposing the reference of matters to the Community Affairs References Committee, postponed till 22 June 2004.

General business notice of motion no. 466 standing in the name of Senator Lees for 17 June 2004, proposing the introduction of the Protection of Biodiversity on Private Land Bill 2003, postponed till 12 August 2004.

General business notice of motion no. 467 standing in the name of Senator Lees for 17 June 2004, proposing the introduction of the Encouraging Communities Bill 2003, postponed till 12 August 2004.

**15 LEAVE OF ABSENCE**

Senator Lightfoot, by leave and at the request of Senator Harradine, moved—That leave of absence be granted to Senator Harradine for the period 15 June to 18 June 2004, on account of health reasons.

Question put and passed.

**16 FREE TRADE AGREEMENT—AUSTRALIA AND THE UNITED STATES OF AMERICA—SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Lightfoot, 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) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 875—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.

Question put and passed.

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

Senator Lightfoot, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 876—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.

Question put and passed.

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

Senator Lightfoot, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 877—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.

Question put and passed.

**19 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Lightfoot, at the request of Senator Ferguson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 878—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.

Question put and passed.

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

Senator Lightfoot, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 879—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.

Question put and passed.

**21 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Lightfoot, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 880—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.

Question put and passed.

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

Senator Lightfoot, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 882—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.

Question put and passed.

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

Senator Lightfoot, at the request of the Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 883—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.

Question put and passed.

**24 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Lightfoot, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 884—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.

Question put and passed.

**25 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT**

Senator Lightfoot, at the request of the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 886—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.

Question put and passed.

**26 ADMINISTRATION OF INDIGENOUS AFFAIRS—SELECT COMMITTEE—APPOINTMENT**

Senator O'Brien, also on behalf of Senators Ridgeway, Nettle and Lees, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 874—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.

Question put and passed.

#### 27 EDUCATION—EDUCATIONAL TEXTBOOK SUBSIDY SCHEME

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 881—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.

Question put and passed (*but see entry no. 7, 17 June 2004*).

**28 HEALTH—BRAIN TUMOURS**

Senator Allison, also on behalf of Senator McLucas, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 885—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.

Question put and passed.

**29 ADMINISTRATION—SALE OF COMLAND LIMITED—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Nettle amended general business notice of motion no. 888 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table, no later than 3 pm on 24 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.

Question put and passed.



**30 DEFENCE—IRAQ—HUMAN RIGHTS ABUSES—MINISTERIAL STATEMENT—DOCUMENTS**

The Minister for Defence (Senator Hill), by leave, made a statement relating to abuses of the human rights of Iraqi prisoners and tabled the following documents:

Defence—Iraq—Human rights abuses—Copies of tables—

ADF personnel embedded in coalition organisations in the Middle East area of operations.

ADF visits to coalition detention facilities in Iraq (including Abu Ghraib) as at 16 June 2004.

Situation reports from ADF legal officers embedded in Coalition Provisional Authority Office of General Counsel with references to detainee concerns and/or meetings with international organisations.

*Statement by leave:* The Leader of the Opposition in the Senate (Senator Faulkner), by leave, made a statement relating to the matter.

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

Debate ensued.

Question put and passed.

**31 SCRUTINY OF BILLS—STANDING COMMITTEE—7TH REPORT AND ALERT DIGEST NO. 7 OF 2004**

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

Scrutiny of Bills—Standing Committee—

7th report of 2004, dated 16 June 2004.

Alert Digest No. 7 of 2004, dated 16 June 2004.

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

**32 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—TOURISM AUSTRALIA BILL 2004**

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

Economics Legislation Committee—Report—Tourism Australia Bill 2004—Additional information.

**33 TREATIES—JOINT STANDING COMMITTEE—60TH REPORT**

Senator Kirk, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

Treaties—Joint Standing Committee—60th report—Treaties tabled on 2 March 2004, dated May 2004, *Hansard* record of proceedings [3 vols] and extracts from minutes.

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

Question put and passed.

**34 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—REPORTS—ANNUAL REPORT OF COMMITTEE ACTIVITIES 2002-2003 AND REVIEW OF THE LISTING OF THE PALESTINIAN ISLAMIC JIHAD (PIJ)**

Senator Ferguson, on behalf of the Parliamentary Joint Committee on ASIO, ASIS and DSD, tabled the following reports:

- ASIO, ASIS and DSD—Joint Statutory Committee—Reports, dated June 2004—  
Annual report of committee activities 2002-2003.
- Review of the listing of the Palestinian Islamic Jihad (PIJ).

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

Question put and passed.

**35 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—EXECUTIVE MINUTES—RESPONSES TO COMMITTEE RECOMMENDATIONS ON REPORTS NOS 390, 393, 394 AND 396**

Senator Watson, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following document:

- Public Accounts and Audit—Joint Statutory Committee—Executive minutes—  
Responses to committee recommendations on reports nos 390, 393, 394 and 396:  
June 2003 to May 2004.

Senator Watson moved—That the Senate take note of the document.

Question put and passed.

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

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

- Estimates of Proposed Expenditure for 2004-05—Portfolio budget statements—  
Portfolio and executive departments—Immigration and Multicultural and  
Indigenous Affairs portfolio—Corrigendum.

**37 DOCUMENTS**

The following documents were tabled by the Clerk:

Class Rulings CR 2004/58 and CR 2004/59.

Defence Act—Determination under section 58B—Defence Determination 2004/22.

Financial Management and Accountability Act—

Financial Management and Accountability (Determination 2004/02 — Property Special Account) Variation 2004.

Financial Management and Accountability (Determination 2004/03 — Australian Antarctic Heritage Conservation Special Account) Establishment 2004.

Financial Management and Accountability (Determination 2004/04 — Employee Entitlements Support Scheme Account) Variation 2004.

Financial Management and Accountability (Determination 2004/05 — Federal Magistrates Court Litigants' Fund Special Account) Establishment 2004.

Financial Management and Accountability (Determination 2004/06 — Family Court of Australia Litigants' Fund Special Account) Establishment 2004.

Financial Management and Accountability (Determination 2004/07 — Federal Court of Australia Litigants' Fund Special Account) Establishment 2004.

Financial Management and Accountability (Determination 2004/08 — Inter-Parliamentary Relations Special Account) Establishment 2004.

Financial Management and Accountability (Determination 2004/09 — Commonwealth Parliamentary Association Conference and Seminar Contributions Account) Variation 2004.

Product Ruling—

Addendum—PR 2004/14, PR 2004/30, PR 2004/40 and PR 2004/45.

Notice of Withdrawal—

PR 2002/91.

PR 2003/72.

PR 2004/34.

PR 2004/72-PR 2004/77.

Taxation Ruling—

TR 2000/17 (Notice of Withdrawal).

TR 2004/4 and TR 2004/5.

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

### 38 COMMITTEES—APPOINTMENT OF MEMBER

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

The Special Minister of State (Senator Abetz), by leave, moved—That Senator Webber be appointed as a participating member of the Rural and Regional Affairs and Transport Legislation and References Committees.

Question put and passed.

### 39 AGED CARE AMENDMENT BILL 2004

#### EXTENSION OF CHARITABLE PURPOSE BILL 2004

#### AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (EXPORT CONTROL) BILL 2004

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

Message no. 603, dated 15 June 2004—A Bill for an Act to amend the *Aged Care Act 1997*, and for related purposes.

Message no. 605, dated 16 June 2004—A Bill for an Act relating to charities and charitable purpose, and for related purposes.

Message no. 604, dated 16 June 2004—A Bill for an Act to amend the *Australian Meat and Live-stock Industry Act 1997* and the *Export Control Act 1982*, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That these bills be now read a second time.

On the motion of Senator Mackay the debate was adjourned till the next day of sitting.  
*Consideration of legislation:* Senator Abetz moved—That the bills be listed on the *Notice Paper* as separate orders of the day.  
Question put and passed.

**40 ECONOMICS LEGISLATION COMMITTEE—REFERENCE**

Senator Sherry, pursuant to notice, moved business of the Senate notice of motion no. 2—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.

Question put and passed.

**41 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—40TH REPORT—CONSIDERATION**

Order of the day read for the consideration of the 40th report of the Standing Committee on Appropriations and Staffing.

The Minister for Finance and Administration (Senator Minchin) moved—That the Senate adopt the 40th report of the Standing Committee on Appropriations and Staffing and endorse the resolution at pages 3 and 4 of the report.

Question put and passed.

Accordingly standing order 19 was amended, as follows:

At the end of paragraph (3), add:

- ; and (d) consider the administration and funding of security measures affecting the Senate and advise the President and the Senate as appropriate.

**42 CONSIDERATION OF LEGISLATION**

The Minister for Finance and Administration (Senator Minchin) moved—That the Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Bill 2004 and the Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

43 **PARLIAMENTARY SUPERANNUATION BILL 2004**  
**PARLIAMENTARY SUPERANNUATION AND OTHER ENTITLEMENTS LEGISLATION**  
**AMENDMENT BILL 2004**

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

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*In the committee*

**PARLIAMENTARY SUPERANNUATION BILL 2004—**

Consideration resumed of the bill.

Senator Cherry moved the following amendments together by leave:

Clause 5, page 4 (lines 29 to 32) omit paragraphs (1)(b) and (c), substitute:

- (b) the person has been elected or re-elected; and
- (c) the Remuneration Tribunal has not determined that the person should continue to be entitled to parliamentary allowance.

Clause 5, page 4 (line 33) to page 5 (line 20), omit subclauses (2), (3) and (4), substitute:

- (2) For the purposes of this Act, where a senator as at the date in subsection (1) has a term due to expire on 30 June 2008, then the new scheme entry time for that senator, if the person is entitled to a parliamentary allowance beyond 30 June 2008, shall be 1 July 2008, provided that the senator may, in writing to the trustees, opt to agree to the earlier new scheme entry time.

Debate ensued.

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

Senator Cherry moved the following amendment:

Clause 5, page 5 (after line 20), after subclause (4), insert:

- (4A) For the purposes of this Act, if a person:
  - (a) was entitled to parliamentary allowance immediately before and after the date determined in subsection (1); and
  - (b) the person notifies the trustees of the Parliamentary Contributory Superannuation Scheme of his or her desire to close off his or her entitlement under that scheme and have future service determined under the new scheme; and
  - (c) the person has less than 18 years service under the old scheme;then the new scheme entry time shall be the date the trustees accept the notification.

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

Bill agreed to.

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**PARLIAMENTARY SUPERANNUATION AND OTHER ENTITLEMENTS LEGISLATION**  
**AMENDMENT BILL 2004—**

Bill taken as a whole by leave.

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

Schedule 1, page 3 (after line 14), after item 3, insert:

**3A After subsection 18(9)**

Insert:

- (9A) The rate of additional retiring allowance in accordance with paragraph (9)(b) shall not exceed the rate set from time to time by the Remuneration Tribunal in accordance with subsection 6(1) of the *Remuneration Tribunal Act 1973* for an other Minister in Cabinet.
- (9B) The application of subsection (9A) is limited to the rate of additional retiring allowance of any person who serves as an other Minister in Cabinet for that period of service as an other Minister in Cabinet that commences after the 40<sup>th</sup> Parliament.

Schedule 1, page 3 (after line 14), after item 3, insert:

**3B After subsection 18(9)**

Insert:

- (9C) For the purposes of subsection (9A), *an other Minister in Cabinet* is a Minister in Cabinet other than the Prime Minister, the Deputy Prime Minister, the Treasurer, the Leader of the Government in the Senate or the Leader of the House of Representatives.

Senator Cherry moved the following amendments together by leave:

Schedule 1, item 4, page 5 (line 1), after “4”, insert “, 4A”.

Schedule 1, item 4, page 6 (after line 24), after clause 4, insert:

**4A Entitlement to a retiring allowance for continuing member**

- (1) This clause applies to a person if, immediately before the start of the first new scheme contribution period of the person, a parliamentary allowance was payable to the person.
- (2) The person is entitled, after the end of the first scheme contribution period, to a retiring allowance (the *preserved initial allowance*) under this clause at the *preserved initial percentage* (see subclause (5)) of the rate of parliamentary allowance for the time being payable to a member.
- (3) For the purposes of the reference in subclause (2) to the rate of parliamentary allowance for the time being payable to a member, any reductions of a particular member’s entitlement to parliamentary allowance under Division 2 of Part 1 of Schedule 3 to the *Remuneration and Allowances Act 1990* as a result of salary sacrifice are to be disregarded.
- (4) The person’s entitlement to the preserved initial allowance is suspended for the duration of any later new scheme contribution period of the person.
- (5) The preserved initial percentage is, from the end of the new scheme contribution period of the person to the start of the next (if any) new scheme contribution period of the person, the percentage that would have been applied to the rate of parliamentary allowance in order to calculate the rate of retiring allowance (other than additional retiring

allowance) payable to the person under section 18, or under this clause, if the person had retired involuntarily, immediately before the start of the firstmentioned new scheme contribution period.

Schedule 1, page 8 (after line 24), after clause 5, insert:

**5A Entitlement to an additional retiring allowance for continuing member**

- (1) This clause applies to a person if, immediately before the start of the first new scheme contribution period of the person, a parliamentary allowance was payable to the person, and, if the person had involuntarily retired, additional retiring allowance would have been payable to the person under subsection 18(9) in respect of either or both of the following:
- (a) his or her service in an office or offices he or she held as a Minister of State;
  - (b) his or her service in an office or offices by virtue of which he or she was an office holder.

In this clause, each office in respect of which the additional retiring allowance was payable is a *relevant office*.

- (2) The person is entitled, after the end of the first scheme contribution period, and in respect of each relevant office, to a retiring allowance (the *preserved additional initial allowance*) under this clause at the *preserved additional initial percentage* (see subclause (4)) of the rate, for the time being, of:
- (a) for an office referred to in paragraph (1)(a)—the salary payable to a Minister of State; or
  - (b) for an office referred to in paragraph (1)(b)—the allowance by way of salary payable to an office holder in respect of that office.
- (3) The person's entitlement to the preserved initial additional allowance is suspended for the duration of any later new scheme contribution period of the person.
- (4) The preserved additional initial percentage for a relevant office is, from the end of the new scheme contribution period of the person to the start of the next (if any) new scheme contribution period of the person, the percentage that was applied to:
- (a) for an office referred to in paragraph (1)(a)—the salary payable to a Minister of State; or
  - (b) for an office referred to in paragraph (1)(b)—the allowance by way of salary payable to an office holder in respect of that office;
- in order to calculate the rate of additional initial retiring allowance that would have been payable to the person under section 18(9) or under this clause, if the person had retired involuntarily, immediately before the start of the firstmentioned new scheme contribution period.
- (5) If, immediately before the start of a new scheme contribution period of the person, the person would not have been entitled to have been paid an additional retiring allowance, or would have been paid a reduced rate of additional retiring allowance, because of all or any of the following provisions:
- (a) Part VA;
  - (b) subsection 18(10B) or subclause (6) of this clause;

- (c) subsection 20(3A);
- (d) section 21;
- (e) section 21B;

this clause applies to the person as if the person were, at that time, entitled to be paid the additional initial retiring allowance he or she would have been paid if those provisions had not applied.

- (6) Nothing in this clause entitles the person to additional initial retiring allowance at a rate that exceeds:
  - (a) if the person is entitled to additional retiring allowance in respect of one relevant office only—75% of the rate, for the time being, at which salary or allowance by way of salary, as the case may be, is payable in respect of that office; or
  - (b) if a person is entitled to additional retiring allowance in respect of 2 or more relevant offices—75% of the rate that is the highest rate, for the time being, at which salary or allowance by way of salary, as the case may be, is payable in respect of either or any of those offices.

Schedule 1, item 4, clauses 6, 12, 13, 14, 15, 16, 17 and 18, after “preserved basic allowance” (8 times occurring), insert “or preserved initial allowance”.

Schedule 1, item 4, clauses 6, 12, 13, 14, 15, 16, 17 and 18, after “preserved additional allowance” (8 times occurring), insert “or preserved additional initial allowance”.

Schedule 1, item 4, page 12 (after line 21), at the end of the item, add:

**19 Members may continue in scheme to qualify for retiring allowance**

- (1) Where a person was entitled to parliamentary allowance immediately before and immediately after the new scheme start date, but not entitled to a preserved initial allowance in accordance with clause 4A, the person shall be entitled to continue as a member of the scheme until the person would become entitled to a preserved initial allowance. For such a person, the person shall cease to be a member only on the date that he or she becomes entitled to a preserved initial allowance in accordance with clause 4A.
- (2) For a person mentioned in subclause (1), clauses 4A and 5A of this Schedule shall apply as if the date determined in subclause (1) was the date for the commencement of the new scheme contribution period.
- (3) A person may exercise the right not to continue in the scheme under this section.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 9

Senators—

Allison (Teller)  
Bartlett  
Brown

Cherry  
Greig

Murray  
Nettle

Ridgeway  
Stott Despoja



## NOES, 37

Senators—

Barnett	Eggleston (Teller)	Lightfoot	Sherry
Bishop	Fifield	Mackay	Stephens
Buckland	Forshaw	Marshall	Tchen
Campbell, George	Hill	McGauran	Troeth
Carr	Hogg	Minchin	Watson
Colbeck	Humphries	Moore	Webber
Collins	Hutchins	Murphy	Wong
Conroy	Johnston	O'Brien	
Cook	Kirk	Patterson	
Crossin	Knowles	Santoro	

Question negatived.

Senator Cherry moved the following amendment:

Schedule 1, item 4, page 12 (after line 21), at the end of the item, add:

**20 Members may opt not to continue in scheme**

- (1) For the purposes of this Act, if a person:
  - (a) was entitled to parliamentary allowance immediately before and after the date determined in subsection 5(1) of the *Parliamentary Superannuation Act 2004*; and
  - (b) the person notifies the trustees of the Parliamentary Contributory Superannuation Scheme of his or her desire to close off his or her entitlement under that scheme and have future service determined under the new scheme; and
  - (c) the person has less than 18 years service under the old scheme; then the new scheme entry time shall be the date the trustees accept the notification.
- (2) Where a person chooses to leave the scheme under this clause, the person is entitled, after the end of the first scheme contribution period, to a retiring allowance (the *preserved initial allowance*) under this clause at the *preserved initial percentage* (see subclause (5)) of the rate of parliamentary allowance for the time being payable to a member.
- (3) For the purposes of the reference in subclause (2) to the rate of parliamentary allowance for the time being payable to a member, any reductions of a particular member's entitlement to parliamentary allowance under Division 2 of Part 1 of Schedule 3 to the *Remuneration and Allowances Act 1990* as a result of salary sacrifice are to be disregarded.
- (4) The person's entitlement to the preserved initial allowance is suspended for the duration of any later new scheme contribution period of the person.
- (5) The preserved initial percentage is, from the end of the new scheme contribution period of the person to the start of the next (if any) new scheme contribution period of the person, the percentage that would have been applied to the rate of parliamentary allowance in order to calculate the rate of retiring allowance (other than additional retiring allowance) payable to the person under section 18, or under this

clause, if the person had retired involuntarily, immediately before the start of the firstmentioned new scheme contribution period.

- (6) If the person has served as a Minister of State or an office holder, the person is entitled, after the end of the first scheme contribution period, and in respect of each relevant office, to a retiring allowance (the *preserved additional initial allowance*) under this clause at the *preserved additional initial percentage* (see subclause (8)) of the rate, for the time being, of:
- (a) for an office as a Minister of State—the salary payable to a Minister of State; or
  - (b) for an office as an office holder—the allowance by way of salary payable to an office holder in respect of that office.
- (7) The person's entitlement to the preserved initial additional allowance is suspended for the duration of any later new scheme contribution period of the person.
- (8) The preserved additional initial percentage for a relevant office is, from the end of the new scheme contribution period of the person to the start of the next (if any) new scheme contribution period of the person, the percentage that was applied to:
- (a) for an office referred to in paragraph (1)(a)—the salary payable to a Minister of State; or
  - (b) for an office referred to in paragraph (1)(b)—the allowance by way of salary payable to an office holder in respect of that office;
- in order to calculate the rate of additional initial retiring allowance that would have been payable to the person under section 18(9) or under this clause, if the person had retired involuntarily, immediately before the start of the firstmentioned new scheme contribution period.
- (9) If, immediately before the start of a new scheme contribution period of the person, the person would not have been entitled to have been paid an additional retiring allowance, or would have been paid a reduced rate of additional retiring allowance, because of all or any of the following provisions:
- (a) Part VA;
  - (b) subsection 18(10B) or subclause (6) of this clause;
  - (c) subsection 20(3A);
  - (d) section 21;
  - (e) section 21B;
- this clause applies to the person as if the person were, at that time, entitled to be paid the additional initial retiring allowance he or she would have been paid if those provisions had not applied.
- (10) Nothing in this clause entitles the person to additional initial retiring allowance at a rate that exceeds:
- (a) if the person is entitled to additional retiring allowance in respect of one relevant office only—75% of the rate, for the time being, at which salary or allowance by way of salary, as the case may be, is payable in respect of that office; or
  - (b) if a person is entitled to additional retiring allowance in respect of 2 or more relevant offices—75% of the rate that is the highest rate, for the time being, at which salary or allowance by way of

salary, as the case may be, is payable in respect of either or any of those offices.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

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

NOES, 36

Senators—

Barnett	Crossin	Kirk	Patterson
Bishop	Eggleston (Teller)	Lightfoot	Santoro
Buckland	Fifield	Mackay	Sherry
Campbell, George	Forshaw	Marshall	Stephens
Carr	Hill	McGauran	Tchen
Colbeck	Hogg	Minchin	Troeth
Collins	Humphries	Moore	Watson
Conroy	Hutchins	Murphy	Webber
Cook	Johnston	O'Brien	Wong

Question negatived.

Bill, as amended, agreed to.

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The Parliamentary Superannuation Bill 2004 to be reported without amendments and the Parliamentary Superannuation and Other Entitlements Legislation Amendment Bill 2004 to be reported with amendments.

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

On the motion of the Minister for Finance and Administration (Senator Minchin) the report from the committee was adopted and the bills read a third time.

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*After 6.50 pm—*

#### 44 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Department of Foreign Affairs and Trade—Iraq: The path ahead—Discussion paper, June 2004. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

Australian Maritime College—Report for 2003. Motion to take note of document moved by Senator Watson. Debate adjourned till Thursday at general business, Senator Watson in continuation.

The following order of the day relating to government documents was considered:

Landcare Australia Limited—Report for 2002-03. Motion to take note of document moved by Senator Watson and agreed to.

General business orders of the day nos 2 to 9, 11 and 12 relating to government documents were called on but no motion was moved.

**45 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.43 pm till Thursday, 17 June 2004 at 9.30 am.

**46 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate