

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 120

TUESDAY, 16 SEPTEMBER 2003

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

2 QUESTIONS

Questions without notice being asked—

Papers

Mr Downer (Minister for Foreign Affairs) presented the following papers:

Foreign Affairs: Middle East—Extract from House *Hansard*, 10 February 2003.

General advice to Australian travellers—Travel advice provided by the Department of Foreign Affairs and Trade, Consular Branch, 5 February 2003.

Questions without notice continuing—

Paper

Ms Macklin (Deputy Leader of the Opposition), by leave, presented the following paper:

University of Western Sydney's administration—Copy of letter from Jackie Kelly, Member for Lindsay, to a member of the University of Western Sydney Board, 6 August 2003.

Questions without notice continuing—

Paper

Ms Burke, by leave, presented the following paper:

Higher education: Government policy—Extract from House *Hansard*, 14 October 1999.

Questions without notice continued.

3 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Auditor-General—Audit report No. 6 of 2003–2004—Performance audit—APRA's prudential supervision of superannuation entities: Australian Prudential Regulation Authority.

Ordered to be printed.

4 PAPERS

The following papers were presented:

Defence Force Remuneration Tribunal—Report for 2002-03.

Housing Assistance Act 1996—Report for 2001-02.

5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIORITIES IN HIGHER EDUCATION

The House was informed that Ms Macklin (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's unfair priorities in higher education".

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Discussion concluded.

6 MATTERS REFERRED TO MAIN COMMITTEE

Mr Lloyd (Chief Government Whip), by leave, moved—That:

- (1) the following Bills be referred to the Main Committee for further consideration:
Taxation Laws Amendment (No. 8) 2003;
Crimes (Overseas) Amendment 2003; and
Statistics Legislation Amendment 2003; and
- (2) the following order of the day, committee and delegation reports, be referred to the Main Committee for debate:
Foreign Affairs, Defence and Trade—Joint Standing Committee—Report on inquiry into expanding Australia's trade and investment relationship with the countries of Central Europe—
Motion to take note of paper: Resumption of debate.

Question—put and passed.

7 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 3) 2003

A message from the Senate was reported returning the following Bill with amendments:

15 September 2003—Message No. 330—Taxation Laws Amendment Bill (No. 3) 2003.

Ordered—That the amendments be considered at the next sitting.

8 MESSAGE FROM THE SENATE—WORKPLACE RELATIONS AMENDMENT (FAIR TERMINATION) BILL 2002

Message No. 329, 15 September 2003, from the Senate was reported returning the Workplace Relations Amendment (Fair Termination) Bill 2002 and acquainting the House that the Senate has considered message No. 362 relating to the Bill and does not insist on its amendments Nos 1 and 5 disagreed to by the House; insists on its amendments Nos 2, 3 and 4 disagreed to by the House; and has made further amendments to the Bill. The Senate desires the reconsideration of the Bill by the House in respect of amendments Nos 2, 3 and 4 and requests the concurrence of the House in the further amendments made by the Senate.

Ordered—That the message be considered forthwith.

Mr Abbott (Minister for Employment and Workplace Relations) moved—That amendments Nos 2, 3 and 4 insisted on by the Senate and the further amendments made by the Senate to the Bill be agreed to.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr Jenkins, in the Chair)—

AYES, 78

Mr Abbott	Mr Dutton	Jackie Kelly	Mr Schultz
Mr Anderson	Mrs Elson	Dr Kemp	Mr Scott
Mr K. J. Andrews	Mr Entsch	Mr P. E. King	Mr Secker
Mr Anthony	Mr Farmer	Mrs Ley	Mr Slipper
Mr Baird	Mr Forrest*	Mr Lindsay	Mr A. D. H. Smith
Mr Baldwin	Mrs Gallus	Mr Lloyd	Dr Southcott
Mr Barresi	Ms Gambaro	Mr McArthur*	Dr Stone
Mr Bartlett	Mrs Gash*	Mr I. E. Macfarlane	Mr C. P. Thompson
Mr Billson	Mr Georgiou	Mr McGauran	Mr Ticehurst
Mrs B. K. Bishop	Mr Haase	Mrs May	Mr Tollner
Ms J. I. Bishop	Mr Hardgrave	Mrs Moylan	Mr Truss
Mr Brough	Mr Hartsuyker	Mr Nairn	Mr Tuckey
Mr Cadman	Mr Hawker	Dr Nelson	Mrs D. S. Vale
Mr Cameron	Mr Hockey	Mr Neville*	Mr Wakelin
Mr Causley	Mrs Hull	Ms Panopoulos	Dr Washer
Mr Charles	Mr Hunt	Mr Pearce	Mr Williams
Mr Ciobo	Mr Johnson	Mr Prosser	Mr Windsor
Mr Cobb	Mr Jull	Mr Pyne	Ms Worth
Mr Downer	Mr Katter	Mr Randall	
Mrs Draper	Mrs D. M. Kelly	Mr Ruddock	

NOES, 58

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr Ripoll
Mr Albanese	Mr Fitzgibbon	Ms Livermore	Ms Roxon
Mr Andren	Ms George	Ms J. S. McFarlane	Mr Rudd
Mr Beazley	Mr Gibbons	Ms Macklin	Mr Sawford
Mr Bevis	Ms Gillard	Mr McLeay	Mr Sercombe*
Ms Burke	Ms Grierson	Mr McMullan	Mr Sidebottom
Mr Byrne	Mr Griffin	Mr Melham	Mr S. F. Smith
Mr Cox	Ms Hall	Mr Mossfield	Mr Swan
Mrs Crosio	Mr Hatton	Mr Murphy	Mr Tanner
Mr Danby*	Ms Hoare	Ms O'Byrne	Mr K. J. Thomson
Mr Edwards	Mrs Irwin*	Mr B. P. O'Connor	Ms Vamvakinou
Ms Ellis	Ms Jackson	Mr G. M. O'Connor	Mr Wilkie
Mr Emerson	Mr Kerr	Ms Plibersek	Mr Zahra
Mr Evans	Ms C. F. King	Mr Price	
Mr L. D. T. Ferguson	Mr Latham	Mr Quick*	

* Tellers

And so it was resolved in the affirmative.

9 MESSAGES FROM THE SENATE

Messages from the Senate, 16 September 2003, were reported returning the following Bills without amendment:

Message—

No. 331—ACIS Administration Amendment 2003.

No. 332—Customs Tariff Amendment (ACIS) 2003.

10 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL 2003

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Cox who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Howard Government for breaching the requirements it set for parliamentary scrutiny of treaties, in particular by proceeding with this bill without allowing 15 sitting days of both houses after tabling these agreements on 9 September 2003, so that the Treaties Committee can taken evidence and report; and
- (2) calls on the Government to defer a vote on this Bill in the House until 3 November when the Treaties Committee is due to report”.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Ms Gambaro, in the Chair)—

AYES, 72

Mr Abbott	Mrs Elson	Dr Kemp	Mr Schultz
Mr Anderson	Mr Entsch	Mr P. E. King	Mr Scott
Mr K. J. Andrews	Mr Farmer	Mrs Ley	Mr Secker
Mr Anthony	Mr Forrest*	Mr Lindsay	Mr Slipper
Mr Baird	Mrs Gallus	Mr McArthur*	Mr A. D. H. Smith
Mr Baldwin	Mrs Gash*	Mr I. E. Macfarlane	Dr Southcott
Mr Barresi	Mr Georgiou	Mr McGauran	Dr Stone
Mr Bartlett	Mr Haase	Mrs May	Mr C. P. Thompson
Mr Billson	Mr Hardgrave	Mrs Moylan	Mr Ticehurst
Mrs B. K. Bishop	Mr Hartsuyker	Mr Nairn	Mr Tollner
Ms J. I. Bishop	Mr Hawker	Dr Nelson	Mr Truss
Mr Brough	Mr Hockey	Mr Neville*	Mr Tuckey
Mr Cadman	Mrs Hull	Ms Panopoulos	Mrs D. S. Vale
Mr Cameron	Mr Hunt	Mr Pearce	Mr Wakelin
Mr Causley	Mr Johnson	Mr Prosser	Dr Washer
Mr Ciobo	Mr Jull	Mr Pyne	Mr Williams
Mr Cobb	Mrs D. M. Kelly	Mr Randall	Mr Windsor
Mrs Draper	Jackie Kelly	Mr Ruddock	Ms Worth

NOES, 57

Mr Adams	Mr Fitzgibbon	Mr Latham	Mr Ripoll
Mr Albanese	Ms George	Ms Livermore	Ms Roxon
Mr Beazley	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Mr Bevis	Ms Gillard	Ms Macklin	Mr Sawford
Ms Burke	Ms Grierson	Mr McLeay	Mr Sercombe*
Mr Byrne	Mr Griffin	Mr McMullan	Mr Sidebottom
Mr Cox	Ms Hall	Mr Melham	Mr S. F. Smith
Mrs Crosio	Mr Hatton	Mr Mossfield	Mr Swan
Mr Danby*	Ms Hoare	Mr Murphy	Mr Tanner
Mr Edwards	Mrs Irwin*	Ms O’Byrne	Mr K. J. Thomson
Ms Ellis	Ms Jackson	Mr B. P. O’Connor	Ms Vamvakinou
Mr Emerson	Mr Jenkins	Mr G. M. O’Connor	Mr Zahra
Mr Evans	Mr Katter	Ms Plibersek	
Mr L. D. T. Ferguson	Mr Kerr	Mr Price	
Mr M. J. Ferguson	Ms C. F. King	Mr Quick*	

* Tellers

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

11 FAMILY ASSISTANCE LEGISLATION AMENDMENT (EXTENSION OF TIME LIMITS) BILL 2003

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Swan who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Government’s failure to comprehensively reform its flawed system of family assistance, which has so far resulted in one in three families receiving FTB and CCB accumulating debts in excess of \$1.2 billion;
- (2) urges the Government to immediately close loopholes such as share market margin lending losses and foreign income reporting which have allowed wealthy families to pocket benefits;
- (3) recognises the importance of annual tax returns for family budgeting and opposes the automatic stripping of family tax returns without warning to recoup family assistance debts;
- (4) notes that the proposed two year time limit for past period claims of family assistance is still at odds with tax law which allows adjustments and subsequent claims to be made for up to four years; and
- (5) calls on the Government to reform family assistance to improve incentives to work and ensure benefits may properly account for changes in family income without the risk of families accruing an unavoidable debt”.

Debate continued.

Mr Sidebottom addressing the House—

12 ADJOURNMENT

It being 9 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 9.30 p.m.—The Speaker adjourned the House until tomorrow at 9 a.m.

PAPERS

The following papers were deemed to have been presented on 16 September 2003:

Christmas Island Act—List of Western Australian Acts for period 22 March to 12 September 2003.

Cocos (Keeling) Islands Act—List of Western Australian Acts for period 22 March 2003 to 12 September 2003.

Health Insurance Act—Determination under subsection 124S(4)—Medicare Participation Review Committee—Gribbles Pathology (Vic) Pty Ltd.

Migration Act—Summary statement—Strip searches under section 252A—1 January to 30 June 2003.

Sydney Airport Curfew Act—Dispensation—2003 No. 7.

ATTENDANCE

All Members attended (at some time during the sitting) except Fran Bailey, Mr Brereton, Ms Corcoran, Mr Costello, Mr Sciacca, Mr Snowdon*, Mr Somlyay and Mr M. A. J. Vaile.

* On leave

I. C. HARRIS

Clerk of the House of Representatives