

2004-05

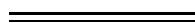
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 18

THURSDAY, 17 FEBRUARY 2005



**1** The House met, at 9 a.m., pursuant to adjournment. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

**2 MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2005**

Mr McGauran (Minister for Citizenship and Multicultural Affairs), for Mr Abbott (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the *Medical Indemnity Act 2002*, and for other purposes.

Bill read a first time.

Mr McGauran moved—That the bill be now read a second time.

*Document*

Mr McGauran presented an explanatory memorandum to the bill.

Debate adjourned (Mr Griffin), and the resumption of the debate made an order of the day for the next sitting.

**3 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 1) BILL 2005**

Dr Nelson (Minister for Education, Science and Training), pursuant to notice, presented a Bill for an Act to amend legislation relating to higher education, and for related purposes.

Bill read a first time.

Dr Nelson moved—That the bill be now read a second time.

*Document*

Dr Nelson presented an explanatory memorandum to the bill.

Debate adjourned (Mr Griffin), and the resumption of the debate made an order of the day for the next sitting.

**4 AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (LEVY AND FEES) BILL 2005**

Mr Truss (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, presented a Bill for an Act to amend or repeal legislation relating to agricultural and veterinary chemicals, and for related purposes.

Bill read a first time.

Mr Truss moved—That the bill be now read a second time.

*Document*

Mr Truss presented an explanatory memorandum to the bill.

Debate adjourned (Mr Ripoll), and the resumption of the debate made an order of the day for the next sitting.

**5 BORDER PROTECTION LEGISLATION AMENDMENT (DETERRENCE OF ILLEGAL FOREIGN FISHING) BILL 2005**

Mr Truss (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, presented a Bill for an Act to amend the law relating to fisheries and fishers, and for related purposes.

Bill read a first time.

Mr Truss moved—That the bill be now read a second time.

*Document*

Mr Truss presented an explanatory memorandum to the bill.

Debate adjourned (Mr Ripoll), and the resumption of the debate made an order of the day for the next sitting.

**6 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (FURTHER 2004 ELECTION COMMITMENTS AND OTHER MEASURES) BILL 2005**

Mrs Ley (Parliamentary Secretary—Children and Youth Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to social security, veterans' entitlements and family assistance, and for related purposes.

Bill read a first time.

Mrs Ley moved—That the bill be now read a second time.

*Document*

Mrs Ley presented an explanatory memorandum to the bill.

Debate adjourned (Mr Ripoll), and the resumption of the debate made an order of the day for the next sitting.

**7 TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005**

Mr Pearce (Parliamentary Secretary to the Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Trade Practices Act 1974*, and for other purposes.

Bill read a first time.

Mr Pearce moved—That the bill be now read a second time.

*Document*

Mr Pearce presented an explanatory memorandum to the bill.

Debate adjourned (Mr Ripoll), and the resumption of the debate made an order of the day for the next sitting.

**8 NAVIGATION AMENDMENT BILL 2004**

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.

Question—put and passed—bill read a second time.

Leave granted for third reading to be moved immediately.

On the motion of Mr Lloyd (Minister for Local Government, Territories and Roads), the bill was read a third time.

**9 BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2005**

The order of the day having been read for the second reading—Mr Ruddock (Attorney-General) moved—That the bill be now read a second time.

*Document*

Mr Ruddock presented a revised explanatory memorandum to the bill.

Debate ensued.

Question—put and passed—bill read a second time.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Ruddock presented a supplementary explanatory memorandum to the bill.

Mr Ruddock moved the Government amendment.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 84

Mr Abbott	Mrs Elson	Jackie Kelly	Mr Schultz
Mr Anderson	Mr Entsch	Mr Laming	Mr Scott
Mr Andren	Mr Farmer	Mrs Ley	Mr Secker
Mr Andrews	Mr Fawcett	Mr Lloyd	Mr Slipper
Fran Bailey	Mr M. D. Ferguson	Mr McArthur*	Mr A. D. H. Smith
Mr Baird	Mr Forrest*	Mr Macfarlane	Mr Somlyay
Mr Baker	Ms Gambaro	Mr McGauran	Dr Southcott
Mr Baldwin	Mrs Gash	Mrs Markus	Dr Stone
Mr Barresi	Mr Georgiou	Mrs May	Mr C. P. Thompson
Mr Bartlett	Mr Haase	Mrs Moylan	Mr Ticehurst
Mrs B. K. Bishop	Mr Hardgrave	Mr Nairn	Mr Tollner
Ms J. Bishop	Mr Hartsuyker	Dr Nelson	Mr Truss
Mr Broadbent	Mr Henry	Mr Neville	Mr Tuckey
Mr Brough	Mr Hockey	Ms Panopoulos	Mr Turnbull
Mr Cadman	Mrs Hull	Mr Pearce	Mr M. A. J. Vaile
Mr Causley	Mr Hunt	Mr Prosser	Mrs D. S. Vale
Mr Ciobo	Dr Jensen	Mr Pyne	Mr Vasta
Mr Cobb	Mr Johnson	Mr Randall	Mr Wakelin
Mr Downer	Mr Jull	Mr Richardson	Dr Washer
Mrs Draper	Mr Keenan	Mr Robb	Mr Windsor
Mr Dutton	Mrs D. M. Kelly	Mr Ruddock	Mr Wood

NOES, 50

Mr Adams	Ms K. M. Ellis	Mr Hatton	Mr Price
Mr Albanese	Mr Emerson	Mrs Irwin	Mr Quick
Mr Beazley	Mr L. Ferguson	Mr Jenkins	Mr Ripoll
Mr Bevis	Mr M. J. Ferguson	Mr Kerr	Ms Roxon
Ms Bird	Mr Fitzgibbon	Ms C. King	Mr Rudd
Ms A. E. Burke	Mr Garrett	Dr Lawrence	Mr Sawford
Mr A. S. Burke	Mr Georganas	Ms Livermore	Mr S. F. Smith
Mr Byrne	Ms George	Mr McClelland	Mr Snowdon
Ms Corcoran	Mr Gibbons	Mr McMullan	Mr Tanner
Mr Crean	Ms Gillard	Mr Melham	Mr K. J. Thomson
Mr Danby*	Ms Grierson	Mr Murphy	Mr Wilkie
Mrs Elliot	Mr Griffin	Mr B. P. O'Connor	
Ms A. L. Ellis	Ms Hall*	Ms Owens	

\* Tellers

And so it was resolved in the affirmative.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Ruddock, by leave, the Bill was read a third time.

#### 10 **DISABILITY DISCRIMINATION AMENDMENT (EDUCATION STANDARDS) BILL 2004**

The order of the day having been read for the second reading—Mr Ruddock (Attorney-General) moved—That the bill be now read a second time.

*Document*

Mr Ruddock presented an explanatory memorandum to the bill.

Debate ensued.

Question—put and passed—bill read a second time.

Leave granted for third reading to be moved immediately.

On the motion of Mr Pyne (Parliamentary Secretary to the Minister for Health and Ageing), the bill was read a third time.

#### 11 APPROPRIATION BILL (NO. 3) 2004-2005

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—*And on the amendment moved thereto by Mr Swan, viz.*—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 condemns the Government for its:

- (1) dishonest promises during the 2004 election campaign that it would keep interest rates low;
- (2) short-term, reckless spending during the lead up to the 2004 election, which is adding to inflationary and interest rate pressures;
- (3) gross neglect of Australia’s education and training needs, leaving Australia with a skills crisis which is adding to inflationary and interest rate pressures; and
- (4) failure to secure Australia’s economic future by making the long term policy commitments that will improve the productivity and competitiveness of the Australian economy”—

Debate resumed.

It being 2 p.m., the debate was interrupted in accordance with standing order 97, and the resumption of the debate made an order of the day for a later hour this day.

#### 12 QUESTIONS

Questions without notice were asked.

#### 13 DOCUMENTS

The following documents were presented:

Australian Broadcasting Corporation—Equity and diversity—Report for 2003-04.

Department of Defence—Special purpose flights—Errata to schedule for period January to June 2004.

National Environment Protection Council—Report for 2003-04.

#### 14 DOCUMENTS

Mr Abbott (Leader of the House) presented the following documents:

Petitions not in accord with standing and sessional orders of the House.

#### 15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—OPEN AND HONEST GOVERNMENT

The House was informed that Mr Beazley (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The need for the Government to be open and honest with the Australian people”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

*Member directed to leave*

At 3.38 p.m. the Member for Chifley (Mr Price) was directed, under standing order 94, to leave the Chamber for one hour, and he accordingly left the Chamber.

*Documents*

Mr Abbott (Minister for Health and Ageing) presented the following documents:

National Ovarian Cancer Network Funding—

Abbott caught out breaking a promise; Now where’s the money?—Media Statement by Ms Gillard, 16 February 2005.

Copy of facsimile message from Susie Warwick, CEO, The National Ovarian Cancer Network (OvCa Australia), to Kate Miranda, 17 February 2005.

Copy of letter from Ms Gillard, Shadow Minister for Health, to Mr Abbott, Minister for Health and Ageing, 17 February 2005.

Discussion continued.

Discussion concluded.

**16 MEMBERS' INTERESTS COMMITTEE—REPORT**

Mr Ciobo (Chair) presented the following report:

Committee of Members' Interests—Report, together with the minutes of proceedings, on the operations of the committee for 2004.

Ordered to be made a Parliamentary Paper.

**17 PUBLICATIONS COMMITTEE—REPORT**

Mrs Draper (Chair) presented the following document:

**PUBLICATIONS COMMITTEE REPORT**

The Publications Committee reports that, having considered documents presented to Parliament since 9 December 2004, recommends that the following be made Parliamentary Papers:

Aboriginal and Torres Strait Islander Commission—Report for 2003-04.

Aboriginals Benefit Account—Report for 2003-04.

Aged Care Act 1997—Report for 2003-04.

Anglo-Australian Telescope Board—Report for 2003-04.

Australia and the International Financial Institutions—Report for 2003-04.

Australian Crime Commission—Report for 2003-04.

Australian Federal Police—Report for 2003-04.

Australian Hearing—Report for 2003-04.

Australian Institute of Health and Welfare—Report for 2003-04.

Centenary House—Royal Commission of Inquiry into the Centenary House Lease—Report by the Hon. David Hunt AO AC, Royal Commissioner, December 2004.

Central Land Council—Report for 2003-04.

Centrelink—Report for 2003-04.

Civil Aviation Safety Authority—Report for 2003-04.

Defence Force Retirement and Death Benefits Authority—Report for 2003-04.

Department of Employment and Workplace Relations—Report for 2003-04—Corrigendum.

Department of Health and Ageing—Report for 2003-04.

Foreign Investment Review Board—Report for 2003-04.

Health Insurance Commission—Report for 2003-04.

Health Services Australia—Report for 2003-04

Industry Research and Development Board—Report for 2003-04.

Migration Review Tribunal—Report for 2003-04.

National Capital Authority—Report for 2003-04.

National Industrial Chemicals Notification and Assessment Scheme—Report for 2003-04.

National Occupational Health and Safety Commission—Report for 2003-04.

Native Title Act—Native title representative bodies—Report for 2003-04—

Cape York Land Council Aboriginal Corporation.

Carpentaria Land Council Aboriginal Corporation.

Queensland South Representative Body Aboriginal Corporation.

Northern Land Council—Report for 2003-04.

Private Health Insurance Administration Council—Report for 2003-04.

Private Health Insurance Ombudsman—Report for 2003-04.

Productivity Commission—Report for 2003-04.

Refugee Review Tribunal—Report for 2003-04.

Torres Strait Regional Authority—Report for 2003-04.

Wet Tropics Management Authority—Report for 2003-04.

Wheat Export Authority—Report for 2003-04.

Trish Draper

Chair

17 February 2005

On the motion of Mrs Draper, by leave, the report was agreed to.

**18 ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the order of the day for the resumption of debate on the Address in Reply to the speech of His Excellency the Governor-General had been returned to the House from the Main Committee, and presented a certified copy of the report.

Question—That the Address in Reply to the speech of His Excellency the Governor-General be agreed to—put and passed.

**19 APPROPRIATION BILL (NO. 3) 2004-2005**

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—*And on the amendment moved thereto by Mr Swan (see item No. 11, page 198)*—

Debate resumed.

*Member directed to leave*

At 4.13 p.m. the Member for Hunter (Mr Fitzgibbon) was directed, under standing order 94, to leave the Chamber for one hour, and he accordingly left the Chamber.

Debate continued.

Mr Murphy addressing the House—

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**20 ADJOURNMENT**

It being 4.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 5 p.m.—The Speaker adjourned the House until Monday, 7 March 2005, at 12.30 p.m.

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**DOCUMENTS**

The following documents were deemed to have been presented on 17 February 2005:

Civil Aviation Act—

Civil Aviation Regulations—Instrument—2005 No. CASA 56 [F2005L00287].

Civil Aviation Safety Regulations—Airworthiness Directives—

Part 39-105—2005—

4 February [F2005L00214].

14 February [F2005L00304].

Part 39-106—2005 4 February [F2005L00211].

Commonwealth Authorities and Companies Act—Orders—2005 Commonwealth Authorities and Companies (Financial Statements for reporting periods ending on or after 30 June 2005) [F2005L00294].

Customs Act—Tariff Concession Orders—2005—4 (4) February [F2005L00306], [F2005L00307], [F2005L00308], [F2005L00309].

Financial Management and Accountability Act—Orders—2005 Financial Management and Accountability (Financial Statements for reporting periods ending on or after 30 June 2005) [F2005L00293].

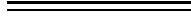
Lands Acquisition Act—Declaration under subsection 41(1), 23 December 2004.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Bowen\*, Mr Costello, Mr Edwards\*, Ms Hoare, Mr Katter and Ms Plibersek\*.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives

2004-05

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 18

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

THURSDAY, 17 FEBRUARY 2005

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH**

The order of the day having been read for the resumption of the debate on the question—That the following Address in Reply to the speech of His Excellency the Governor-General be agreed to:

May it please Your Excellency:

We, the House of Representatives of the Commonwealth of Australia, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech which you have been pleased to address to the Parliament—

Debate resumed.

Dr Southcott moved—That further proceedings be conducted in the House.

Question—put and passed.

**4 INDIAN OCEAN TSUNAMI—MOTION TO TAKE NOTE OF DOCUMENT**

The order of the day having been read for the resumption of the debate on the motion of Mr Pearce (Parliamentary Secretary to the Treasurer)—That the House take note of the document (*presented on 8 February 2005*), viz.:

Indian Ocean Tsunami—

Debate resumed.

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*Suspension of sitting*

At 12.15 p.m., a division having been called in the House, the proceedings were suspended.

*Resumption of sitting*

At 12.29 p.m., the proceedings were resumed.

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Debate continued.

Ms King was granted leave to continue her speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting.

**5 ADJOURNMENT**

Mr Neville moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.



At 1 p.m., the Deputy Speaker adjourned the Main Committee until 9.40 a.m. on Wednesday, 9 March 2005.

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**B. C. WRIGHT**  
Clerk of the Main Committee