

2004-05

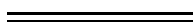
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 42

TUESDAY, 21 JUNE 2005



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

**2 QUESTIONS**

Questions without notice being asked—

*Document*

Mr Farmer (Parliamentary Secretary to the Minister for Education, Science and Training), in accordance with standing order 201, having called for a document quoted from by Dr Nelson (Minister for Education, Science and Training)—

Dr Nelson presented the following document:

School funding—The missing millions—\$882m—Table.

Questions without notice continued.

**3 AUDITOR-GENERAL'S REPORTS**

The Speaker presented the following documents:

Auditor-General—Audit reports of 2004–2005—Performance audits—

No. 52—Legal services arrangements in the Australian Public Service.

No. 53—The Home Ownership Programme: Indigenous Business Australia.

Reports ordered to be made Parliamentary Papers.

**4 DOCUMENTS**

The following documents were presented:

Australian Maritime College—Report for 2004.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer for period 1 January to 31 March 2005.

Commissioner of Taxation—Data-matching program—Australian Taxation Office interaction with the program—Reports—

2001-02, 2002-03, 2003-04.

2003-04.

Crimes Act—Authorisations for the acquisition and use of assumed identities—Australian Customs Service—Report for 2003-04.

Department of Health and Ageing—Private health insurance—Report on premium increases for quarter ending 31 March 2005.

National Health and Medical Research Council—Report for 2004.

Regional Forest Agreement between the Commonwealth and Tasmania—Supplementary agreement, 13 May 2005.

Treaties—Bilateral—Text, together with national interest analysis, regulation impact statement and annexures—

Agreement on Social Security between the Government of Australia and the Government of Ireland, done at Dublin on 9 June 2005.

Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the United States of America to Amend and Extend the Agreement concerning the Conduct of Scientific Balloon Flights for Civil Research Purposes.

Treaties—Joint Standing Committee—57th Report—Convention for the Safety of Life at Sea, 1974 and the Ship and Port Facility Security (ISPS) Code—Government response.

#### 5 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Mr Abbott (Leader of the House) moved—That the House take note of the following documents:

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer for period 1 January to 31 March 2005.

Department of Health and Ageing—Private health insurance—Report on premium increases for quarter ending 31 March 2005.

National Health and Medical Research Council—Report for 2004.

Debate adjourned (Ms Gillard), and the resumption of each debate made an order of the day for the next sitting.

#### 6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SMALL BUSINESS ADVOCATE

The House was informed that Mr A. S. Burke had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to provide an advocate for small business”.

The proposed discussion having received the necessary support—

Mr A. S. Burke addressed the House.

Discussion ensued.

Discussion concluded.

#### 7 MAIN COMMITTEE BUSINESS

Mr Bartlett (Chief Government Whip), by leave, moved—That, unless otherwise ordered:

- (1) for each of the Main Committee meetings on Wednesday, 22 June and Thursday, 23 June 2005, the first item of business shall be Members’ statements, each for no longer than 3 minutes, with the item of business finishing by 10 a.m., and:
- (2) the Statute Law Revision Bill 2005 be referred to the Main Committee for further consideration.

Question—put and passed.

#### 8 MESSAGE FROM THE SENATE

Message No. 144, 21 June 2005, from the Senate was reported returning the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005 without amendment.

#### 9 MESSAGE FROM THE SENATE—FAMILY LAW AMENDMENT BILL 2005

Message No. 142, 20 June 2005, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Family Law Act 1975* and the *Bankruptcy Act 1966*, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

#### 10 MESSAGE FROM THE SENATE—CRIMINAL CODE AMENDMENT (TRAFFICKING IN PERSONS OFFENCES) BILL 2005

Message No. 143, 20 June 2005, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Criminal Code Act 1995* to provide for offences relating to trafficking in persons, and for related purposes.

Bill read a first time.

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, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Ruddock, the bill was read a third time.

**11 MIGRATION AMENDMENT (DETENTION ARRANGEMENTS) BILL 2005**

Mr McGauran (Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs), pursuant to notice, presented a Bill for an Act to amend the *Migration Act 1958*, and for related 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, by leave, ensued.

Mr Beazley (Leader of the Opposition) 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 is of the view that:

- (1) medical personnel and media representatives should be given independent access to people in detention centres;
- (2) decisions on temporary protection visas must be given within 2 years, with
  - (a) the onus of proof being on the Government to establish that a visa should not be granted; and
  - (b) the system recognising that even if a person may not succeed in an application on the grounds of refugee status, the person may be accepted on the grounds of adding to Australia’s social or cultural life;
- (3) an Inspector General of Detention should be appointed to hear and resolve complaints from detainees about detention conditions;
- (4) children under 18 their siblings and parents should not be held in high security detention unless a judicial assessor determines otherwise; and
- (5) the Ombudsman should report monthly on the continued detention of all detainees held for 90 days”.

Debate continued.

**12 ADJOURNMENT**

It being approximately 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.

**DOCUMENTS**

The following documents were deemed to have been presented on 21 June 2005:

Australian Land Transport Development Act—Determination under section 10—2003-04 [F2005L01533].

Australian Meat and Live-stock Industry Act—Regulations—2005 Select Legislative Instrument No. 119 [F2005L01501].

Australian National University Act—Statutes—2005—Chancellorship [F2005L01575]

Faculty and Faculty Board (Research School of Astronomy and Astrophysics) Rules (No. 2) [F2005L01566].

Halls of Residence [F2005L01577]

Pro-Chancellorship [F2005L01574].

Australian Passports Act 2005—Proclamation under subsection 2 (1) fixing 1 July 2005 as the day on which sections 3 to 58 of the Act commence [F2005L01517].

Corporations Act—

Australian Securities and Investments Commission—Exemption under paragraphs 926A(2)(a) and 951B(1)(a)—Class Order CO 05/611 [F2005L01569].

Australian Securities and Investments Commission—Variation under subsection 341(1)—Class Order CO 05/542 [F2005L01566].

Customs Act—Tariff Concession Orders—2005 10, 17 (4) June [F2005L01538], [F2005L01583], [F2005L01585], [F2005L01586], [F2005L01587].

Environment Protection and Biodiversity Conservation Act—Instrument under subsection 303EC(1)—6 June 2005 [F2005L01549].

Hearing Services Administration Act—Rules—2005 Hearing Services Rules of Conduct Amendment (No. 1) [F2005L01559].

Income Tax Assessment Act—Determination—2005 Income Tax (Effective Life of Depreciating Assets) Amendment (No. 1) [F2005L01567].

Migration Act—Regulations—2005 Select Legislative Instruments—

No. 131 [F2005L01500].

No. 135 [F2005L01519].

Migration Agents Registration Application Charge Act—Regulations—2005 Select Legislative Instrument No. 132 [F2005L01498].

Motor Vehicle Standards Act—Regulations—2005 Select Legislative Instrument No. 138 [F2005L01413].

Sydney Airport Curfew Act—Dispensation—2005 No. 4.

Taxation Administration Act—

Determinations—2005 Nos TD 23, TD 24, TD 25, TD 26.

Rulings—2005 Nos CR 30, CR 30 (withdrawal), CR 46.

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#### **ATTENDANCE**

All Members attended (at some time during the sitting) except Ms Corcoran, Mr Jull\*, Dr Lawrence, Mr Macfarlane, Mr Randall and Ms Roxon\*.

\* On leave

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**I. C. HARRIS**

Clerk of the House of Representatives