

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 46

WEDNESDAY, 10 AUGUST 2005

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

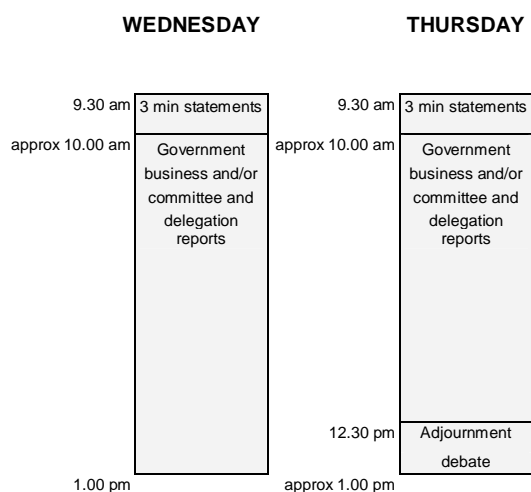
2 AMENDMENTS TO STANDING ORDERS NOS 192 AND 193

Mr Pearce (Parliamentary Secretary to the Treasurer), for Mr Abbott (Leader of the House), pursuant to notice, moved—That, until otherwise ordered, standing orders 192 and 193 be omitted and the following sessional orders 192 and 193, respectively, be substituted:

192 Main Committee's order of business

If the Committee meets on a Wednesday or Thursday the normal order of business is set out in figure 4.

Figure 4 Main Committee order of business



The sitting times of the Main Committee are set by the Deputy Speaker and are subject to change. Additional sittings may be scheduled if required. The sitting on Thursday may extend until 1.30 pm. Adjournment debates can occur on days other than Thursdays by agreement between the whips.

193 Members' three minute statements

If the Main Committee meets before 10 am the first item of business shall be statements by Members. The Deputy Speaker may call a Member, including a Parliamentary Secretary but not a Minister, to make a statement for no longer than three minutes. The period for Members' statements may continue for 30 minutes, but must finish by 10 am.

Debate ensued.

Question—put and passed.

3 TAX LAWS AMENDMENT (2005 MEASURES NO. 4) BILL 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—

Debate resumed.

Ms Plibersek 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 for:
 - (a) a measure which does nothing to increase child care places;
 - (b) breaking its own election promise that the rebate would be available immediately and uncapped;
 - (c) making parents wait up to 30 months for relief from high child care fees;
 - (d) causing confusion by creating a different activity test from the test for Child Care Benefit; and
 - (e) introducing an anomalous and unfair rebate that leaves out many Australian parents who have high child care costs; and
- (2) calls on the Government to make the tax offset claimable at the end of each financial year, and give parents the option to either:
 - (a) self assess their entitlement to the offset, and keep receipts as evidence of their self-assessed entitlement; or
 - (b) elect to have the Australian Tax Office assess their tax offset entitlement, once the relevant data is received from child care providers, and receive the offset after that”.

Debate continued.

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

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

AYES, 81

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

NOES, 56

Mr Adams	Ms A. L. Ellis	Ms Hoare	Mr Price*
Mr Albanese	Ms K. M. Ellis	Mrs Irwin	Mr Quick
Mr Beazley	Mr Emerson	Mr Jenkins	Mr Ripoll
Mr Bevis	Mr L. D. T. Ferguson	Mr Kerr	Ms Roxon
Ms Bird	Mr M. J. Ferguson	Ms C. King	Mr Rudd
Mr Bowen	Mr Fitzgibbon	Ms Livermore	Mr Sawford
Ms A. E. Burke	Mr Garrett	Mr McClelland	Mr Sercombe
Mr T. S. Burke	Mr Georganas	Ms Macklin	Mr S. F. Smith
Mr Byrne	Ms George	Mr McMullan	Mr Snowdon
Ms Corcoran	Mr Gibbons	Mr Murphy	Mr Swan
Mr Crean	Ms Gillard	Mr B. P. O'Connor	Mr Tanner
Mr Danby*	Ms Grierson	Mr G. M. O'Connor	Mr K. J. Thomson
Mr Edwards	Mr Griffin	Ms Owens	Ms Vamvakinou
Mrs Elliot	Mr Hayes	Ms Plibersek	Mr Wilkie

* 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.

Message from the Governor-General

Message No. 88, 8 August 2005, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Consideration in detail

Bill, by leave, taken as a whole.

Ms Plibersek, by leave, moved amendments (1) to (10) together.

Debate continued.

Question—That amendments (1) to (10) be agreed to—put.

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

AYES, 56

Mr Adams	Ms A. L. Ellis	Ms Hoare	Mr Price
Mr Albanese	Ms K. M. Ellis	Mrs Irwin	Mr Quick
Mr Beazley	Mr Emerson	Mr Jenkins	Mr Ripoll
Mr Bevis	Mr L. D. T. Ferguson	Mr Kerr	Ms Roxon
Ms Bird*	Mr M. J. Ferguson	Ms C. King	Mr Rudd
Mr Bowen	Mr Fitzgibbon	Ms Livermore	Mr Sawford
Ms A. E. Burke	Mr Garrett	Mr McClelland	Mr Sercombe
Mr T. S. Burke	Mr Georganas	Ms Macklin	Mr S. F. Smith
Mr Byrne	Ms George	Mr McMullan	Mr Snowdon
Ms Corcoran	Mr Gibbons	Mr Murphy	Mr Swan
Mr Crean	Ms Gillard	Mr B. P. O'Connor	Mr Tanner
Mr Danby*	Ms Grierson	Mr G. M. O'Connor	Mr K. J. Thomson
Mr Edwards	Mr Griffin	Ms Owens	Ms Vamvakinou
Mrs Elliot	Mr Hayes	Ms Plibersek	Mr Wilkie

NOES, 81

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

* Tellers

And so it was negatived.

Mr Fitzgibbon, by leave, moved amendments (1) to (3) together.

Debate continued.

Question—That amendments (1) to (3) be agreed to—put.

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

AYES, 56

Mr Adams	Ms A. L. Ellis	Ms Hoare	Mr Price
Mr Albanese	Ms K. M. Ellis	Mrs Irwin	Mr Quick
Mr Beazley	Mr Emerson	Mr Jenkins	Mr Ripoll
Mr Bevis	Mr L. D. T. Ferguson	Mr Kerr	Ms Roxon
Ms Bird*	Mr M. J. Ferguson	Ms C. King	Mr Rudd
Mr Bowen	Mr Fitzgibbon	Ms Livermore	Mr Sawford
Ms A. E. Burke	Mr Garrett	Mr McClelland	Mr Sercombe
Mr T. S. Burke	Mr Georganas	Ms Macklin	Mr S. F. Smith
Mr Byrne	Ms George	Mr McMullan	Mr Snowdon
Ms Corcoran	Mr Gibbons	Mr Murphy	Mr Swan
Mr Crean	Ms Gillard	Mr B. P. O'Connor	Mr Tanner
Mr Danby*	Ms Grierson	Mr G. M. O'Connor	Mr K. J. Thomson
Mr Edwards	Mr Griffin	Ms Owens	Ms Vamvakinou
Mrs Elliot	Mr Hayes	Ms Plibersek	Mr Wilkie

NOES, 82

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

* Tellers

And so it was negated.

Debate continued.

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

4 QUESTIONS

Questions without notice were asked.

5 PRIVILEGE—COMPLAINT OF BREACH

Mr Nairn raised, as a matter of privilege, two incidents where alleged fraudulent and inaccurate documents were written and distributed purportedly in his name.

Documents

Mr Nairn presented the following documents:

Forestry industry assistance package grants—Letter dated 1 April 2005.

New vision for timber industry—Media statement.

The Speaker stated that he would consider the matter and report to the House at a later time.

6 DOCUMENT

The following document was presented:

Australian Meat and Live-stock Industry Act—Live-stock mortalities for exports by sea—Report for the period 1 January to 30 June 2005.

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—UNIVERSITY STUDENT SERVICES

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 attack on university student services”.

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Documents

Dr Nelson (Minister for Education, Science and Training) presented the following documents:

Childcare Services at UNSW—Welcoming families to UNSW campuses—Appendix.

VSU Legislation—A message from the Vice-Chancellor Professor Richard Larkins, 18 July 2005.

Discussion concluded.

8 TELECOMMUNICATIONS AND OTHER LEGISLATION AMENDMENT (PROTECTION OF SUBMARINE CABLES AND OTHER MEASURES) BILL 2005—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the bill had been agreed to without amendment, and presented a certified copy of the bill.

Bill agreed to.

On the motion of Mr Brough (Minister for Revenue and Assistant Treasurer), by leave, the bill was read a third time.

9 MESSAGES FROM THE SENATE

Messages from the Senate, 10 August 2005, were reported:

- (a) returning the following bills and not insisting on its amendments disagreed to by the House:
 - Tax Laws Amendment (Personal Income Tax Reduction) 2005—Message No. 170; and
 - Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) 2005—Message No. 172; and
- (b) returning the Superannuation Laws Amendment (Abolition of Surcharge) Bill 2005 without amendment—Message No. 171.

10 POSTPONEMENT OF BUSINESS

Ordered—That business intervening before notice No. 2, government business, be postponed until a later hour this day.

11 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED FITOUT OF NEW LEASED PREMISES FOR AUSAID, ACT

Dr Stone (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Fitout of new leased premises for AusAID at Block 20, Section 10, known as London 11, Canberra, ACT.

Question—put and passed.

12 TAX LAWS AMENDMENT (2005 MEASURES NO. 4) BILL 2005

The order of the day having been read for the further consideration in detail of the bill—

Consideration in detail

Bill, as a whole—

Debate resumed.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Brough (Minister for Revenue and Assistant Treasurer), by leave, the bill was read a third time.

13 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 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—

Debate resumed.

Mr Tuckey was granted leave to continue his speech when the debate is resumed.

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

14 PRIVILEGE—STATEMENT BY SPEAKER—REFERENCE TO COMMITTEE OF PRIVILEGES

The Speaker referred to the matter of privilege raised in the House earlier today by Mr Nairn, relating to two incidents where alleged fraudulent and inaccurate documents were written and distributed purportedly in his name.

The Speaker stated that he had carefully examined the remarks made by Mr Nairn and the documents he had presented to the House and was satisfied that there was evidence of a *prima facie* case of a breach of privilege. The Speaker also stated that, in the circumstances, he was satisfied that the matter had been raised at the earliest possible opportunity, and that he was prepared to allow precedence to a motion on the matter.

Mr Nairn moved—That the question of whether two incidents where alleged fraudulent and inaccurate documents purportedly from the Member for Eden Monaro were distributed to media outlets and to a recipient of government funding in his electorate constitute contempts, be referred to the Committee of Privileges.

Question—put and passed.

15 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9 a.m.

DOCUMENTS

The following documents were deemed to have been presented on 10 August 2005:

Broadcasting Services Act—Determination—2005 Broadcasting Services (HDTV Demonstration Programs) [F2005L02218].

Civil Aviation Act—

Civil Aviation Regulations—Exemption—2005 No. CASA EX31 [F2005L02117].

Civil Aviation Safety Regulations—Airworthiness Directives—Part 39-107—2005 3 August [F2005L02237].

Customs Act—Order—Tariff Concession Revocation—25 July 2005 [F2005L02205].

Defence Act—Determinations under section 58B—2005 No. 29.

Financial Sector (Collection of Data) Act—Determination of reporting standards under subsection 13(1)—2005—Nos 75, 88, 92, 96, 97, 99, 100, [F2005L02140], [F2005L02165], [F2005L02178], [F2005L02183], [F2005L02184], [F2005L02186], [F2005L02187].

Superannuation Act 2005—Determinations—2005—Superannuation (PSSAP) Unit Pricing Amendment Determination—Nos 3, 4, 5 [F2005L02200], [F2005L02249], [F2005L02263].

Taxation Administration Act—

Determinations—

2000—Nos GSTD 1 (Withdrawal).

2005—No. TD 33.

Rulings—2005—

No. CR 42 (Withdrawal).

No. PR 94 (Withdrawal).

No. PR 95 (Withdrawal).

Water Efficiency Labelling and Standards Act—Declaration—2005—Water efficiency labelling and standards [F2005L02209].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Baker, Ms Hall, Mr Hockey, Mr Jull* and Mr Melham.

* On leave

I. C. HARRIS
Clerk of the House of Representatives

2004-05

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 46

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 10 AUGUST 2005

1 The Main Committee met at 9.30 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **TELECOMMUNICATIONS AND OTHER LEGISLATION AMENDMENT (PROTECTION OF SUBMARINE CABLES AND OTHER MEASURES) BILL 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—

Debate resumed.

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

Message from the Governor-General

Message No. 87, 4 July 2005, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Leave granted for the question on the report to be put immediately.

Question—That the bill be reported to the House without amendment—put and passed.

4 **ADJOURNMENT**

On the motion of Mr A. D. H. Smith, the Main Committee adjourned at 10.26 a.m.

The Deputy Speaker fixed tomorrow at 9.30 a.m. for the next meeting of the Main Committee.

B. C. WRIGHT
Clerk of the Main Committee