

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 75

MONDAY, 5 DECEMBER 2005

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

2 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS

Mrs Moylan presented the following document:

Australian Parliamentary Delegation to the 113th Inter-Parliamentary Union Assembly in Geneva (16-20 October 2005) and a bilateral visit to the Republic of Singapore (23-27 October 2005)—Report, December 2005.

Mrs Moylan and Mrs Irwin made statements in connection with the report.

3 FAMILY AND HUMAN SERVICES—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mrs B. K. Bishop (Chair) presented the following document (sent to the Speaker on 21 November 2005, pursuant to standing order 247):

Family and Human Services—Standing Committee—Overseas adoption in Australia: Inquiry into adoption of children from overseas—

Report, November 2005.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

The time allotted for making statements on the report having expired—

Mrs B. K. Bishop moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

4 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mrs May (Chair) presented the following documents:

Procedure—Standing Committee—Procedures relating to House committees—

Report, incorporating additional comments and evidence received by the committee, November 2005.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

The time allotted for making statements on the report having expired—

Mrs May moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

5 MIGRATION—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mr Randall (Chair) presented the following documents:

Migration—Joint Standing Committee—Detention Centre Contracts: Review of Audit Report No. 1, 2005-2006, Management of the Detention Centre Contracts—Part B—
Report, November 2005.

Evidence received by the committee.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report being made—

Document

Mr Randall, by leave, presented the following document:

Migration—Joint Standing Committee—Report on Detention Centre Contracts—Tabling Statement, 5 December 2005.

Statements continued.

The time allotted for making statements on the report having expired—

Mr Randall moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

6 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF DOCUMENT

Ms A. L. Ellis presented the following document and made a statement in connection with the report:

National Capital and External Territories—Joint Standing Committee—Norfolk Island financial sustainability—The challenge—sink or swim—Report, incorporating supplementary remarks, November 2005.

Ordered to be made a Parliamentary Paper.

Ms A. L. Ellis moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

7 ASIO, ASIS AND DSD—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mr Jull (Chair) presented the following documents:

ASIO, ASIS and DSD—Parliamentary Joint Committee—ASIO's Questioning and Detention Powers—Review of the operation, effectiveness and implications of Division 3 of Part III in the *Australian Security Intelligence Organisation Act 1979*—

Report, November 2005.

Evidence received by the committee.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

Mr Jull moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

8 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mrs May presented the following document:

Treaties—Joint Standing Committee—Report 69—Treaties tabled on 13 September and 11 October 2005: Amendments to the Schedule to the International Convention for the Regulation of Whaling;

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography—Report, November 2005.

Ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

Mrs May moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

9 CRIMES ACT AMENDMENT (INCITEMENT TO VIOLENCE) BILL 2005

Ms Roxon, pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1914*, to deal with threats and incitement because of race, colour, religion or national or ethnic origin.

Ms Roxon made a statement in relation to the bill.

Document

Ms Roxon presented an explanatory memorandum to the bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting, in accordance with standing order 41.

10 MEMBERS' STATEMENTS

Members' statements being made and a petition presented—

Document

Ms Plibersek, by leave, presented the following document:

Make Poverty History—Banner signed by students from St Scholastica's College, Glebe Point, NSW.

Members' statements continued.

11 DEATH OF FORMER SENATOR (THE HONOURABLE PETER FRANCIS SALMON COOK)

Mr Howard (Prime Minister) referred to the death of the Honourable P. F. S. Cook, and moved—That the House expresses its deep regret at the death on 3 December 2005, of the Honourable Peter Francis Salmon Cook, former Federal Minister and Senator for the State of Western Australia, and places on record its appreciation of his long and meritorious public service, and tenders its profound sympathy to his family in their bereavement.

Mr Beazley (Leader of the Opposition) having seconded the motion, Mr M. A. J. Vaile (Leader of the Nationals) and Mr Crean having addressed the House in support thereof, and all Members present having risen, in silence—

Debate adjourned (Mr Abbott—Leader of the House), and the resumption of the debate made an order of the day for the next sitting.

12 MATTER REFERRED TO MAIN COMMITTEE

Mr Abbott (Leader of the House), by leave, moved—That the resumption of debate on the Prime Minister's motion of condolence in connection with the death of the Honourable Peter Cook (*see item No. 11*) be referred to the Main Committee.

Question—put and passed.

13 QUESTIONS

Questions without notice were asked.

14 MAIN COMMITTEE—DAY OF NEXT MEETING

The Speaker reported that the Deputy Speaker had fixed Monday, 5 December 2005, at 5 p.m., for the next meeting of the Main Committee.

15 PETITIONS

Petitions lodged for presentation were announced.

16 PETROL PRICES

Mrs Elliot, pursuant to notice, moved—That this House:

- (1) notes that petrol prices in regional areas have dramatically increased and are averaging well over \$1.20 per litre;
- (2) recognises that these prices are becoming prohibitive for families and small businesses and are adversely impacting on tourism – an industry which many regional areas rely on; and
- (3) calls on the Government to direct the Australian Competition and Consumer Commission to formally monitor prices under Part VIIA of the *Trade Practices Act 1974*.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mr Johnson was granted leave to continue his speech when the debate is resumed.

17 HEALTH

Mrs May, pursuant to notice, moved—That this House:

- (1) recognises that:
 - (a) good health is the single most important factor necessary for individuals to lead a happy and successful life;
 - (b) what individuals think, eat and the amount of activity they undertake are important determinants of health and wellbeing;
 - (c) Australians have a high incidence of preventable diseases that are influenced by lifestyle and behaviour including cardiovascular diseases, cholesterol, obesity and diabetes;
 - (d) for many Australians, health is simply access to medical goods and services; and
 - (e) once illness has taken hold, because of the mind/body connection, many do not have the mindset to better improve their health until they get a ‘scare’ which often comes too late; and
- (2) calls on the Australian Government to:
 - (a) educate youngsters in schools about health and ways of preventing illness;
 - (b) educate couples before starting a family on healthy lifestyles for children;
 - (c) refocus the training of our doctors from ill health to good health with an emphasis on preventative care; and
 - (d) implement a National Health Strategy with a strong focus on preventative health.

Debate ensued.

The time allotted for private Members’ business having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Ms Hall was granted leave to continue her speech when the debate is resumed.

18 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 44, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

The time allotted for the debate having expired—

Question—That grievances be noted—put and passed.

19 MESSAGE FROM THE SENATE—WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) BILL 2005

Message No. 228, 2 December 2005, from the Senate was reported returning the Workplace Relations Amendment (Work Choices) Bill 2005 with amendments.

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

20 TAX LAWS AMENDMENT (IMPROVEMENTS TO SELF ASSESSMENT) BILL (NO. 2) 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 Fitzgibbon, 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:

- (1) maintaining and allowing the self assessment system to so seriously deteriorate over a long period of time so these radical reforms are needed;
- (2) failing to provide sufficient certainty on how oral advice will be recorded and made available; and
- (3) failure to clarify in this bill how the personal tax affairs of a taxpayer will be linked to the tax affairs of a company with which the taxpayer is associated”—

Debate resumed.

Amendment negatived.

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 immediately.

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

21 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005—SENATE’S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate—

Constitutional significance of Senate amendments—Statement by Deputy Speaker

The Deputy Speaker made a statement concerning two of the Senate amendments with respect to this bill, and the matters of constitutional principle they raised. Proposed Senate amendments (1) and (2), if enacted, would have the effect of moving expenditure between financial years. The view has been taken that legally this would amount to a change in the destination of the appropriation.

There is doubt that the Senate may proceed in these circumstances by way of amendment because of section 53 of the Constitution. Among other things, this section prohibits the Senate from amending a bill so as to increase ‘any proposed charge or burden on the people’.

The view has been taken that where expenditure is to be transferred in such circumstances, section 56 of the Constitution requires that the proposed appropriation must be recommended by a message from the Governor-General. Such a message has been obtained in this case.

The House will need to consider the way in which it should proceed to deal with the matters raised in Senate amendments (1) and (2). If it wishes to entertain the proposals reflected in the amendments, it may choose to proceed by alternative means.

The matter for consideration is not so much one of the privileges and rights between the two Houses but observance of the requirements of the Constitution concerning the appropriation of revenue.

Dr Nelson (Minister for Education, Science and Training) moved—That the House endorse the statement of the Deputy Speaker in relation to the constitutional questions raised by Message No. 216 transmitted by the Senate in relation to the Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005.

Question—put and passed.

On the motion of Dr Nelson, amendment No. 3 was agreed to, after debate.

On the motion of Dr Nelson, amendments Nos 1 and 2 were disagreed to.

Message from the Governor-General

Message No. 125, 6 September 2005, from His Excellency the Governor-General, was announced recommending an appropriation for the purposes of amendments to the bill.

Dr Nelson moved—That Government amendments Nos 2 and 3 be made in place of the Senate’s amendments Nos 1 and 2 which were disagreed to.

Document

Dr Nelson presented a supplementary explanatory memorandum to the bill.

Debate ensued.

Question—put and passed.

On the motion of Dr Nelson, further Government amendment No. 1 was agreed to, after debate.

22 POSTPONEMENT OF BUSINESS

Ordered—That business intervening before order of the day, No. 10, government business, be postponed until a later hour this day.

23 HIGHER EDUCATION SUPPORT AMENDMENT (ABOLITION OF COMPULSORY UP-FRONT STUDENT UNION FEES) 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.

24 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 2 p.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 5 December 2005:

Aviation Transport Security Act—Regulations—Select Legislative Instrument—2005 No. 289 [F2005L03743].

Broadcasting Services Act—Standards—2005 Children's Television [F2005L03713].

Civil Aviation Act—

Civil Aviation Regulations—Exemptions—2005 Nos CASA EX53, CASA EX56, CASA EX57 [F2005L03843], [F2005L03855], [F2005L03856].

Civil Aviation Safety Regulations—Airworthiness Directives—Part 39-105—2005 30 November [F2005L03870].

Currency Act—Determinations—2005—

Currency (Perth Mint) (No. 3) [F2005L03858].

Currency (Perth Mint) (No. 4) Amendment (No. 2) [F2005L03862].

Customs Act—

Orders—

Tariff Concession—2005 25 (14) November [F2005L03759], [F2005L03761], [F2005L03769], [F2005L03770], [F2005L03772], [F2005L03773], [F2005L03778], [F2005L03782], [F2005L03783], [F2005L03787], [F2005L03790], [F2005L03834], [F2005L03835], [F2005L03837].

Tariff Concession Revocation—2005 17 November [F2005L03730].

Regulations—Select Legislative Instruments—2005 Nos 278, 279 [F2005L03718], [F2005L03721].

Customs Administration Act—Regulations—Select Legislative Instrument—2005 No. 277 [F2005L03701].

Defence Act—Determinations under section 58B—2005 Nos 52, 53.

Environment Protection and Biodiversity Conservation Act—Instruments under subsection 303DC(1)—26 November 2005 [F2005L03830].

28 November 2005 [F2005L03824].

29 November 2005 [F2005L03844].

Federal Court of Australia Act—Rules of Court—Select Legislative Instrument—2005 No. 291 [F2005L03791].

Financial Management and Accountability Act—Determinations to abolish a special account—2005 Nos 4, 5, 6, 17, 18, 19, 20 [F2005L03794], [F2005L03799], [F2005L03801], [F2005L03803], [F2005L03804], [F2005L03811], [F2005L03840].

Fisheries Management Act—Heard Island and McDonald Island Fishery Management Plan—Determination—2005 No. HIMIF TAC D4 [F2005L03833].

Direction—2005 No. HIMIFD 9 [F2005L03867].

Temporary Order—25 November 2005 [F2005L03817].

Fisheries Management Act and Fishing Levy Act—Regulations—Select Legislative Instrument—2005 No. 282 [F2005L03861].

Health Insurance Act—Regulations—Select Legislative Instruments—2005 Nos 271, 272, 273, 286 [F2005L03676], [F2005L03679], [F2005L03678], [F2005L03869].

Higher Education Support Act—Higher education provider—Notice of approval—2005 No. 14 [F2005L03849].

Migration Act—Migration Agents Regulations—Notice—2005 Migration Agents (Continuing professional development—Miscellaneous activities) [F2005L03879].

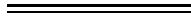
National Health Act—

Arrangements under subparagraph 100(1)(b)(i)—2005 Nos PB 37, PB 38, PB 39 [F2005L03805], [F2005L03775], [F2005L03818].

Determination under paragraph 98C(1)(b)—2005 No. PB 31 [F2005L03823].

Regulations—Select Legislative Instrument—2005 No. 287 [F2005L03868].

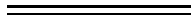
Telecommunications (Consumer Protection and Service Standards) Act—Determination—2005 National Relay Service (Participating persons) (No. 1) [F2005L03809].



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Albanese and Dr Southcott*.

* On leave



I. C. HARRIS
Clerk of the House of Representatives

2004-05

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 75

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

MONDAY, 5 DECEMBER 2005

1 The Main Committee met at 5 p.m.

2 **DEATH OF THE HON PETER FRANCIS SALMON COOK—CONDOLENCE MOTION MOVED BY THE PRIME MINISTER**

The order of the day having been read for the resumption of the debate on the motion of Mr Howard (Prime Minister)—That the House expresses its deep regret at the death on 3 December 2005, of the Honourable Peter Francis Salmon Cook, former Federal Minister and Senator for the State of Western Australia, and places on record its appreciation of his long and meritorious public service, and tenders its profound sympathy to his family in their bereavement—

Debate resumed.

As a mark of respect to the memory of the Honourable Peter Francis Salmon Cook all Members present stood, in silence.

Mr Neville moved that further proceedings be conducted in the House.

Question—put and passed.

3 **ADJOURNMENT**

On the motion of Mr Neville, the Main Committee adjourned at 7.46 p.m.

The Deputy Speaker adjourned the Main Committee until 9.30 a.m. on Wednesday, 7 December 2005.

B. C. WRIGHT
Clerk of the Main Committee