

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 46

MONDAY, 23 SEPTEMBER 2002

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

**2 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Jull presented the following papers:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Review of Foreign Affairs, Trade and Defence Annual Reports, 2000-2001—

Report, September 2002.

Evidence received by the committee.

Ordered—That the report be printed.

Mr Jull and Mr Bevis made statements in connection with the report.

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

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

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

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**3 ECONOMICS, FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Hawker (Chair) presented the following papers:

Economics, Finance and Public Administration—Standing Committee—Review of Reserve Bank of Australia Annual Report 2000-01—

Report, August 2002.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Hawker, Ms Burke, Dr Southcott and Mr Griffin made statements in connection with the report.

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

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

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

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**4 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' BUSINESS**

Fran Bailey (Parliamentary Secretary to the Minister for Defence), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent:

- (1) notice No. 1, private Members' business, given by Mr Crean (Leader of the Opposition), to be presented at 1.40 p.m.; and

- (2) notice No. 5, private Members' business, given by Mr L. D. T. Ferguson, to be moved in his absence by Ms Vamvakinou.

Debate ensued.

Question—put and passed.

#### 5 TRADE PRACTICES AMENDMENT (PUBLIC LIABILITY INSURANCE) BILL 2002

Mr McMullan, pursuant to notice, presented a Bill for an Act to amend the *Trade Practices Act 1974* to give the Australian Competition and Consumer Commission power to deal with any price exploitation arising from changes in the law in relation to public liability, and for related purposes.

Mr McMullan made a statement in relation 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 104A.

#### 6 TRADE PRACTICES AMENDMENT (CREDIT CARD REFORM) BILL 2002

Mr Griffin, pursuant to notice, presented a Bill for an Act to amend the *Trade Practices Act 1974* to give the Australian Competition and Consumer Commission power to deal with any price exploitation arising from changes in the regulation of credit card fees, and for related purposes.

Mr Griffin made a statement in relation 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 104A.

#### 7 DROUGHT

Mr Cobb, pursuant to notice, moved—That this House:

- (1) notes the serious state of drought across the south eastern part of the Australian continent;
- (2) recognises the variability of weather patterns across Australia;
- (3) recognises the serious economic and social impact being felt by rural communities;
- (4) acknowledges the need to maintain the long term viability of agriculture in the drought affected regions; and
- (5) calls on State Governments to provide a more substantial financial contribution to drought relief.

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

#### 8 CORPORATIONS AMENDMENT (IMPROVING CORPORATE GOVERNANCE) BILL 2002

Mr Crean (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Corporations Act 2001* to improve corporate governance, and for related purposes.

Mr Crean made a statement in relation 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 104A.

#### 9 MEMBERS' STATEMENTS

Members' statements were made and a petition was presented.

#### 10 MINISTERIAL ARRANGEMENTS

Mr Anderson (Deputy Prime Minister) informed the House that, during the absence abroad of Mr Howard (Prime Minister), he would answer questions on his behalf.

Mr Anderson also informed the House that, during the absence abroad of Mr Costello (Treasurer) and Mr K. J. Andrews (Minister for Ageing), Mr Downer (Minister for Foreign Affairs) and Dr Nelson (Minister for Education, Science and Training), respectively, would answer questions on their behalf.

**11 QUESTIONS**

Questions without notice were asked.

**12 PETITIONS**

Petitions lodged for presentation were announced.

**13 ETHNIC COMMUNITY BROADCASTING**

Ms Vamvakinou, for Mr L. D. T. Ferguson, pursuant to notice, moved—That this House:

- (1) pays tribute to the thousands of dedicated people across Australia who are involved every week in ethnic community broadcasting;
- (2) recognises that the Australian Ethnic Radio Training Project (AERTP), auspiced by the National Ethnic and Multicultural Broadcasters Council, performs a vital role in providing nationally available, quality, accredited, value-for-money competency-based training for aspiring ethnic community broadcasters;
- (3) acknowledges there is an ongoing demand for such training from new broadcasters, new programs, new language groups and from existing groups; and
- (4) calls on the Government to provide further financial support to AERTP to ensure that it continues to operate beyond the 2002-2003 financial year.

Debate ensued.

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

**14 TOURISM INDUSTRY**

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

- (1) recognises the positive contribution of this Government in encouraging the tourism industry in Australia;
- (2) notes the impact of external factors on the local industry;
- (3) recognises the contribution of local and regional tourism to the national economy;
- (4) acknowledges the important role of local and regional tourism in providing employment opportunities for young people; and
- (5) recognises the need for more equitable dismissal laws for small business to ensure greater employment opportunities are made available by employers in the tourism industry.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

**15 GRIEVANCE DEBATE**

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

**16 TRANSPORT SAFETY INVESTIGATION BILL 2002—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Main Committee had been unable to complete its consideration of the Bill and had returned the Bill with an unresolved question (*see item No. 8, 19 September 2002, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the unresolved question.

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

**17 TRANSPORT SAFETY INVESTIGATION (CONSEQUENTIAL AMENDMENTS) BILL 2002—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

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

**18 MEMBERS OF PARLIAMENT (LIFE GOLD PASS) BILL 2002—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 Jackie Kelly (Parliamentary Secretary to the Prime Minister), by leave, the Bill was read a third time.

**19 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the following Bill without amendment:

23 September 2002—Message No. 111—Marriage Amendment 2002.

**20 MESSAGE FROM THE SENATE—CUSTOMS LEGISLATION AMENDMENT BILL (NO. 1) 2002**

Message No. 108, 19 September 2002, from the Senate was reported returning the Customs Legislation Amendment Bill (No. 1) 2002 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Jackie Kelly (Parliamentary Secretary to the Prime Minister), the amendments were agreed to.

**21 MESSAGE FROM THE SENATE—HIGHER EDUCATION FUNDING AMENDMENT BILL 2002**

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

19 September 2002—Message No. 106—Higher Education Funding Amendment 2002.

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

**22 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002**

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 Melham, viz.*—That all words after "That" be omitted with a view to substituting the following words: "the House:

- (1) notes with concern:
  - (a) the Government's response to the report of the Parliamentary Joint Committee on ASIO, ASIS and DSD is inadequate;
  - (b) the Government proposes that, for the first time, Australians not suspected of any offence could be detained by ASIO for questioning;
  - (c) the Government proposes those detained by ASIO do not have the right to legal advice for the first 48 hours of their detention;
  - (d) the Government proposes children can be detained by ASIO for questioning; and
  - (e) the Government's proposals will significantly change the role of ASIO by giving it powers of coercion and detention; and
- (2) expresses the view that this Bill contains serious compromises to civil liberties and alternative approaches should be more thoroughly explored in place of the measures proposed in this Bill"—

Debate resumed.

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

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

## AYES, 73

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

## NOES, 59

Mr Adams	Mr Fitzgibbon	Dr Lawrence	Mr Ripoll
Mr Albanese	Ms George	Ms Livermore	Ms Roxon
Mr Andren	Mr Gibbons	Mr McClelland	Mr Rudd
Mr Bevis	Ms Grierson	Ms J. S. McFarlane	Mr Sercombe
Ms Burke	Mr Griffin	Ms Macklin	Mr Sidebottom
Mr Byrne	Ms Hall	Mr McLeay	Mr S. F. Smith
Ms Corcoran	Mr Hatton	Mr McMullan	Mr Snowdon
Mr Cox	Ms Hoare	Mr Melham	Mr Swan
Mr Crean	Mrs Irwin	Mr Mossfield	Mr Tanner
Mrs Crosio	Ms Jackson	Mr Murphy	Mr K. J. Thomson
Mr Danby*	Mr Jenkins	Mr B. P. O'Connor	Ms Vamvakinou
Mr Edwards	Mr Katter	Mr G. M. O'Connor	Mr Wilkie
Ms Ellis	Mr Kerr	Ms Plibersek	Mr Windsor
Mr Emerson	Ms C. F. King	Mr Price	Mr Zahra
Mr Evans	Mr Latham	Mr Quick*	

\* Tellers

And so it was resolved in the affirmative.

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

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

## AYES, 73

Mr Abbott	Mrs Draper	Dr Kemp	Mr Secker
Mr Anderson	Mr Dutton	Mr P. E. King	Mr Slipper
Mr Anthony	Mrs Elson	Mrs Ley	Mr A. D. H. Smith
Fran Bailey	Mr Entsch	Mr Lindsay	Mr Somlyay
Mr Baird	Mr Farmer	Mr Lloyd	Dr Southcott
Mr Baldwin	Mr Forrest*	Mr McArthur*	Dr Stone
Mr Barresi	Mrs Gallus	Mr I. E. Macfarlane	Mr C. P. Thompson
Mr Bartlett	Mrs Gash	Mr McGauran	Mr Ticehurst
Mr Billson	Mr Georgiou	Mrs Moylan	Mr Tollner
Mrs B. K. Bishop	Mr Haase	Mr Nairn	Mr Truss
Ms J. I. Bishop	Mr Hardgrave	Dr Nelson	Mr Tuckey
Mr Brough	Mr Hartsuyker	Mr Neville	Mr M. A. J. Vaile
Mr Cadman	Mr Hockey	Ms Panopoulos	Mrs D. S. Vale
Mr Cameron	Mrs Hull	Mr Pearce	Mr Wakelin
Mr Causley	Mr Hunt	Mr Prosser	Dr Washer
Mr Charles	Mr Johnson	Mr Pyne	Mr Williams
Mr Ciobo	Mr Jull	Mr Randall	
Mr Cobb	Mrs D. M. Kelly	Mr Ruddock	
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Mr Adams	Mr Fitzgibbon	Dr Lawrence	Mr Ripoll
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Ms Corcoran	Mr Hatton	Mr McMullan	Mr Snowdon
Mr Cox	Ms Hoare	Mr Melham	Mr Swan
Mr Crean	Mrs Irwin	Mr Mossfield	Mr Tanner
Mrs Crosio	Ms Jackson	Mr Murphy	Mr K. J. Thomson
Mr Danby*	Mr Jenkins	Mr B. P. O'Connor	Ms Vamvakinou
Mr Edwards	Mr Katter	Mr G. M. O'Connor	Mr Wilkie
Ms Ellis	Mr Kerr	Ms Plibersek	Mr Windsor
Mr Emerson	Ms C. F. King	Mr Price	Mr Zahra
Mr Evans	Mr Latham	Mr Quick*	

\* Tellers

And so it was resolved in the affirmative—Bill read a second time.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Paper*

Mr Williams (Attorney-General) presented a supplementary explanatory memorandum to the Bill.

Mr Williams, by leave, moved Government amendments (1) to (57) together.

Mr Melham addressing the House—

**23 ADJOURNMENT**

It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.59 p.m., adjourned until tomorrow at 2 p.m.

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**PAPERS**

The following papers were deemed to have been presented on 23 September 2002:

Australian Meat and Live-stock Industry Act—Orders—2002—

Australian Meat and Live-stock Industry (Export of cattle)—Amendment (No. 1).

Australian Meat and Live-stock Industry (Live cattle exports to Republic of Korea).

Australian Sports Drug Agency Act—Orders—2002—

Australian Sports Drug Agency Drug Testing (Scheme A)—Amendment (No. 1).

Australian Sports Drug Agency Drug Testing (Scheme B)—Amendment (No. 1).

Defence Act—Defence Force Remuneration Tribunal—Determinations—2002 Nos 11, 12, 13.

Judiciary Act—Rules of Court—Statutory Rules 2002 No. 223.

National Health Act—Determinations under Schedule 1, paragraph (bj)—2002 Nos HSR 22, HSR 24.

Sydney Airport Curfew Act—Dispensation—2002 No. 6.

*Telecommunications Act 1997*—Determination under subsection 51(1)—2002 No. 1.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr K. J. Andrews, Mr Brereton\*, Mr Costello, Mr L. D. T. Ferguson, Mr M. J. Ferguson, Ms Gambaro, Mr Howard, Mrs May, Ms O'Byrne\*, Mr Sciacca, Mr Scott\* and Ms Worth\*.

\* On leave

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**B. C. WRIGHT**

Acting Clerk of the House of Representatives