

2002-03-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 153

WEDNESDAY, 3 MARCH 2004

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

2 **TAXATION LAWS AMENDMENT BILL (NO. 9) 2003**

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 by Mr Cox who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House:

- (1) notes that the tax exemption for certain sugar industry exit grants is one aspect of a \$120m package announced in September 2002, yet:
 - (a) so far only \$20m has been spent although the industry is in deep crisis, having been hit by adverse weather conditions, destructive pests and diseases, a rising dollar, rising interest rates and a declining world price for sugar;
 - (b) the small hope offered by the FTA has been dashed when the Government failed to deliver increased access to the US market; and

accordingly, the House condemns the Government for failing to:

 - (c) provide effective adjustment assistance to the industry in any of its three sugar industry packages; and
 - (d) secure any additional access for the sugar industry in the FTA with the United States; and
- (2) also condemns the Government for failing to:
 - (a) deal with tax issues surrounding personal services income; and
 - (b) provide effective incentives for private investment in research and development”.

Debate continued.

Amendment negatived.

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. 219, 28 November 2003, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Message from the Administrator

Message No. 220, 2 March 2004, from His Excellency the Administrator was announced recommending an appropriation for the purpose of an amendment to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Paper

Mr Cameron (Parliamentary Secretary to the Treasurer) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Cameron, the Government amendment was made.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

3 INTERNATIONAL TRANSFER OF PRISONERS 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 by Ms Roxon who 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 condemns the Government for:

- (1) acquiescing in the use of US military commissions to try Australian citizens; and
- (2) failing to explore all options for the two Australians currently being detained by US authorities in Guantanamo Bay, to be tried in Australia”.

Debate continued.

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

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

AYES, 72

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

NOES, 60

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr Quick*
Mr Albanese	Mr Fitzgibbon	Ms Livermore	Mr Ripoll
Mr Andren	Ms George	Mr McClelland	Ms Roxon
Mr Bevis	Mr Gibbons	Ms J. S. McFarlane	Mr Sawford
Mr Brereton	Ms Gillard	Ms Macklin	Mr Sciacca
Ms Burke	Ms Grierson	Mr McLeay	Mr Sercombe
Mr Byrne	Mr Griffin	Mr McMullan	Mr Sidebottom
Ms Corcoran	Ms Hall	Mr Melham	Mr S. F. Smith
Mr Cox	Mr Hatton	Mr Mossfield	Mr Snowdon
Mr Crean	Ms Hoare	Mr Murphy	Mr Swan
Mrs Crosio	Mrs Irwin	Ms O’Byrne	Mr Tanner
Mr Danby*	Ms Jackson	Mr B. P. O’Connor	Mr K. J. Thomson
Mr Edwards	Mr Jenkins	Mr Organ	Ms Vamvakinou
Mr Evans	Mr Kerr	Ms Plibersek	Mr Wilkie
Mr L. D. T. Ferguson	Ms C. F. King	Mr Price	Mr Zahra

* 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Ruddock (Attorney-General), the Bill was read a third time.

4 GREAT BARRIER REEF MARINE PARK 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 by Mr K. J. Thomson who 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 condemns the Government for:

- (1) its complete and utter mishandling of the application of the GST to the Environment Management Charge; and
- (2) its continued ignorance and disregard for the concerns of marine park tourist operators”.

Debate continued.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

5 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw

At 3.01 p.m. the Member for Charlton (Ms Hoare) was ordered, under standing order 304A, to withdraw from the House for one hour for continually interjecting, and she accordingly withdrew from the Chamber.

Questions without notice continuing—

Paper

Mr K. J. Andrews (Minister for Employment and Workplace Relations) presented the following paper:

Small Business—Federal Labor Policy—Copy of letter from Mr Oliver Moon, Chief Executive Officer, Combined Small Business Alliance of Western Australia Inc., to Mr Latham, Leader of the Opposition, 3 February 2004.

Questions without notice continued.

6 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Auditor-General—Audit report No. 33 of 2003–2004—Performance audit—The Australian Taxation Office's collection and management of activity statement information: Australian Taxation Office.

Ordered to be printed.

7 PAPERS

The following papers were presented:

Commonwealth Grants Commission—State revenue sharing relativities—2004 Review.

Human Rights and Equal Opportunity Commission—Report No. 27—Inquiry into a complaint by Ms KJ concerning events at Woomera Immigration Reception and Processing Centre between 29-30 March 2002.

8 PAPER—MOTION TO TAKE NOTE OF PAPER

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

Commonwealth Grants Commission—State revenue sharing relativities—2004 Review.

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

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT SPENDING

The House was informed that Mr Crean had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Howard Government’s fiscal profligacy as demonstrated by its politically motivated spending spree”.

The proposed discussion having received the necessary support—

Mr Crean addressed the House.

Member ordered to withdraw

At 3.32 p.m. the Member for McMillan (Mr Zahra) was ordered, under standing order 304A, to withdraw from the House for one hour, and he accordingly withdrew from the Chamber.

Discussion ensued.

Discussion concluded.

10 BILL REFERRED TO MAIN COMMITTEE

Mr Lloyd (Chief Government Whip), by leave, moved—That the Import Processing Charges (Amendment and Repeal) Amendment Bill 2003 be referred to the Main Committee for further consideration.

Question—put and passed.

11 EXTENSION OF SUNSET OF PARLIAMENTARY JOINT COMMITTEE ON NATIVE TITLE BILL 2004—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.

Bill agreed to.

On the motion of Mr I. E. Macfarlane (Minister for Industry, Tourism and Resources), by leave, the Bill was read a third time.

12 MESSAGES FROM THE SENATE

Messages from the Senate, 3 March 2004, were reported returning the following Bills without amendment:

Message—

No. 417—Aviation Transport Security 2003.

No. 418—Aviation Transport Security (Consequential Amendments and Transitional Provisions) 2003.

13 MESSAGE FROM THE SENATE—NORFOLK ISLAND AMENDMENT BILL 2003

Message No. 416, 3 March 2004, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the law relating to Norfolk Island, 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.

14 MESSAGE FROM THE SENATE—WORKPLACE RELATIONS AMENDMENT (IMPROVED REMEDIES FOR UNPROTECTED ACTION) BILL 2002

Message No. 415, 2 March 2004, from the Senate was reported returning the Workplace Relations Amendment (Improved Remedies for Unprotected Action) Bill 2002 with an amendment.

Ordered—That the amendment be considered forthwith.

Mr K. J. Andrews (Minister for Employment and Workplace Relations) moved—That the amendment be agreed to.

Debate ensued.

Question—put.

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

AYES, 75

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

NOES, 61

Mr Adams	Mr M. J. Ferguson	Ms Livermore	Mr Ripoll
Mr Albanese	Mr Fitzgibbon	Mr McClelland	Ms Roxon
Mr Andren	Ms George	Ms J. S. McFarlane	Mr Sawford
Mr Bevis	Mr Gibbons	Ms Macklin	Mr Sciacca
Mr Brereton	Ms Gillard	Mr McLeay	Mr Sercombe
Ms Burke	Ms Grierson	Mr McMullan	Mr Sidebottom
Mr Byrne	Mr Griffin	Mr Melham	Mr S. F. Smith
Ms Corcoran	Ms Hall	Mr Mossfield	Mr Snowdon
Mr Cox	Mr Hatton	Mr Murphy	Mr Swan
Mr Crean	Ms Hoare	Ms O'Byrne	Mr Tanner
Mrs Crosio	Mrs Irwin	Mr B. P. O'Connor	Mr K. J. Thomson
Mr Danby*	Ms Jackson	Mr G. M. O'Connor	Ms Vamvakinou
Mr Edwards	Mr Jenkins	Mr Organ	Mr Wilkie
Mr Emerson	Mr Kerr	Ms Plibersek	
Mr Evans	Ms C. F. King	Mr Price	
Mr L. D. T. Ferguson	Dr Lawrence	Mr Quick*	

* Tellers

And so it was resolved in the affirmative.

15 **GREAT BARRIER REEF MARINE PARK 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—*And on the amendment moved thereto by Mr K. J. Thomson (see item No. 4, page 1473)*—

Debate resumed.

Amendment negatived.

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. 221, 20 February 2004, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Dr Kemp (Minister for the Environment and Heritage), the Bill was read a third time.

16 **MIGRATION AMENDMENT (DURATION OF DETENTION) 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.

The House divided (the Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 76

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

NOES, 59

Mr Adams	Mr L. D. T. Ferguson	Ms C. F. King	Mr Quick*
Mr Albanese	Mr M. J. Ferguson	Dr Lawrence	Mr Ripoll
Mr Andren	Mr Fitzgibbon	Ms Livermore	Ms Roxon
Mr Bevis	Ms George	Mr McClelland	Mr Sawford
Mr Brereton	Mr Gibbons	Ms J. S. McFarlane	Mr Sciacca
Ms Burke	Ms Gillard	Mr McLeay	Mr Sercombe
Mr Byrne	Ms Grierson	Mr McMullan	Mr Sidebottom
Ms Corcoran	Mr Griffin	Mr Melham	Mr Snowdon
Mr Cox	Ms Hall	Mr Mossfield	Mr Swan
Mr Crean	Mr Hatton	Mr Murphy	Mr Tanner
Mrs Crosio	Ms Hoare	Ms O'Byrne	Mr K. J. Thomson
Mr Danby*	Mrs Irwin	Mr G. M. O'Connor	Ms Vamvakinou
Mr Edwards	Ms Jackson	Mr Organ	Mr Wilkie
Mr Emerson	Mr Jenkins	Ms Plibersek	Mr Zahra
Mr Evans	Mr Kerr	Mr Price	

* Tellers

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

Adjournment negated

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

Mr Hardgrave (Minister for Citizenship and Multicultural Affairs) requiring the question to be put forthwith without debate—

Question—put and negated.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Hardgrave, the Bill was read a third time.

17 MATTER REFERRED TO MAIN COMMITTEE

Mr Lloyd (Chief Government Whip), by leave, moved—That the following order of the day, committee and delegation reports, be referred to the Main Committee for debate:

ASIO, ASIS and DSD—Parliamentary Joint Committee—Report—Intelligence on Iraq's weapons of mass destruction—Motion to take note of paper: Resumption of debate.

Question—put and passed.

18 ADJOURNMENT

Mr Hardgrave (Minister for Citizenship and Multicultural Affairs) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.59 p.m., adjourned until tomorrow at 9 a.m.

PAPERS

The following papers were deemed to have been presented on 3 March 2004:

Currency Act—Determination—2004 Currency (Royal Australian Mint) No. 2.

Motor Vehicle Standards Act—Road Vehicle (National Standards)—Determination—2004 No. 1.

Parliamentary Service Act—Determination under subsection 24(3), 29 January 2004.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Beazley, Ms Ellis, Mrs Elson, Mrs Hull, Mr Katter and Jackie Kelly.

I. C. HARRIS
Clerk of the House of Representatives

2002-03-04

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 153

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 3 MARCH 2004

1 The Main Committee met at 9.40 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **EXTENSION OF SUNSET OF PARLIAMENTARY JOINT COMMITTEE ON NATIVE TITLE 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 the question on the report to be put forthwith.

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

4 **APPROPRIATION BILL (NO. 3) 2003-2004**

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—*And on the amendment moved thereto by Mr McMullan, 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 budget waste and mismanagement, and wrong priorities which have resulted in:

- (1) a costly Medicare ‘safety net’ which does not protect families from increasing health costs and declining levels of bulk billing;
- (2) inadequate funding and higher fees for students seeking access to higher education;
- (3) a growing number of families who are financially squeezed and trying to balance work and family; and
- (4) 500,000 Australians waiting up to five years to get their teeth fixed”—

Debate resumed.

Suspension of sitting

At 12.10 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.23 p.m., the proceedings were resumed.

Debate continued.

Suspension of sitting

At 12.55 p.m., the Deputy Speaker left the Chair.

Resumption of sitting

At 4.03 p.m., the Deputy Speaker resumed the Chair.

Debate continued.

Suspension of sitting

At 4.22 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 4.34 p.m., the proceedings were resumed.

Debate continued.

Mr Gibbons 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.

5 ADJOURNMENT

On the motion of Mr Baldwin, the Main Committee adjourned at 7.22 p.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.

B. C. WRIGHT
Clerk of the Main Committee