

2002-03-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 177

THURSDAY, 3 JUNE 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 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Emerson moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Small Business and Tourism from apologising to the House for repeatedly and deliberately misleading the House by:

- (1) claiming yesterday that the Member for Rankin had said in a press release that “In those cases where the small business is, in fact, insolvent, the redundancy obligations would be met through the Government’s GEERS arrangements”, while deliberately failing to complete the sentence which continued “and Labor’s commitment to guarantee 100 per cent of employee entitlements”;
- (2) falsely claiming on 27 May 2004 in relation to a COSBOA dinner that “everyone who was at the dinner who was paying attention to his words knows that the Member for Rankin uttered the words that he did not employ someone because of the unfair dismissal laws”;
- (3) falsely claiming on 30 March 2004 that “Under the Labor Party’s industrial relations policy, every employer has to give to an employee coming back from maternity leave an entitlement to part-time work rather than full-time work”;
- (4) falsely claiming on 30 March 2004 that Labor has a policy to “push casual employees into permanent part-time employment”;
- (5) falsely claiming on 23 March 2004 that Labor will introduce a national portable long service leave scheme; and
- (6) ignoring personal explanations and repeating these false claims in the House.

Closure of Member

Mr McGauran (Deputy Leader of the House) moved—That the Member be not further heard.

Question—put.

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

AYES, 72

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

NOES, 57

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

* Tellers

And so it was resolved in the affirmative.

Mr McMullan (seconder) addressing the House—

Closure of Member

Mr McGauran moved—That the Member be not further heard.

Question—put.

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

AYES, 72

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

NOES, 58

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

* Tellers

And so it was resolved in the affirmative.

Question—That the motion for the suspension of standing and sessional orders be agreed to—put.

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

AYES, 58

Mr Adams	Mr L. D. T. Ferguson	Ms C. F. King	Ms Roxon
Mr Albanese	Mr M. J. Ferguson	Dr Lawrence	Mr Rudd
Mr Beazley	Mr Fitzgibbon	Mr McClelland	Mr Sawford
Mr Bevis	Ms George	Mr McLeay	Mr Sciacca
Mr Brereton	Mr Gibbons	Mr McMullan	Mr Sercombe
Ms Burke	Ms Gillard	Mr Melham	Mr Sidebottom
Mr Byrne	Ms Grierson	Mr Mossfield	Mr S. F. Smith
Ms Corcoran	Mr Griffin	Mr Murphy	Mr Snowdon
Mr Cox	Ms Hall	Ms O'Byrne	Mr Swan
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Mr Emerson	Mr Jenkins	Mr Quick*	
Mr Evans	Mr Kerr	Mr Ripoll	

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Mr Brough	Mr Georgiou	Mrs May	Mr Tollner
Mr Cadman	Mr Haase	Mrs Moylan	Mr Truss
Mr Cameron	Mr Hardgrave	Mr Nairn	Mr Tuckey
Mr Causley	Mr Hartsuyker	Dr Nelson	Mrs D. S. Vale
Mr Charles	Mr Hawker	Mr Neville	Mr Wakelin
Mr Ciobo	Mrs Hull	Ms Panopoulos	Dr Washer
Mr Cobb	Mr Hunt	Mr Pearce	Mr Williams
Mr Costello	Mr Johnson	Mr Prosser	Ms Worth

* Tellers

And so it was negatived.

3 WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2004

Mr K. J. Andrews (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

Mr K. J. Andrews moved—That the Bill be now read a second time.

Paper

Mr K. J. Andrews presented an explanatory memorandum to the Bill.

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

4 AUSTRALIAN INSTITUTE OF MARINE SCIENCE AMENDMENT BILL 2004

Mr McGauran (Minister for Science), pursuant to notice, presented a Bill for an Act to amend the *Australian Institute of Marine Science Act 1972*, and for related purposes.

Bill read a first time.

Mr McGauran moved—That the Bill be now read a second time.

Paper

Mr McGauran presented an explanatory memorandum to the Bill.

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

5 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mrs May (Chair) presented the following papers:

Procedure—Standing Committee—Renaming the Main Committee—Celebrating the 10th anniversary of the Main Committee—

Report, June 2004.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mrs May and Mr Price, by leave, made statements in connection with the report.

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

Mrs May was granted leave to continue her speech when the debate is resumed.

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

6 POSTAL SERVICES LEGISLATION AMENDMENT BILL 2003—SENATE'S AMENDMENTS

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

On the motion of Mr Williams (Minister for Communications, Information Technology and the Arts), amendments 1 to 5 and 10 to 12 were agreed to, after debate.

On the motion of Mr Williams, amendments 6 to 8 were disagreed to, after debate.

Mr Williams presented reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing to the amendments of the Senate
Senate amendments 6, 7 and 8*

The proposed amendments give the Auditor-General additional powers to monitor and report to the Minister on specified matters relating to Australia Post's supply of services, instead of giving these powers to the Australian Communications Authority (ACA), as was proposed in the Bill as introduced into the Senate.

These amendments indicate support for some aspects of the ACA's monitoring role that were already contained in the Bill. They would have been unnecessary had the ACA's monitoring role, as proposed in the Bill, remained. Senate Amendments 6 and 7 are in identical terms to proposed provisions in the Bill. They provide that the prescribed performance standards to be met by Australia Post may relate to methods of determining the level of mail service in a particular area. They remove the requirement imposed on Australia Post to prepare a service improvement plan if the Minister considers it unnecessary in the circumstances. Senate Amendment 8 provides the Minister the power to request the Auditor-General to monitor and report to the Minister on specified matters relating to Australia Post's supply of postal services. It is in similar terms to proposed section 50E which provided for the Minister to direct the ACA to monitor and report to the Minister on specified matters relating to Australia Post's supply of postal services.

The Auditor-General is an agency whose principal function is that of auditing. It currently outsources its functions of monitoring Australia Post's performance against prescribed standards. The Auditor-General is not the appropriate body to conduct consumer quality of service monitoring.

Accordingly, the House of Representatives does not accept these amendments.

On the motion of Mr Williams, the reasons were adopted.

On the motion of Mr Williams, amendment 9 was disagreed to, and an amendment made in place thereof, after debate.

7 PROPOSED FITOUT OF NEW LEASED PREMISES FOR THE DEPARTMENT OF HEALTH AND AGEING AT SCARBOROUGH HOUSE, WODEN TOWN CENTRE, ACT—APPROVAL OF WORK

Mr Slipper (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*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Proposed fitout of new leased premises for the Department of Health and Ageing at Scarborough House, Woden Town Centre, ACT.

Question—put and passed.

8 FARM HOUSEHOLD SUPPORT 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.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Truss (Minister for Agriculture, Fisheries and Forestry), the Bill was read a third time.

9 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (INCOME STREAMS) 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.

Message from the Governor-General

Message No. 267, 2 June 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 Mr Pyne (Parliamentary Secretary to the Minister for Family and Community Services), the Bill was read a third time.

10 TAX LAWS AMENDMENT (2004 MEASURES NO. 2) 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.

Message from the Governor-General

Message No. 268, 1 April 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 Mr Cameron (Parliamentary Secretary to the Treasurer), the Bill was read a third time.

11 TAX LAWS AMENDMENT (2004 MEASURES NO. 3) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Cameron (Parliamentary Secretary to the Treasurer), the Bill was read a third time.

12 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) 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.

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.

13 QUESTIONS

Questions without notice being asked—

Paper

Mr Fitzgibbon, by leave, presented the following paper:

Petroleum Industry—Copy of email from Jim Lamb, President, Petroleum Marketers Association of Australia, to Mr Anderson, Minister for Transport and Regional Services, 2 June 2004.

Questions without notice continued.

14 SPECIAL ADJOURNMENT

Mr Abbott (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 15 June 2004, at 2 p.m., unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker, fixes an alternative day or hour of meeting.

Question—put and passed.

15 PAPERS

Mr Abbott (Leader of the House) presented the following papers:

Petitions not in accord with standing and sessional orders of the House.

16 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—RURAL AND REGIONAL BANKING SERVICES

The House was informed that Mr Griffin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s continuing failure to ensure that rural and regional communities have appropriate access to affordable and accessible banking services”.

The proposed discussion having received the necessary support—

Mr Griffin addressed the House.

Discussion ensued.

Discussion concluded.

17 ADJOURNMENT

Mrs D. S. Vale (Minister for Veterans’ Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 5 p.m.—The Speaker adjourned the House until Tuesday, 15 June 2004, in accordance with the resolution agreed to this sitting.

**PAPERS**

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

Australian Communications Authority Act—Determinations—2004—

Telecommunications (Charges).

Telecommunications (Facility Installation Permit—Application Charge).

Telecommunications (Facility Installation Permit—Public Inquiry Charges).

Telecommunications (Nominated Carrier Declaration Application Charge).

Environment Protection and Biodiversity Conservation Act 1999—Instrument under section 303EB, 12 May 2004.

Export Control Act—Export Control (Orders) Regulations—Orders—2004 Livestock Export (Merino) Amendment (No. 1).

Radiocommunications Act—

Class Licence Variation—2004 Radiocommunications (Maritime Ship Station—27MHz and VHF) (No. 1).

Determination—2004 Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment (No. 1).

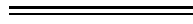
Telecommunications Act 1997—

Determinations—2004—

Telecommunications (Service Provider—Identity Checks for Pre-paid Public Mobile Telecommunications Services) Amendment (No. 1).

Telecommunications Service Provider (Premium Services) (No. 1).

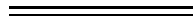
Variations—2004 Telecommunications Numbering Plan (Nos 3, 4).



ATTENDANCE

All Members attended (at some time during the sitting) except Fran Bailey, Ms Ellis*, Mr Hockey, Mr Howard, Mrs D. M. Kelly, Ms Livermore, Ms J. S. McFarlane*, Mr Schultz, Mr Somlyay, Mr M. A. J. Vaile and Ms Vamvakinou.

* On leave



I. C. HARRIS

Clerk of the House of Representatives

2002-03-04

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 177

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 3 JUNE 2004

1 The Main Committee met at 9.40 a.m.

2 10TH ANNIVERSARY OF MAIN COMMITTEE—STATEMENT BY DEPUTY SPEAKER

The Deputy Speaker made a statement concerning the 10th anniversary of the first meeting of the Main Committee.

3 MEMBERS' STATEMENTS

Members' statements were made.

4 APPROPRIATION BILL (NO. 1) 2004-2005—BUDGET DEBATE

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 Crean, 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:

- (1) condemns the Government for its cynical election driven spending spree which—while spending a record \$52 billion over the forward estimates—failed to deliver crucial services to Australians, including:
 - (a) funding the pneumococcal vaccine for children;
 - (b) funding VET in schools so young Australians can either Earn or Learn;
 - (c) ensuring access to Higher Education without excessive fees or increasing student debt levels;
 - (d) ensuring all Australians can access bulkbilling services; and
 - (e) ensuring adequate measures to respond to Australia's skill shortage; and
- (2) also condemns the Government for failing to present a strategy to adequately address the long term fiscal challenges facing the nation” —

Debate resumed.

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

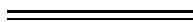
5 ADJOURNMENT

Mr Neville moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.

At 1.26 p.m. the Deputy Speaker adjourned the Main Committee until Tuesday, 15 June 2004, at 4 p.m.



B. C. WRIGHT
Clerk of the Main Committee