

2004-05

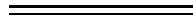
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 21

WEDNESDAY, 9 MARCH 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 MESSAGE FROM THE GOVERNOR-GENERAL—APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE AND AUSTRALIA-INDONESIA PARTNERSHIP) BILL 2004-2005**

Message No. 43, 7 March 2005, from His Excellency the Governor-General was announced recommending, in accordance with section 56 of the Constitution, an appropriation for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to Tsunami financial assistance and the Australia-Indonesia Partnership for Reconstruction and Development, and for related purposes.

Mr Costello (Treasurer) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to Tsunami financial assistance and the Australia-Indonesia Partnership for Reconstruction and Development, and for related purposes.

Bill read a first time.

Mr Costello moved—That the bill be now read a second time.

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

**3 MESSAGE FROM THE GOVERNOR-GENERAL—APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE) BILL 2004-2005**

Message No. 44, 7 March 2005, from His Excellency the Governor-General was announced recommending, in accordance with section 56 of the Constitution, an appropriation for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to Tsunami financial assistance, and for related purposes.

Mr Costello (Treasurer) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to Tsunami financial assistance, and for related purposes.

Bill read a first time.

Mr Costello moved—That the bill be now read a second time.

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

**4 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2005**

Mr Andrews (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to improve workplace relations practices in the building and construction industry, and for related purposes.

Bill read a first time.

Mr Andrews moved—That the bill be now read a second time.

*Document*

Mr Andrews presented an explanatory memorandum to the bill.

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

**5 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT (CONSEQUENTIAL AND TRANSITIONAL) BILL 2005**

Mr Andrews (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to deal with matters consequential on the enactment of the *Building and Construction Industry Improvement Act 2005*, and for related purposes.

Bill read a first time.

Mr Andrews moved—That the bill be now read a second time.

*Document*

Mr Andrews presented an explanatory memorandum to the bill.

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

**6 WORKPLACE RELATIONS AMENDMENT (BETTER BARGAINING) BILL 2005**

Mr 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 Andrews moved—That the bill be now read a second time.

*Document*

Mr Andrews presented an explanatory memorandum to the bill.

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

**7 OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT (PROMOTING SAFER WORKPLACES) BILL 2005**

Mr Andrews (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, and for related purposes.

Bill read a first time.

Mr Andrews moved—That the bill be now read a second time.

*Document*

Mr Andrews presented an explanatory memorandum to the bill.

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

**8 AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (LEVY AND 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.

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

*Message from the Governor-General*

Message No. 45, 16 February 2005, 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 immediately.

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

**9 MESSAGE FROM THE SENATE**

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

8 March 2005—Message No. 73—Navigation Amendment 2004.

#### 10 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 1) 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 by Ms Macklin (Deputy Leader of the Opposition) who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not seeking to deny the bill a second reading, the House condemns the Government for:

- (1) increasing the proportion of Australian undergraduate students who are able to pay full fees and gain entry ahead of better qualified students;
- (2) allowing the number of HECS places in Australian universities to decline by 8,354 in 2004 while the number of full places for Australian undergraduates increased by 2,571;
- (3) presiding over the decline in the number of Australians at university for only the second time in 50 years;
- (4) allowing universities to increase HECS fees, which has resulted in 12,123 fewer applications to study in 2005 which is a 5 per cent drop;
- (5) threatening to undermine the quality and reputation of Australian universities by downgrading the definition of Australian universities; and
- (6) failing to properly fund universities and failing to release its secret report into indexation of university grants”.

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. 46, 16 February 2005, 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 immediately.

On the motion of Dr Nelson (Minister for Education, Science and Training), the bill was read a third time.

#### 11 TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 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 by Mr Fitzgibbon 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) constraining the economy’s productive capacity by failing to build on Labor’s competition reforms;
- (2) its failure to adopt all the recommendations of the Report of the Senate Inquiry into the effectiveness of the *Trade Practices Act 1974* in protecting small business;
- (3) its failure to promptly introduce appropriate criminal sanctions for cartel-type behaviour;
- (4) limiting the ability of small businesses to make their own choices in relation to appointing agents in collective bargaining negotiations; and
- (5) endangering small business collective bargaining reforms by including them in the same bill as the highly contentious changes to the merger approval regime and third line forcing laws”.

Debate continued.

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

#### 12 QUESTIONS

Questions without notice were asked.

**13 LEAVE OF ABSENCE TO MEMBER**

Mr Beazley (Leader of the Opposition) moved—That leave of absence for the remainder of the current period of sittings be given to Mr Edwards on the ground of ill health.

Question—put and passed.

**14 AUDITOR-GENERAL'S REPORTS**

The Speaker presented the following documents:

Auditor-General—Audit reports of 2004–2005—Performance audits—

No. 31—Centrelink's customer feedback systems—Summary report.

No. 32—Centrelink's customer charter and community consultation program.

No. 33—Centrelink's customer satisfaction surveys.

No. 34—Centrelink's complaints handling system.

No. 35—Centrelink's review and appeals system.

No. 36—Centrelink's value creation program.

Reports ordered to be made Parliamentary Papers.

**15 DOCUMENTS**

The following documents were presented:

Australian National Training Authority Act—Australian National Training Authority—Agreement for 1 January 2001 to 30 June 2005.

Finance—Advance to the Finance Minister—

Summary of issues from the Advance during December 2004.

Supporting applications for issues from the Advance during December 2004.

Infant Formula—Advisory panel on the marketing in Australia of infant formula—Report for 2003-04.

Migration Agents Registration Authority—Report for 2003-04.

United Nations—Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communication No. 1011/2001—Views.

**16 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS**

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

Migration Agents Registration Authority—Report for 2003-04.

United Nations—Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communication No. 1011/2001—Views.

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

**17 DOCUMENTS**

The Speaker presented the following documents:

Memorandum of understanding on the execution of search warrants in the premises of Members of Parliament—between the Attorney-General, the Minister for Justice and Customs, the Speaker of the House of Representatives and the President of the Senate.

National guideline for execution of search warrants where parliamentary privilege may be involved—Australian Federal Police.

**18 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIA'S ECONOMIC CHALLENGES**

The House was informed that Mr Swan had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to address the economic challenges facing Australia, causing higher interest rates and slower growth".

The proposed discussion having received the necessary support—

Mr Swan addressed the House.

Discussion ensued.

Discussion concluded.

**19 MESSAGES FROM THE SENATE**

Messages from the Senate, 9 March 2005, were reported:

- (a) returning the following bills without amendment:
  - No. 75—New International Tax Arrangements (Managed Funds and Other Measures) 2004;
  - No. 76—Medical Indemnity Legislation Amendment 2005;
  - No. 77—Farm Household Support Amendment 2005; and
- (b) informing the House that the Senate has agreed to the amendment made by the House to the Bankruptcy and Family Law Legislation Amendment 2005—No. 74.

**20 MESSAGE FROM THE SENATE—POSTAL INDUSTRY OMBUDSMAN BILL 2005**

Message No. 72, 8 March 2005, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Ombudsman Act 1976*, 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.

**21 TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 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 (see item No. 11, page 221)*—

Debate resumed.

Debate adjourned (Ms J. Bishop—Minister for Ageing), and the resumption of the debate made an order of the day for the next sitting.

**22 APPROPRIATION BILL (NO. 3) 2004-2005—REPORT FROM MAIN COMMITTEE**

The 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 Ms J. Bishop (Minister for Ageing), by leave, the bill was read a third time.

**23 APPROPRIATION BILL (NO. 4) 2004-2005—REPORT FROM MAIN COMMITTEE**

The 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 Ms J. Bishop (Minister for Ageing), by leave, the bill was read a third time.

**24 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2004-2005—REPORT FROM MAIN COMMITTEE**

The 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 Ms J. Bishop (Minister for Ageing), by leave, the bill was read a third time.

**25 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 9 March 2005:

Aboriginal and Torres Strait Islander Commission Act—Direction—2005 Aboriginal and Torres Strait Islander Commission (Meetings) [F2005L00577].

Customs Act—Tariff Concession Orders—2005 3, 4 (2) March [F2005L00561], [F2005L00559], [F2005L00560].

Financial Management and Accountability Act—Net Appropriation Agreements under section 31—2005—31 January [F2005L00541], 17 February [F2005L00569].

Fisheries Management Act—Bass Strait Central Zone Scallop Fishery Management Plan—Determination—2005 No. BSCZSFD 01 [F2005L00563].

Direction—2005 No. BSCZSF 01 [F2005L00565].

Military Rehabilitation and Compensation Act—Instrument—2004 Military Rehabilitation and Compensation Act Treatment (Revocation) No. M20 [F2005L00482].

National Health Act—Determinations under subsection 5D(1)—2005 Nos PSO 1, PSO 3 [F2005L00591], [F2005L00595].

Sydney Airport Curfew Act—Dispensation—2005 No. 2.

Taxation Administration Act—Rulings—

1992—No. TR 19 (Withdrawal).

1996—No. TR 96/5 (Addendum).

2000—No. TD 4 (Withdrawal).

2003—No. TR 9 (Withdrawal).

2004—Nos PR 99 (Addendum), PR 114 (Addendum), PR 115 (Addendum), PR 116 (Addendum), PR 117 (Addendum).

2005—Nos PR 23, PR 24, PR 25, PR 26.

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme—2005 Amendment (No. 1) [F2005L00416].

Trade Practices Act—Consumer Product Safety Standard Amendment—2005 Consumer Protection Notice No. 1 [F2005L00558].

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Edwards\*, Mr Jull, Ms Plibersek\*, Ms Roxon, Mr A. D. H. Smith and Mr M. A. J. Vaile.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives

2004-05

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 21

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**WEDNESDAY, 9 MARCH 2005**

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 APPROPRIATION BILL (NO. 3) 2004-2005**

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 Swan, 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:

- (1) dishonest promises during the 2004 election campaign that it would keep interest rates low;
- (2) short-term, reckless spending during the lead up to the 2004 election, which is adding to inflationary and interest rate pressures;
- (3) gross neglect of Australia's education and training needs, leaving Australia with a skills crisis which is adding to inflationary and interest rate pressures; and
- (4) failure to secure Australia's economic future by making the long term policy commitments that will improve the productivity and competitiveness of the Australian economy”—

Debate resumed.

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*Suspension of sitting*

At 1.14 p.m., the Deputy Speaker left the Chair.

*Resumption of sitting*

At 4 p.m., the Deputy Speaker resumed the Chair.

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Debate continued.

Amendment negatived.

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

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 APPROPRIATION BILL (NO. 4) 2004-2005**

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—

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

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.

**5 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2004-2005**

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—

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

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.

**6 ADJOURNMENT**

On the motion of Dr Stone (Parliamentary Secretary to the Minister for Finance and Administration), the Main Committee adjourned at 5.21 p.m.

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

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**B. C. WRIGHT**  
Clerk of the Main Committee