

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 59

TUESDAY, 12 NOVEMBER 2002

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

**2 QUESTIONS**

Questions without notice being asked—

*Member ordered to withdraw*

At 3.03 p.m. the Member for Bruce (Mr Griffin) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continuing—

*Papers*

Mr Murphy, in accordance with standing order 321, having called for documents quoted from by Mr Brough (Minister for Employment Services)—

Mr Brough presented the following papers:

Burwood mayor launches eye-catching graffiti solutions program—Media release by Burwood Council, 10 September 2002.

Graffiti Solutions Program takes off—Article in Burwood Council Newsletter, September 2002.

New Graffiti Program—Article on the Strathfield Municipal Council website, 2 September 2002.

Work for the Dole and graffiti—Speaking notes.

Questions without notice continued.

**3 PAPERS**

The Speaker presented the following papers:

Department of the Parliamentary Library—Report for 2001-02.

Department of the Parliamentary Reporting Staff—Report for 2001-02.

Joint House Department—Report for 2001-02.

Parliamentary Service Commissioner—Report for 2001-02.

**4 AUDITOR-GENERAL'S REPORTS**

The Speaker presented the following papers:

Auditor-General—Audit reports of 2002-2003—

No. 14—Performance audit—Health Group IT outsourcing tender process: Department of Finance and Administration.

No. 15—Performance audit—The Aboriginal and Torres Strait Islander health program—Follow-up audit: Department of Health and Ageing.

No. 16—Business support process audit—The administration of grants (post-approval) in small to medium organisations.

No. 17—Performance audit—Age pension entitlements: Department of Family and Community Services—Centrelink.

Reports ordered to be printed.

**5 PAPERS—MOTION TO TAKE NOTE OF PAPERS**

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

- Aboriginal and Torres Strait Islander Commission—Report for 2001-02.
- Airservices Australia—Report for 2001-02.
- Alcohol Education and Rehabilitation Foundation Ltd—Report for 2001-02.
- Army and Air Force Canteen Service Board of Management—Report for 2001-02.
- Attorney-General's Department—Report for 2001-02.
- Australia Business Arts Foundation Ltd—Report for 2001-02.
- Australia New Zealand Food Authority—Report for 2001-02.
- Australia-Indonesia Institute—Report for 2001-02.
- Australian Dairy Corporation—Report for 2001-02.
- Australian Federal Police—Report for 2001-02.
- Australian Federal Police—Report on assumed identities under Section 15XUA of the *Crimes Act 1914* for 2001-02.
- Australian Government Solicitor—Report for 2001-02.
- Australian Heritage Commission—Report for 2001-02.
- Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.
- Australian Office of Financial Management—Report for 2001-02.
- Australian Security Intelligence Organisation—Report for 2001-02.
- Australian Sports Drug Agency—Report for 2001-02.
- Australian Statistics Advisory Council—Report for 2001-02.
- Australian Submarine Corporation—Report for 2001-02.
- Australian Tourist Commission—Report for 2001-02.
- Bankruptcy Act—Inspector-General in Bankruptcy—Report for 2001-02 on the operation of the Act.
- Bureau of Meteorology—Report for 2001-02.
- Classification Board and Classification Review Board—Report for 2001-02.
- Commissioner for Superannuation—Report, incorporating reports on the administration and operation of the *Papua New Guinea (Staffing Assistance) Act 1973* and the *Superannuation Act 1922* for 2001-02.
- Commissioner of Taxation—Report for 2001-02.
- Commonwealth Ombudsman and Defence Force Ombudsman—Report for 2001-02.
- Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2001-02.
- Corporations and Markets Advisory Committee—Report for 2001-02.
- CSS Board—Report for 2001-02.
- Defence Force Retirement and Death Benefits Authority—Report for 2001-02.
- Department of Defence—Report for 2001-02.
- Department of Education, Science and Training—Report for 2001-02.
- Department of Employment and Workplace Relations—Report for 2001-02.
- Department of Finance and Administration—Report for 2001-02.
- Department of Health and Ageing—Report for 2001-02.
- Department of Immigration and Multicultural and Indigenous Affairs—Report for 2001-02.
- Department of Industry, Tourism and Resources—Report for 2001-02.
- Department of the Environment and Heritage—Reports, including the Annual Report of the Supervising Scientist for 2001-02; and report on the operation of the Environment Protection and Biodiversity Conservation Act 1999.
- Department of the Treasury—Report for 2001-02.
- Director of National Parks—Report for 2001-02.
- Employment Advocate—Report for 2001-02.

Employment National Limited—Report for 2001-02.  
 Equal Opportunity for Women in the Workplace Agency—Report for 2001-02.  
 Family Law Council—Report for 2001-02.  
 Federal Court of Australia—Report for 2001-02.  
 Federal Magistrates Service—Report for 2001-02.  
 Federal Police Disciplinary Tribunal—Report for 2001-02.  
 Financial Reporting Council and Australian Accounting Standards Board—Reports for 2001-02.  
 Gene Technology Regulator—Quarterly reports for the periods—  
 1 April to 30 June 2002.  
 1 January to 30 March 2002.  
 Health Insurance Commission—Report for 2001-02.  
 High Court of Australia—Report for 2001-02.  
*Housing Assistance Act 1996*—Report for 1999-2000.  
 Indigenous Business Australia—Report for 2001-02.  
 Industrial Relations Court of Australia—Report for 2001-02.  
 Insolvency and Trustee Service Australia—Report for 2001-02.  
 Military Superannuation and Benefits Board of Trustees—Report for 2001-02.  
 National Capital Authority—Report for 2001-02.  
 National Native Title Tribunal—Report for 2001-02.  
 National Oceans Office—Report for 2001-02.  
 National Standards Commission—Report for 2001-02.  
 Northern Land Council—Report for 2001-02.  
 Office of the Official Secretary to the Governor-General—Report for 2001-02.  
 Private Health Insurance Administration Council—Report for 2001-02.  
 Private Health Insurance Ombudsman—Report for 2001-02.  
 Professional Services Review—Report for 2001-02.  
 PSS Board—Report for 2001-02.  
 Public Service Commission—  
 State of the service—Report for 2001-02.  
 Workplace diversity—Report for 2001-02.  
 Refugee Review Tribunal—Report for 2001-02.  
 Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2001-02.  
 Services Trust Funds—Report for 2001-02.  
 Sydney Harbour Federation Trust—Report for 2001-02.  
 Treaties—*Multilateral—Text, together with national interest analyses*—Amendments, done at Bonn, Germany on 24 September 2002, to Appendices I and II on the Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979.  
 Veterans' Review Board—Report for 2001-02.  
 Wet Tropics Management Authority—Report for 2001-02.  
 and moved—That the House take note of the papers.  
 Debate adjourned (Mr Swan), and the resumption of each debate made an order of the day for the next sitting.

## 6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—DROUGHT

The House was informed that both Mr Windsor and Mr Fitzgibbon had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, the Speaker had given priority to the matter proposed by Mr Windsor, namely, "The crisis situation in country Australia as a result of what is becoming the worst drought in Australia's history".

The proposed discussion having received the necessary support—

Mr Windsor addressed the House.

Discussion ensued.

Mr Katter rising to address the House—

Mr Forrest moved—That the business of the day be called on.

Question—put.

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

AYES, 73

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

NOES, 58

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

\* Tellers

And so it was resolved in the affirmative.

## 7 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Katter moved—That so much of the standing and sessional orders be suspended as would allow issues concerning Queensland and Australia with respect to drought to be properly aired.

Mr Fitzgibbon seconded the motion.

*Closure*

Mr Abbott (Leader of the House) moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 73

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

NOES, 58

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

\* Tellers

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

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

AYES, 59

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

NOES, 74

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

\* Tellers

And so it was negatived.

**8 SELECTION COMMITTEE—REPORT**

Mr Jenkins presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 2 December 2002.

**9 MAIN COMMITTEE—DAY OF NEXT MEETING**

The Acting Deputy Speaker reported that Wednesday, 13 November 2002, at 9.40 a.m., had been fixed for the next meeting of the Main Committee.

**10 BILLS REFERRED TO MAIN COMMITTEE**

Mr Lloyd (Chief Government Whip), by leave, moved—That the following Bills be referred to the Main Committee for further consideration:

Migration Legislation Amendment (Migration Advice Industry) 2002; and  
Broadcasting Legislation Amendment (No. 2) 2002.  
Question—put and passed.

**11 CRIMINAL CODE AMENDMENT (OFFENCES AGAINST AUSTRALIANS) BILL 2002**

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Criminal Code Act 1995*, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Williams presented an explanatory memorandum to the Bill.

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

**12 MESSAGE FROM THE SENATE—FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) (CONSEQUENTIAL PROVISIONS) BILL 2002**

Message No. 140, 23 October 2002, from the Senate was reported returning the Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Bill 2002 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Williams (Attorney-General), the amendments were agreed to.

**13 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' NOTICE**

Mr Tuckey (Minister for Regional Services, Territories and Local Government), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 13, private Members' business, being called on forthwith.

Question—put and passed.

**14 CIVIL AVIATION AMENDMENT REGULATIONS 2002 (NO. 2)—MOTION FOR DISALLOWANCE**

Mr M. J. Ferguson, pursuant to notice, moved—That Civil Aviation Amendment Regulations 2002 (No. 2), as contained in Statutory Rules 2002 No. 167 and made under the *Civil Aviation Act 1988*, be disallowed.

Debate ensued.

*Paper*

Mr Tuckey (Minister for Regional Services, Territories and Local Government) presented the following paper:

Letter from the Hon. John Anderson, MP, Deputy Prime Minister to Mr Martin Ferguson MP, Shadow Minister for Regional Development, Infrastructure, Transport, Regional Services and Population, 12 November 2002.

Motion withdrawn, by leave.

**15 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 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—

Debate resumed.

Debate adjourned (Ms George), and the resumption of the debate made an order of the day for a later hour this day.

**16 BILL REFERRED TO MAIN COMMITTEE**

Mr Hardgrave (Minister for Citizenship and Multicultural Affairs), by leave, moved—That the International Tax Agreements Amendment Bill (No. 2) 2002 be referred to the Main Committee for further consideration.

Question—put and passed.

**17 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 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—

Debate resumed.

Mr Murphy addressing the House—

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**18 ADJOURNMENT**

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

Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

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**PAPERS**

The following papers were deemed to have been presented on 12 November 2002:

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—Part 39-105—2002 24(4) October, 1(6), 7, 8 November.

Lands Acquisition Act—

Statement under sub-section 125(5)—November 2002.

Statement under sub-section 40(3)—November 2002.

Quarantine Act—Determination—2002 Quarantine Service Fees Amendment (No. 2).

Student Assistance Act—Determination—2002 No. 1.

Taxation Administration Act—Rulings—2002 Nos CR 44 (Addendum), CR 78, CR 79, PR 123, PR 124, PR 125, PR 126, PR 127, PR 128, PR 129, PR 130, PR 131.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Barresi, Mr Brereton\*, Mr Causley\*, Mrs Draper, Mr Edwards, Mrs Gallus, Ms O'Byrne\*, Mr Scott\*, Ms Vamvakinou and Dr Washer.

\* On leave

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**I. C. HARRIS**

Clerk of the House of Representatives