

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 140

MONDAY, 1 DECEMBER 2003

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 TRANSPORT AND REGIONAL SERVICES—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Neville (Chair) presented the following papers:

Transport and Regional Services—Standing Committee—Making ends meet: Regional aviation and island transport services—

Report, November 2003.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Statements in connection with the report were made.

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

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

Mr Neville 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 ENVIRONMENT AND HERITAGE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Billson (Chair) presented the following papers:

Environment and Heritage—Standing Committee—Employment in the environment sector: Methods, measurements and messages—

Report, November 2003.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Statements in connection with the report were made.

4 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 the Reserve Bank of Australia annual report 2002—

Report, November 2003.

Minutes of proceedings.

Ordered—That the report be printed.

Statements in connection with the report were made.

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.

5 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Georgiou (Chair) presented the following papers:

Electoral Matters—Joint Standing Committee—Territory representation: Report of the inquiry into increasing the minimum representation of the Australian Capital Territory and the Northern Territory in the House of Representatives—

Report, November 2003.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Statements in connection with the report were made.

6 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER

Mr Sciacca presented the following paper:

Australian Parliamentary Delegation to Latvia (24–28 September 2003) and to the 109th Inter-Parliamentary Assembly, Geneva (30 September–3 October 2003)—Report, 2003.

Mr Sciacca made a statement in connection with the report.

7 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Dr Southcott (Chair) presented the following papers:

Treaties—Joint Standing Committee—Report 56—Treaties tabled on 8 October 2003: Economic and commercial cooperation—Kazakhstan; ILO convention No. 182—Elimination of worst forms of child labour—

Report, November 2003.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Statements in connection with the report were made.

8 PROCEDURE—STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPERS

Mrs May (Chair) presented the following papers:

Procedure—Standing Committee—Reports—

Arrangements for second reading speeches.

Trial of additional tellers.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the reports be printed.

Statements in connection with the reports were made.

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

Mrs May moved—That the House take note of each report.

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

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

9 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER

Mr C. P. Thompson presented the following paper:

Australian Parliamentary Delegation to Sri Lanka and to the 49th Commonwealth Parliamentary Conference, Bangladesh (1 to 12 October 2003)—Report, November 2003.

Mr C. P. Thompson made a statement in connection with the report.

10 MEMBERS' STATEMENTS

Members' statements were made and a petition was presented.

11 QUESTIONS

Questions without notice were asked.

12 PETITIONS

Petitions lodged for presentation were announced.

13 LOCAL COMMUNITY INPUT INTO RENEWABLE ENERGY DEVELOPMENTS BILL 2003

Mr Zahra, pursuant to notice, presented a Bill for an Act to amend the *Renewable Energy (Electricity) Act 2000* to provide for local input into decision-making relating to renewable energy developments.

Mr Zahra 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.

14 FLAGS AMENDMENT (EUREKA FLAG) BILL 2003

Ms C. F. King, pursuant to notice, presented a Bill for an Act to amend the *Flags Act 1953* to recognise the Eureka Flag as an official flag of Australia, and for related purposes.

Ms C. F. King 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.

15 RACIAL AND RELIGIOUS HATRED BILL 2003

Mr McClelland, pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1914*, and for related purposes.

Mr McClelland 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.

16 ROYAL COMMISSION (HOUSE OF REPRESENTATIVES ELECTIONS) BILL 2003

Mr Organ, pursuant to notice, presented a Bill for an Act to provide for the appointment of a Royal Commission to investigate the implementation of a system of proportional representation for elections of the House of Representatives, and for related purposes.

Mr Organ 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.

17 MIGRATION LEGISLATION AMENDMENT (CHILDREN AND FAMILIES) BILL 2003

Ms Roxon, pursuant to notice, presented a Bill for an Act to get kids out of detention before Christmas 2003.

Ms Roxon 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.

18 PARKINSON'S DISEASE

Mrs Gash, pursuant to notice, moved—That this House calls on the Government to fund a national study to determine the prevalence of Parkinson's disease in the Australian community and that:

- (1) the study determine the number of sufferers, the range of symptoms experienced by sufferers, the length of time taken to reach diagnoses of sufferers, and the extent of the load on carers, and quantify the real cost of Parkinson's Disease in Australia;
- (2) on presentation of the study to the Parliament, sufficient resources be applied to improve the diagnoses, treatment and quality of life for sufferers and their carers, in both the short and long-term; and
- (3) included in any action subsequent to the presentation of the results of the study, further resources be made available to better educate current and future doctors, nurses and paramedics in the range of symptoms identified as pertaining to Parkinson's Disease, how to diagnose the disease and how to advise the sufferers and carers involved.

Debate ensued.

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

19 FRANCHISING

Ms Gambaro, pursuant to notice, moved—That this House:

- (1) recognises that franchising in Australia contributes \$80 billion to the Australian economy and represents 12% of GDP;
- (2) acknowledges the mandatory code of conduct in franchising and its support in the sector;
- (3) acknowledges that franchising forms an important part of small business and offers new entrants greater security than stand alone businesses;
- (4) recognises the importance franchising plays in the export earnings of this country; and
- (5) recognises that franchising has over 50,000 workplaces and employs more than 500,000 Australians.

Debate ensued.

Paper

Mr Fitzgibbon, by leave, presented the following paper:

Franchisee discussions—Project Valentine—Conditioning Phase w/c 8/9/03—Extract from Caltex memo.

Debate continued.

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

20 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.

21 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

27 November 2003—Message No. 192—

Communications Legislation Amendment (No. 1) 2003.

Farm Household Support Amendment 2003.

Financial Sector Legislation Amendment (No. 1) 2003.

22 MESSAGES FROM THE SENATE

Messages from the Senate were reported returning the following Bills without amendment:

27 November 2003—

No. 367—Ozone Protection and Synthetic Greenhouse Gas Legislation Amendment 2003.

No. 368—Ozone Protection (Licence Fees—Imports) Amendment 2003 (*without requests*).

No. 369—Ozone Protection (Licence Fees—Manufacture) Amendment 2003 (*without requests*).

28 November 2003—

No. 372—Fuel Quality Standards Amendment 2003.

No. 373—Medical Indemnity Amendment 2003.

No. 374—Medical Indemnity (IBNR Indemnity) Contribution Amendment 2003.

23 MESSAGE FROM THE SENATE—NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2003

Message No. 375, 28 November 2003, from the Senate was reported returning the Non-Proliferation Legislation Amendment Bill 2003 with an amendment.

Ordered—That the amendment be considered forthwith.

On the motion of Ms Gallus (Parliamentary Secretary to the Minister for Foreign Affairs), the amendment was agreed to.

24 MESSAGE FROM THE SENATE—MARITIME TRANSPORT SECURITY BILL 2003

Message No. 376, 28 November 2003, from the Senate was reported returning the Maritime Transport Security Bill 2003 with amendments.

Ordered—That the amendments be considered forthwith.

Jackie Kelly (Parliamentary Secretary to the Prime Minister) moved—That the amendments be agreed to.

Debate ensued.

Paper

Mr M. J. Ferguson, by leave, presented the following paper:

Maritime Transport Security Bill—Government's response—Copy of letter from Mr John Anderson, Minister for Transport and Regional Services, to Mr Martin Ferguson, Shadow Minister for Regional and Urban Development, Transport and Infrastructure, 27 November 2003.

Debate continued.

Question—put and passed.

25 BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002 [NO. 2]

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.

A division having been called for, in accordance with standing order 193 the division was deferred until 8 p.m.

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

26 MESSAGE FROM THE SENATE—SPAM BILL 2003

Message No. 370, 28 November 2003, from the Senate was reported returning the Spam Bill 2003 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Williams (Minister for Communications, Information Technology and the Arts), the amendments 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 1, 2 & 3*

These amendments propose to alter the main prohibition of the Spam Bill. The Spam Bill prohibits the sending of commercial electronic messages with an Australian link if the relevant electronic account holder has not consented to the sending of the message. The amendments would provide that a commercial electronic message could be sent without the consent of the relevant electronic account holder if the sender believes that the addressee has a specific commercial interest in receiving the message.

These amendments would dilute the central principle of the Bill, that of consent. The amendment states that commercial electronic messages can be sent without this consent, and, as drafted, does not enable the recipient to indicate a desire not to receive further such messages, and have that wish honoured.

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

Senate Amendments 4, 5 & 8

Amendment 8 removes messages from the meaning of a designated commercial electronic message where the recipient has indicated that they do not wish to receive further such messages. In these cases, the sender will no longer be able to send designated commercial electronic messages to that recipient. Amendments 4 & 5 propose to remove the provision that allows designated commercial electronic messages to be sent without a mandatory unsubscribe facility.

Amendment 8 would have the effect of removing the limited exemption enabling designated commercial electronic messages to be sent without consent. This exemption was included to reduce the risk of unexpected and untoward consequences of the new legislation. Removing this safety net provision is an unnecessary risk, particularly as the Bill contains a 2-year review provision.

Not accepting amendment 8 means that designated commercial electronic messages may be sent without consent, and consequently amendments 4 and 5 are not logical. As designated commercial electronic messages could legitimately be sent without the consent of the recipient, the sender would not be required to act on any unsubscribe requests. A requirement that such messages include an unsubscribe facility could potentially mislead recipients who may assume that their request must be honoured.

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

Senate Amendment 6

This amendment proposes to extend the limited exemption afforded to designated commercial electronic messages to trade unions and not for profit political lobby groups.

The groups defined in Schedule 1, clause 3 of the Spam Bill are generally well understood and therefore closely limited in scope. “Not for profit political lobby groups” is not defined in the amendment, and potentially provides a loophole for people to evade or subvert the provisions of the Spam Bill. In many cases the groups nominated are unlikely to require the protection of an exemption as they are dealing with an established membership, have a relationship with those they are messaging, or would be sending non-commercial messages.

Accordingly, the House of Representatives does not accept this amendment.

Senate Amendment 7

The amendment proposes a change to the provision relating to consent by conspicuous publication. The amendment provides that a conspicuously published address may only be used to send unsolicited commercial electronic messages if the address was gathered in the last six months for the purpose of sending the message.

The idea that an address should have been published recently or possess recent currency in order to be used as a basis for consent is laudable. The proposed amendment does not provide for this however, only that the address should have been gathered recently, with no mention of whether the source of the address was of recent provenance. The amendment therefore imposes an additional administrative burden on senders of commercial electronic messages without clarifying the status of recipients' consent. In order to determine if such an amendment is desirable and to implement it effectively, there would need to be substantial consultation with industry bodies and interest groups. This proposal is not urgently required and could be considered in the context of the two-year review of the legislation.

Accordingly, the House of Representatives does not accept this amendment.

Senate Amendment 9

This amendment proposes to alter the provision relating to withdrawal of consent, so that consent may be withdrawn when it has not been given in the first place.

This amendment dilutes the principle that only the decisions, conduct and business and other relationships of the recipient may be instrumental in providing consent for the sending of commercial electronic messages.

Accordingly, the House of Representatives does not accept this amendment.

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

27 MESSAGE FROM THE SENATE—SPAM (CONSEQUENTIAL AMENDMENTS) BILL 2003

Message No. 371, 28 November 2003, from the Senate was reported returning the Spam (Consequential Amendments) Bill 2003 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Williams (Minister for Communications, Information Technology and the Arts), the amendments were disagreed to.

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 1 & 4*

These amendments propose that a search warrant may not be issued, nor a search or seizure of an article be undertaken, when the warrant is sought or the action undertaken solely on the basis of a person's receipt of a commercial electronic message that contravenes the Spam Bill.

The proposed amendments introduce a technical problem, in that the warrants issued under the Bill are issued in respect of premises, not persons or articles and it is not clear that the person referred to in the amendment is necessarily connected with the premises being searched. Even should this problem be overcome, the amendments prescribe a particular approach that may not be appropriate in all circumstances. Amendment 4, for instance, makes it clear that an inspector cannot search or seize an article even if its owner wishes the inspector to do so, if the owner has no connection to a breach of the Spam Act except as a spam recipient.

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

Senate Amendments 2 & 6

These amendments propose that an issued warrant must specify the computer data's owner and the nature of the class of data being sought from a computer in the case of a search warrant relating to a breach of the Spam Bill, or the kind of electronic files that may be searched in the case of a monitoring warrant.

The proposed amendments fail to recognise that the Spam Bill also deals with, for example, mobile phone spam, where access may be required to something other than a computer. Issued warrants may also cover articles other than electronic files, such as paper financial records, or non-computer based correspondence. The proposed amendments appear designed to ensure that searches are confined to things relevant to breaches of the Spam Bill. However, given that the Bill already requires in several places that searches be relevant to suspected breaches of the Spam Bill, the proposed amendment is redundant in intent and unnecessary.

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

Senate Amendment 3

This amendment proposes that in a consent-based search in relation to an actual or suspected breach of the Spam Bill, an article may not be searched or seized without the consent of the article's owner.

The amendment is largely redundant as in many cases the occupier of the premises who has consented to the search will be the owner of the article or has the authority of the article's owner. An inspector may conduct a search and seizure operation based on the consent of the premise's occupier. That consent may be withdrawn at any time. The amendment provides no additional surety in such a circumstance. The amendment introduces a number of problematic issues that could prevent the effective operation of a consent-based search. For example, determining the ownership of data could be problematic, as could identifying the owner of a computer which is leased or on hire purchase. Further,

this amendment would make consent-based searches inconsistent with the warrant-based provisions, as warrants are only issued in terms of premises, not in terms of the owners of articles.

Accordingly, the House of Representatives does not accept this amendment.

Senate Amendment 5

This amendment proposes that only an occupier who has met all the requirements of proposed subsections 547D(4)(a) and (b) may consent to a consent-based monitoring search.

This provision would prevent consent-based monitoring searches being undertaken at commercial properties unless the person resides there. It is not desirable that the ability of the occupier of any premises to give or withhold informed consent should be constrained. The proposed amendment does not provide additional protections to the occupiers of premises in respect of monitoring searches, and in effect reduces their right to determine who may or may not enter their premises.

Accordingly, the House of Representatives does not accept this amendment.

Senate Amendment 7

This amendment proposes that when the court considers compensation for damages incurred in the course of a search and seizure operation, that it must have regard to any warning or guidance provided by the owner of equipment, or their employees or agents, on the operation of the equipment.

The Bill as drafted sets out what the Courts must consider when determining a reasonable amount of compensation when equipment is damaged as the result of a search. It must have regard to whether the occupier of the premises or their employees and agents, if available, gave appropriate warning or guidance on the operation of the equipment. This is a non-exclusive list. The proposed amendment does not provide greater clarity, or guidance to the Courts in determining reasonable compensation.

Accordingly, the House of Representatives does not accept this amendment.

Senate Amendment 8

This amendment proposes to amend the access order provision so that an order to assist in gathering information or gaining access to data may be served on a person suspected of committing a breach of the Spam Act 2003, rather than a person suspected of having been involved in a breach of the Spam Act 2003.

The amendment does not take into consideration that the provision sought to be amended is an investigative rather than a punitive one. In addition, this amendment introduces an element of technical confusion to the Bill, as a failure to comply with a civil provision is usually referred to as a breach, while the term ‘committed’ is used in relation to criminal offence provisions.

Accordingly, the House of Representatives does not accept this amendment.

Senate Amendments 9 & 10

These amendments propose to amend the access order provisions to provide that a person is only guilty of an offence under this provision if they have knowingly omitted to do a thing that is within their power or knowledge.

The amendments proposed are not necessary as a person will only be guilty of an offence if they intentionally omit to do something (by virtue of the application of Chapter 2 of the *Criminal Code*), and that omission results in a breach of the access order.

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

Senate Amendments 11 & 12

These amendments propose to specify that in the course of an investigation relating to breaches of the Spam Bill or to monitor compliance with the Spam Bill, questions asked and documents requested by the inspector must be relevant to the investigation.

The provision in the Bill which the amendments relate to, states that the inspector may only put questions or request documents “to the extent that is reasonably necessary for the purpose of ascertaining whether the Spam Act 2003 has been complied with”. The amendments are therefore redundant and unnecessary.

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

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

28 PUBLICATIONS COMMITTEE

The House was informed that the Government Whip had nominated Mrs Elson to be a member of the Publications Committee in place of Mrs D. M. Kelly.

Ms J. I. Bishop (Minister for Ageing), by leave, moved—That Mrs D. M. Kelly be discharged from the Publications Committee and that, in her place, Mrs Elson be appointed a member of the committee.

Question—put and passed.

29 AGRICULTURE, FISHERIES AND FORESTRY 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, and the resumption of the debate made an order of the day for a later hour this day.

30 BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002 [NO. 2]—DEFERRED DIVISION

The following question, on which a division had been called for and deferred in accordance with standing order 193, was put, viz.:

Question—That the Bill be now read a second time (*see item No. 25, page 1345*)—

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

AYES, 77

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

NOES, 64

Mr Adams	Mr L. D. T. Ferguson	Ms C. F. King	Mr Quick*
Mr Albanese	Mr M. J. Ferguson	Mr Latham	Mr Ripoll
Mr Andren	Mr Fitzgibbon	Ms Livermore	Ms Roxon
Mr Beazley	Ms George	Mr McClelland	Mr Rudd
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 Swan
Mrs Crosio	Ms Hoare	Mr Murphy	Mr Tanner
Mr Danby*	Mrs Irwin	Ms O'Byrne	Mr K. J. Thomson
Mr Edwards	Ms Jackson	Mr G. M. O'Connor	Ms Vamvakinou*
Ms Ellis	Mr Jenkins	Mr Organ	Mr Wilkie
Mr Emerson	Mr Katter	Ms Plibersek	Mr Windsor
Mr Evans	Mr Kerr*	Mr Price	Mr Zahra

* Tellers

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr Andren moved an amendment.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 63

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 Rudd
Mr Beazley	Mr Gibbons	Ms Macklin	Mr Sawford
Mr Bevis	Ms Gillard	Mr McLeay	Mr Sciacca
Mr Brereton	Ms Grierson	Mr McMullan	Mr Sercombe
Ms Burke	Mr Griffin	Mr Melham	Mr Sidebottom
Ms Corcoran	Ms Hall	Mr Mossfield	Mr S. F. Smith
Mr Cox	Mr Hatton	Mr Murphy	Mr Swan
Mrs Crosio	Ms Hoare	Ms O'Byrne	Mr Tanner
Mr Danby*	Mrs Irwin	Mr B. P. O'Connor	Mr K. J. Thomson
Mr Edwards	Ms Jackson	Mr G. M. O'Connor	Ms Vamvakinou*
Ms Ellis	Mr Katter	Mr Organ	Mr Wilkie
Mr Emerson	Mr Kerr*	Ms Plibersek	Mr Windsor
Mr Evans	Ms C. F. King	Mr Price	Mr Zahra
Mr L. D. T. Ferguson	Mr Latham	Mr Quick*	

NOES, 77

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

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Williams (Minister for Communications, Information Technology and the Arts), by leave, the Bill was read a third time.

31 AGRICULTURE, FISHERIES AND FORESTRY 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 having been resumed by Mr Katter—

32 ADJOURNMENT

It being 9 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 9.30 p.m.—The Speaker adjourned the House until tomorrow at 2 p.m.

PAPERS

The following papers were deemed to have been presented on 1 December 2003:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal—2003 No. 14.

Australian Film Television and Radio School Act—Regulations—Statutory Rules 2003 No. 292.

Civil Aviation Act—Regulations—Statutory Rules 2003 No. 297.

Crimes (Overseas) Act—Regulations—Statutory Rules 2003 No. 291.

Farm Household Support Act—Schemes—2003—

Farm Help Advice—Amendment (No. 1).

Farm Help Re-establishment Grant—Amendment (No. 3).

Fisheries Management Act and Fishing Levy Act—Regulations—Statutory Rules 2003 No. 287.

Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2003 No. 293.
Health Insurance Act—Regulations—Statutory Rules 2003 No. 295.
Migration Act—Regulations—Statutory Rules 2003 No. 296.
Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 2003 No. 290.
Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2003 No. 288.
Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2003 No. 289.
Product Stewardship (Oil) Act—Regulations—Statutory Rules 2003 No. 294.
Superannuation Guarantee (Administration) Act—Rulings—1994 Nos SGR 4 (Addendum), SGR 5 (Addendum).
Taxation Administration Act—
Determinations—
1997 No. TD 15 (withdrawal).
2003 No. TD 28.
Rulings—
2002 No. PR 122 (Addendum).
2003 Nos CR 103, CR 104, CR 105, PR 69, TR 15.
Workplace Relations Act—Rules—Statutory Rules 2003 No. 298.

ATTENDANCE

All Members attended (at some time during the sitting) except Dr Lawrence, Mr Schultz and Mr Snowdon*.

* On leave

I. C. HARRIS
Clerk of the House of Representatives