

2002-03-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 172

WEDNESDAY, 26 MAY 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—DEPUTY LEADER OF THE OPPOSITION**

Mr Abbott (Leader of the House) moved—That so much of the standing and sessional orders be suspended as would prevent the Deputy Leader of the Opposition from fully explaining why she said, in Question Time yesterday, that she would table a statement from Mr Bouchet but did not do so; from now tabling the statement; and from apologising for misleading the House if she refuses to do so.

Ms Macklin (Deputy Leader of the Opposition) moved, as an amendment—That all words after “suspended” be omitted and replaced with the following: “as would prevent the Leader of the House from apologising to the Deputy Leader of the Opposition for his false assertions in relation to the tabling of a document by the Deputy Leader of the Opposition yesterday”.

Ms Gillard seconded amendment.

The time allowed by standing order 91 for debate on the motion having expired, the Speaker stated that the amendment had not been proposed by the Chair and had therefore lapsed—

Question—put.

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

AYES, 78

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

NOES, 62

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr Ripoll
Mr Albanese	Mr Fitzgibbon	Ms Livermore	Ms Roxon
Mr Beazley	Ms George	Mr McClelland	Mr Rudd
Mr Bevis	Mr Gibbons	Ms Macklin	Mr Sawford
Mr Brereton	Ms Gillard	Mr McLeay	Mr Sciacca
Ms Burke	Ms Grierson	Mr McMullan	Mr Sercombe
Mr Byrne	Mr Griffin	Mr Melham	Mr Sidebottom
Ms Corcoran	Ms Hall	Mr Mossfield	Mr S. F. Smith
Mr Cox	Mr Hatton	Mr Murphy	Mr Snowden
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 Zahra
Mr Evans	Ms C. F. King	Mr Price	
Mr L. D. T. Ferguson	Mr Latham	Mr Quick*	

* Tellers

And so it was resolved in the affirmative by an absolute majority.

Ms Macklin addressed the House.

3 WORKPLACE RELATIONS AMENDMENT (PROTECTING SMALL BUSINESS EMPLOYMENT) 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 Rudd), and the resumption of the debate made an order of the day for the next sitting.

4 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (INCOME STREAMS) BILL 2004

Mr Pyne (Parliamentary Secretary to the Minister for Family and Community Services), pursuant to notice, presented a Bill for an Act to amend the law relating to social security and veterans' entitlements, and for related purposes.

Bill read a first time.

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

Paper

Mr Pyne presented an explanatory memorandum to the Bill.

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

5 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) 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 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 condemns the Government for:

- (1) failing to provide tax relief to 4 out of 5 taxpayers;
- (2) providing less in income tax cuts than it will collect in bracket creep in each of the years 2004-05, 2005-06, 2006-07 and 2007-08; and
- (3) continuing to be the highest taxing Government in Australia's history”—

Debate resumed.

Paper

Ms Hoare, by leave, presented the following paper:

Tax effective investment schemes—Koala Hydroponics Scheme—Extract from paper, pages 4 to 14.

Debate continued.

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

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

AYES, 78

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

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 Beazley	Mr Fitzgibbon	Ms Livermore	Ms Roxon
Mr Bevis	Ms George	Mr McClelland	Mr Rudd
Mr Brereton	Mr Gibbons	Ms Macklin	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 S. F. Smith
Mr Cox	Ms Hall	Mr Murphy	Mr Snowdon
Mr Crean	Mr Hatton	Ms O'Byrne	Mr Tanner
Mrs Crosio	Ms Hoare	Mr B. P. O'Connor	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.

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

6 SUPERANNUATION BUDGET MEASURES 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 Crean who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House rejects the Bill and condemns the Government for:

- (1) not having a balanced and integrated retirement incomes strategy;
- (2) providing a retirement incomes tax cut targeted at the most wealthy in the community through reducing the superannuation surcharge;
- (3) not adopting Labor’s alternative approach of offering a superannuation tax cut to all contributors; and
- (4) administering a system that fails to recognise the inability of low-income Australians to take advantage of measures to expand their superannuation while permitting spouses with wealthy partners to exploit the benefit”.

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.

7 QUESTIONS

Questions without notice being asked—

Paper

Mr Downer (Minister for Foreign Affairs) presented the following paper:

Iraq—Security of Australian Representative Office—Copy of letter from Ashton Calvert, Secretary, Department of Foreign Affairs and Trade, to Mr Downer, Minister for Foreign Affairs, 26 May 2004.

Questions without notice continuing—

Papers

Dr Nelson (Minister for Education, Science and Training) presented the following papers:

Aim Higher: Learning, training and better jobs for more Australians—Paper prepared by Mr Crean, Leader of the Opposition and Ms Macklin, Deputy Leader of the Opposition, 23 July 2003.

Estimates of additional revenue from student contributions—Table, Office of the Minister for Education, Science and Training, Parliament House, Canberra.

Higher education funding—Transcript of interview with Deputy Labor Leader, Ms Macklin, and Australian Defence Association Executive Director, Neil James, *Meet the Press*, 18 April 2004.

Questions without notice continuing—

Paper

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

Youth—Extract from preface, *Youth Australia: A Social report*, Australian Bureau of Statistics, 1997.

Questions without notice continuing—

Papers

Mr Zahra, by leave, presented the following papers:

Anger mounts over Grainstore comment—Copy of article by Nicole Rogowski, *South Gippsland Sentinel Times*, 11 May 2004.

Call to reject Grainstore insults—Copy of article, *South Gippsland Sentinel Times*, 11 May 2004.

Grainstore Committee of Management—Copy of letter to the editor from Mick Nicholls, Chairman, Grainstore Committee, *Mirboo North Times*, 12 May 2004.

Some trough! Some snout!—Copy of article, *Mirboo North Times*, 12 May 2004.

Questions without notice continued.

8 MEMBER ORDERED TO WITHDRAW

At 3.30 p.m. the Member for Watson (Mr McLeay) 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.

9 PAPER

Mr Zahra, by leave, presented the following paper:

Senate candidates for Liberal Party of Australia (Victorian Division).

10 PAPERS

The following papers were presented:

Australian National University—Report for 2003.

Pharmaceutical Benefits Pricing Authority—Supplementary report for 2002-03.

11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FAMILY PAYMENTS

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 Howard Government’s failure in its 2004-05 Budget to reform the payments it makes to families”.

The proposed discussion having received the necessary support—

Mr Swan addressed the House.

Discussion ensued.

Discussion concluded.

12 MEDICAL INDEMNITY LEGISLATION AMENDMENT (RUN-OFF COVER INDEMNITY AND OTHER MEASURES) BILL 2004—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, Administrator’s and Governor-General’s messages recommending appropriations had been reported, and the Bill had been agreed to with amendments (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, 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.

13 MEDICAL INDEMNITY (RUN-OFF COVER SUPPORT PAYMENT) 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.

14 INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (LOW REGULATORY CONCERN CHEMICALS) BILL 2004—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, a Governor-General’s message recommending an appropriation had been reported, and the Bill had been 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.

15 TOURISM AUSTRALIA 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.

16 TOURISM AUSTRALIA (REPEAL AND TRANSITIONAL PROVISIONS) 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.

17 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mrs Moylan (Chair) presented the following paper:

Public Works—Parliamentary Standing Committee—Report relating to site remediation and construction of infrastructure for the Defence site at Randwick Barracks, Sydney, NSW—Interim Works (1st report of 2004).

Ordered to be printed.

Mrs Moylan, by leave, made a statement in connection with the report.

18 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos 3 and 4, government business, be postponed until a later hour this day.

19 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED REFURBISHMENT OF ANZAC PARK EAST AND ANZAC PARK WEST BUILDINGS AND FIT-OUT OF ANZAC PARK WEST BUILDING, PARKES, ACT

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*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Proposed refurbishment of ANZAC Park East and ANZAC Park West Buildings and fit-out of ANZAC Park West Building, Parkes, ACT.

Question—put and passed.

20 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED DEVELOPMENT OF LAND AT LEE POINT, IN DARWIN, FOR DEFENCE AND PRIVATE HOUSING

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*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Proposed development of land at Lee Point, in Darwin, for Defence and private housing.

Question—put and passed.

21 AGE DISCRIMINATION BILL 2003—SENATE'S AMENDMENTS

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

Mr Ruddock (Attorney-General) moved—That the amendments be disagreed to.

Debate ensued.

Question—put.

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

AYES, 79

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

NOES, 59

Mr Adams	Mr L. D. T. Ferguson	Ms Livermore	Mr Ripoll
Mr Albanese	Mr M. J. Ferguson	Mr McClelland	Ms Roxon
Mr Beazley	Mr Fitzgibbon	Ms Macklin	Mr Rudd
Mr Bevis	Ms George	Mr McLeay	Mr Sawford
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
Mr Crean	Mr Hatton	Mr B. P. O'Connor	Mr Tanner
Mrs Crosio	Ms Hoare	Mr G. M. O'Connor	Mr K. J. Thomson
Mr Danby*	Mrs Irwin	Mr Organ	Ms Vamvakinou
Mr Edwards	Ms Jackson	Ms Plibersek	Mr Wilkie
Mr Emerson	Ms C. F. King	Mr Price	Mr Zahra
Mr Evans	Dr Lawrence	Mr Quick*	

* Tellers

And so it was resolved in the affirmative.

Mr Ruddock 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, 3 and 6*

These amendments propose to extend the concept of unlawful age discrimination to cover an aggrieved person's relative or associate.

It has been suggested these amendments are necessary, for example, to deal with hoteliers who may exclude a person because that person has unruly children. However, the Bill would permit a complaint on behalf of children who were unlawfully excluded from premises on the basis of age.

It has also been suggested these amendments are needed to cover a situation where a person is not employed because he or she may need to take time off to care for an aged relative. It is not appropriate to look to age discrimination legislation to solve issues of family responsibility. Family responsibilities sometimes have no relationship to a person's age. For example, a person may have significant family caring responsibility towards a spouse, sibling or grown up child, age in their 30s or 40s. The issue of

family responsibilities is addressed elsewhere, for example the *Sex Discrimination Act 1984*, the *Workplace Relations Act 1996* and in workplace agreements and awards.

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

Senate Amendment 2

This amendment proposes to extend the concept of ‘employment’ to cover ‘unpaid work’.

The definition of ‘employment’ in the Bill is essentially the same as in the *Disability Discrimination Act 1992* and the *Sex Discrimination Act 1984*. These definitions are consistent with the usual understanding of the term ‘employment’, which is generally taken to mean work done for remuneration.

Extending the provisions to the voluntary sector could have an adverse impact on voluntary arrangements, as the Government’s *Information Paper* pointed out (paragraph 4.3, page 14-15).

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

Senate Amendment 4

This amendment proposes to remove clause 6 of the Bill. Clause 6 addresses the potential overlap between discrimination based on age and that based on disability.

It has been suggested that the Human Rights and Equal Opportunity Commission is already well enough equipped to deal with any overlap between these two forms of discrimination. However, the law should deal clearly with possible overlap between different areas of discrimination, and not leave ‘grey’ areas.

The purpose of section 6 is to make clear that, where an act constitutes age and disability discrimination, it must be dealt with under the *Disability Discrimination Act 1992*. It would be unreasonable to leave a person unsure as to which Act applies.

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

Senate Amendment 5

This amendment proposes a new clause 14.

One aspect of this amendment would be to extend the concept of unlawful age discrimination to cover an aggrieved person’s relative or associate. This is rejected for the reasons stated above in relation to Senate amendments 1, 3 and 6.

The other aspect of this amendment would be to introduce age-based harassment as a ground of direct discrimination. The absence of a specific reference in the Bill does not mean that a complaint of age-based harassment cannot be brought. Harassment is covered where it amounts to direct discrimination. In particular, the Bill prohibits discrimination on the ground of age in the workplace. Specific allegations of discriminatory harassment will turn on the circumstances of the particular case. That is appropriate. States and Territories generally have provisions on sexual harassment but not age harassment, consistent with the approach in this Bill, as the Government’s *Information Paper* pointed out (paragraph 8.1, page 38).

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

Senate Amendment 7

This amendment proposes to remove the ‘dominant reason’ test in clause 16.

This amendment is not necessary or appropriate. In the area of age discrimination, action should be unlawful only where age is the dominant consideration. It is critical that the legislation not restrict employment opportunities for older Australians by imposing unnecessary costs and inflexibility on employers acting in good faith.

The ‘dominant reason’ test will be most appropriate to promote the attitudinal change it seeks to achieve. The Bill, including clause 16, is designed to send a clear message that age stereotyping is unacceptable, without suggesting that age can never be a relevant consideration.

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

Senate Amendments 8 and 9

These amendments are to the current exemption covering acts of ‘positive’ discrimination. The suggestion is that the exemption should cover acts only where they are intended and reasonably required to meet a need of, or reduce a disadvantage experienced by, people of a particular age.

These amendments are not necessary. The clause is designed to ensure that the exemption only covers those acts which are consistent with the purposes of the legislation. In other words, if the positive

discrimination lacks a reasonable basis, it will not be authorised by the Bill. The existing wording is preferable because it ensures clear scope for positive discrimination in appropriate cases. That is, where positive discrimination is intended to have appropriate beneficial effects and is consistent with the purposes of the Act, it should not be vulnerable to invalidity because a third party considers the positive discrimination was not ‘required’.

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

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

22 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:

26 May 2004—Message No. 265—

Family Assistance Legislation Amendment (More Help for Families—Increased Payments) 2004.

Family Assistance Legislation Amendment (More Help for Families—One-off Payments) 2004.

Classification (Publications, Films and Computer Games) Amendment 2004.

Law and Justice Legislation Amendment 2004.

Veterans’ Entitlements Amendment (Electronic Delivery) 2004.

23 SUPERANNUATION BUDGET MEASURES 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 Crean (see item No. 6, page 1628)*—

Debate resumed.

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

The House divided (the Deputy Speaker, Ms Gambaro, in the Chair)—

AYES, 77

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

NOES, 59

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr Ripoll
Mr Albanese	Mr Fitzgibbon	Ms Livermore	Ms Roxon
Mr Bevis	Ms George	Mr McClelland	Mr Rudd
Mr Brereton	Mr Gibbons	Ms Macklin	Mr Sawford
Ms Burke	Ms Gillard	Mr McLeay	Mr Sercombe
Mr Byrne	Ms Grierson	Mr McMullan	Mr Sidebottom
Ms Corcoran	Mr Griffin	Mr Melham	Mr S. F. Smith
Mr Cox	Ms Hall	Mr Mossfield	Mr Snowdon
Mr Crean	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
Mr Emerson	Mr Jenkins	Ms Plibersek	Mr Wilkie
Mr Evans	Mr Kerr	Mr Price	Mr Zahra
Mr L. D. T. Ferguson	Ms C. F. King	Mr Quick*	

* 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.

Message from the Administrator

Message No. 264, 14 May 2004, from His Excellency the Administrator 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.

24 ELECTORAL AND REFERENDUM AMENDMENT (ACCESS TO ELECTORAL ROLL AND OTHER MEASURES) 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.

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.

PAPER

The following paper was deemed to have been presented on 26 May 2004:

Veterans' Entitlements Act—Instrument under section 88A—2004 No. 6.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Charles, Ms Ellis*, Mr Hartsuyker, Mrs D. M. Kelly and Ms J. S. McFarlane*.

* On leave

I. C. HARRIS
Clerk of the House of Representatives

2002-03-04

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 172

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 26 MAY 2004

1 Due to a division having been called in the House, the Main Committee met at 9.43 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 MEDICAL INDEMNITY LEGISLATION AMENDMENT (RUN-OFF COVER INDEMNITY AND OTHER MEASURES) 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 Administrator

Message No. 261, 12 May 2004, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

Message from the Governor-General

Message No. 262, 26 May 2004, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Paper

Mr Abbott (Minister for Health and Ageing) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Abbott, by leave, Government amendments 1 and 2 were made together, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

4 MEDICAL INDEMNITY (RUN-OFF COVER SUPPORT PAYMENT) 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 the question on the report to be put forthwith.

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

5 INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (LOW REGULATORY CONCERN CHEMICALS) 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. 263, 31 March 2004, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

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.

6 TOURISM AUSTRALIA 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.

Suspension of sitting

At 12.29 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.42 p.m., the proceedings were resumed.

Debate continued.

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.

7 TOURISM AUSTRALIA (REPEAL AND TRANSITIONAL PROVISIONS) 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 the question on the report to be put forthwith.

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

8 ADJOURNMENT

On the motion of Mrs B. K. Bishop, the Main Committee adjourned at 1.01 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