

2002-03-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 186

WEDNESDAY, 4 AUGUST 2004

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- 1 The House met, at 9 a.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.
- 2 **CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS OFFENCES AND OTHER MEASURES) BILL (NO. 2) 2004**
- Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), 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 Slipper moved—That the Bill be now read a second time.
- Paper*
- Mr Slipper 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.
- 3 **CRIMINAL CODE AMENDMENT (SUICIDE RELATED MATERIAL OFFENCES) BILL 2004**
- Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), 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 Slipper moved—That the Bill be now read a second time.
- Paper*
- Mr Slipper 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 **AUSTRALIAN PASSPORTS 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. 293, 23 June 2004, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.
- Leave granted for third reading to be moved forthwith.
- On the motion of Mr Billson (Parliamentary Secretary to the Minister for Foreign Affairs), the Bill was read a third time.
- 5 **AUSTRALIAN PASSPORTS (APPLICATION FEES) BILL 2004**
- The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Billson (Parliamentary Secretary to the Minister for Foreign Affairs), the Bill was read a third time.

#### 6 AUSTRALIAN PASSPORTS (TRANSITIONALS AND CONSEQUENTIALS) BILL 2004

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Billson (Parliamentary Secretary to the Minister for Foreign Affairs), the Bill was read a third time.

#### 7 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (2004 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.

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

*Message from the Governor-General*

Message No. 294, 23 June 2004, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Pyne (Parliamentary Secretary to the Minister for Family and Community Services), the Bill was read a third time.

#### 8 ANTI-TERRORISM BILL (NO. 3) 2004

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Ruddock (Attorney-General), the Bill was read a third time.

#### 9 POSTPONEMENT OF NOTICE

Ordered—That notice No. 3, government business, be postponed until a later hour this day.

#### 10 TRADE PRACTICES LEGISLATION AMENDMENT BILL 2004

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Crean 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 in order not to block the passage of the collective bargaining provisions for small business, the House condemns the Government for:

- (1) combining important small business reforms and highly contentious changes to the merger approval regime in the same Bill; and
- (2) not adopting all the recommendations of the Report of the Senate Inquiry into ‘The effectiveness of the *Trade Practices Act 1974* in protecting small business’”.

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.

#### 11 QUESTIONS

Questions without notice being asked—

*Paper*

Mr Latham (Leader of the Opposition), by leave, presented the following paper:

Free Trade Agreement—Joint Statement from all Premiers and Chief Ministers, 4 August 2004.

Questions without notice continued.

**12 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following paper:

Auditor-General—Audit report No. 5 of 2004–2005—Performance audit—Management of the Standard Defence Supply System upgrade.

Ordered to be printed.

**13 PAPERS**

The following papers were presented:

Customs Act—Customs (Prohibited Exports) Regulations—Permissions granted under regulation 7—2004—1 January to 30 June.

Treaties—

*Bilateral—Text, together with national interest analysis and annexures—*

Agreement on Bilateral Cooperation between the Government of Australia and the Government of the Kingdom of Thailand, done at Canberra on 5 July 2004.

Joint Agreement on enhanced cooperation between Australia and Papua New Guinea, done at Port Moresby on 30 June 2004.

Termination of the Agreement between the Government of Australia and the Government of the Slovak Republic on trade and economic cooperation, done at Canberra on 23 April 1999.

Treaty between the Government of Australia and the Government of New Zealand establishing certain exclusive economic zone boundaries and continental shelf boundaries, done at Adelaide on 25 July 2004.

*Multilateral—Text, together with national interest analysis and annexures—*

Convention for the unification of certain rules for international carriage by air, done at Montreal on 28 May 1999 [replacing the Warsaw Convention].

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—Communication—No. 148/1999—Decision.

Optional Protocol to the International Covenant on Civil and Political Rights—Communications—

No. 1253/2004—Outline.

No. 1254/2004—Outline.

No. 1255/2004—Outline.

No. 1256/2004—Outline.

No. 1257/2004—Outline.

No. 1258/2004—Outline.

No. 1259/2004—Outline.

No. 1260/2004—Outline.

No. 1261/2004—Outline.

No. 1262/2004—Outline.

No. 1265/2004—Outline.

No. 1266/2004—Outline.

No. 1267/2004—Outline.

No. 1268/2004—Outline.

No. 1269/2004—Outline.

No. 1270/2004—Outline.

- No. 1271/2004—Outline.
- No. 1273/2004—Outline.
- No. 1288/2004—Outline.
- No. 1291/2004—Outline.

#### 14 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Customs Act—Customs (Prohibited Exports) Regulations—Permissions granted under regulation 7—2004—January to 30 June.

Treaties—

*Bilateral—Text, together with national interest analysis and annexures—*

Agreement on Bilateral Cooperation between the Government of Australia and the Government of the Kingdom of Thailand, done at Canberra on 5 July 2004.

Treaty between the Government of Australia and the Government of New Zealand establishing certain exclusive economic zone boundaries and continental shelf boundaries, done at Adelaide on 25 July 2004.

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—Communication—No. 148/1999—Decision.

Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

- No. 1253/2004—Outline.
- No. 1254/2004—Outline.
- No. 1255/2004—Outline.
- No. 1256/2004—Outline.
- No. 1257/2004—Outline.
- No. 1258/2004—Outline.
- No. 1259/2004—Outline.
- No. 1260/2004—Outline.
- No. 1261/2004—Outline.
- No. 1262/2004—Outline.
- No. 1265/2004—Outline.
- No. 1266/2004—Outline.
- No. 1267/2004—Outline.
- No. 1268/2004—Outline.
- No. 1269/2004—Outline.
- No. 1270/2004—Outline.
- No. 1271/2004—Outline.
- No. 1273/2004—Outline.
- No. 1288/2004—Outline.
- No. 1291/2004—Outline.

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

#### 15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FREE TRADE AGREEMENT

The House was informed that Mr Latham (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s failure to adequately protect the Pharmaceutical Benefits Scheme and Australian cultural content rules in its Free Trade Agreement enabling legislation”.

The proposed discussion having received the necessary support—

Mr Latham addressed the House.

Discussion ensued.

Discussion concluded.

#### 16 SELECTION COMMITTEE—REPORT

Mr Causley (Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 9 August 2004.

#### 17 TRADE PRACTICES LEGISLATION AMENDMENT BILL 2004

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr Crean (see item No. 10, page 1774)*—

Debate resumed.

Amendment negatived.

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.

#### 18 SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) 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 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 declining to give the Bill a second reading, the House:

- (1) condemns the Government for:
  - (a) refusing to accept its responsibilities for funding government schools as a national priority;
  - (b) providing only \$4 million in new money for government schools out of its \$31.3 billion package for schools;
  - (c) failing to include needs-based criteria in its funding and accountability provisions for non-government schools;
  - (d) refusing to take into account the total level of funding for non-government schools from all sources - Commonwealth, State and private - in assessing funding needs;
  - (e) entrenching its divisive and unfair funding arrangements for schools, where the largest increases in funding have been provided to some of the best resourced independent schools in Australia;
  - (f) failing to meet the urgent needs of students in government and non-government schools who have special needs, including:
    - (i) schools with concentrations of students from families living in poverty, unemployment and with low levels of school achievement and students with disabilities;
    - (ii) indigenous students; and
- (2) calls on the Government to introduce funding arrangements that reflect the relative needs of schools and students, so that all students have access to the resources they need to achieve the educational outcomes set out in the National Goals of Schooling for the 21st century”.

Debate adjourned (Mr Hockey—Minister for Small Business and Tourism), and the resumption of the debate made an order of the day for a later hour this day.

**19 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED FITOUT OF NEW LEASED PREMISES FOR DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES IN CIVIC, 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 fitout of new leased premises for the Department of Industry, Tourism and Resources in Civic, ACT.

Question—put and passed.

**20 SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) 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 Ms Macklin (Deputy Leader of the Opposition) (see item No. 18, page 1777)—*

Debate continued.

Mrs Irwin addressing the House—

**21 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 Deputy Speaker adjourned the House until tomorrow at 9 a.m.

**PAPERS**

The following papers were deemed to have been presented on 4 August 2004:

Australian Communications Authority Act and Radiocommunications Act—Determination—2004 Radiocommunications (Interpretation) Amendment (No. 1).

Bounty (Ships) Act—Return for 2003-2004.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates—21 July 2004 (2).

Lands Acquisition Act—

Statements under sub-section 125(5)—August 2004.

Statements under sub-section 40(3)—August 2004.

Military Superannuation and Benefits Act—Instrument—2004 Military Superannuation and Benefits Amendment Trust Deed (No. 2).

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Bevis, Mr Neville, Ms Panopoulos and Mr Snowdon.

**I. C. HARRIS**  
Clerk of the House of Representatives

2002-03-04

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

No. 186

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 4 AUGUST 2004

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1 The Main Committee met at 9.40 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **DEATH OF THE HON DR H. A. JENKINS—COPY OF CONDOLENCE MOTION MOVED BY THE PRIME MINISTER—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Abbott (Leader of the House)—That the House take note of the paper (*presented on 3 August 2004*), viz.:

Death of the Hon Dr H. A. Jenkins—Copy of condolence motion moved by the Prime Minister—  
Debate resumed.

As a mark of respect to the memory of the Hon Dr H. A. Jenkins all Members present stood, in silence.

Debate adjourned (Mrs B. K. Bishop), and the resumption of the debate made an order of the day for the next sitting.

4 **ADJOURNMENT**

On the motion of Mrs B. K. Bishop, the Main Committee adjourned at 10.58 a.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