

2004

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 8

MONDAY, 6 DECEMBER 2004

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

**2 AFFIRMATION OF ALLEGIANCE BY MEMBER**

Mr Sawford made and subscribed the affirmation of allegiance required by law.

**3 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

Mr Kerr presented the following document:

Australian Parliamentary Delegation to Ukraine and Bulgaria, 28 June to 9 July 2004—Report, December 2004.

Mr Kerr and Mr Causley made statements in connection with the report.

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

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

Mr Kerr was granted leave to continue his speech when the debate is resumed.

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

**4 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER**

Mr Bevis presented the following document:

Australian Parliamentary Delegation to the European Institutions and France, April and May 2004—Report, December 2004.

Mr Bevis made a statement in connection with the report.

**5 WORKING POOR**

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

- (1) acknowledges the alarming growth in the ranks of ‘working poor’ Australians;
- (2) notes that recent ABS data shows a disturbingly high level of financial pressure among the ‘working poor’;
- (3) notes that the majority of ‘working poor’ Australians are totally reliant on minimum Award wages;
- (4) acknowledges the majority of Award workers are women in part-time and casual jobs serving the needs of others in the hospitality, retail, health, childcare and community sectors; and
- (5) supports the system of annual wage increases to minimum Award rates as determined by the AIRC.

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.

**6 DRIVER EDUCATION**

Mr A. D. H. Smith, having amended, by leave, notice No. 1, private Members’ business, moved—That this House:

- (1) notes the terrible, and mostly avoidable, consequences of death and injury occurring on Australia's roads each year;
- (2) notes the importance of Australia's car and truck drivers and motor cycle riders remembering to drive and ride safely at all times, being mindful of their passengers' safety and the safety of other road users;
- (3) notes the Australian Government's plans, as announced in May 2003, for a compulsory national program of driver education for all new provisional licence holders that aims to reduce the number of young people killed and maimed on our roads;
- (4) notes the critical need for all levels of government and the broader automotive and related industries to work cooperatively with the objective of promoting safer driving and to partially fund driver education for new, mostly young, drivers; and
- (5) recognises the successes and ongoing work of community-based organisations, including schools, in their efforts to teach and promote safer driving and other key road safety messages.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 43, Mr Adams was granted leave to continue his speech when the debate is resumed, and the resumption of the debate was made an order of the day for the next sitting.

#### **7 MEMBERS' STATEMENTS**

Members' statements were made and petitions were presented.

#### **8 MINISTERIAL ARRANGEMENTS**

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mr Downer (Minister for Foreign Affairs), he would answer questions on defence issues on his behalf, and Mr M. A. J. Vaile (Minister for Trade) would answer all other questions on his behalf.

#### **9 QUESTIONS**

Questions without notice were asked.

#### **10 SUSPENSION OF STANDING ORDERS 31 AND 33**

Mr Abbott (Leader of the House), by leave, moved—That standing order 31 (adjournment) and standing order 33 (limit on business after 9.30 p.m.) be suspended for the remainder of this period of sittings.

Question—put and passed.

#### **11 CERTAIN PROCEDURAL MATTERS—STATEMENT BY SPEAKER**

The Speaker made a statement concerning certain procedural matters.

#### **12 PETITIONS**

Petitions lodged for presentation were announced.

#### **13 STATELESS VIETNAMESE PEOPLE**

Mrs Irwin, pursuant to notice, moved—That this House:

- (1) notes that 1,800 stateless Vietnamese people have been stranded in the Philippines since 1989 without residency status and are therefore ineligible to work or hold any rights of citizenship;
- (2) commends the Australian Government for granting humanitarian visas in the past four years to 68 stateless Vietnamese families comprising 260 people who have parents, children or siblings in Australia;
- (3) notes that a further 201 stateless Vietnamese families comprising 648 people with relatives in Australia remain in the Philippines;
- (4) notes that the United Kingdom and the United States of America have accepted over 300 people and have indicated a willingness to accept additional stateless Vietnamese people; and
- (5) calls on the Government to consider compassionately granting humanitarian visas to the remaining stateless Vietnamese families with relatives in Australia.

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.

#### 14 **AUTISM SUPPORT SERVICES**

Mr Randall, pursuant to notice, moved—That this House:

- (1) acknowledges the profound impact autism has on Australian families and the challenges they face in finding sufficient educational, developmental and respite services to help children and their carers with this life long disability;
- (2) notes that the funding of programs by the States to provide vital support to children with autism is vastly inadequate and causing unnecessary hardship and concern for their families; and
- (3) accepts that while the States have primary responsibility for the provision of disability support services, the Federal Government should play an active leadership role in what is a nationwide issue that affects 1 in 1,000 children born in Australia.

Debate ensued.

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

#### 15 **GRIEVANCE DEBATE**

Pursuant to the provisions of standing order 44, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

#### 16 **MAIN COMMITTEE—DAY OF NEXT MEETING**

The Deputy Speaker reported that Wednesday, 8 December 2004, at 9.40 a.m., had been fixed for the next meeting of the Main Committee.

#### 17 **MESSAGES FROM THE SENATE**

Messages from the Senate were reported:

- (a) returning the following bills without amendment or requests:

No. 16—Family and Community Services and Veterans' Affairs Legislation Amendment (2004 Election Commitments) 2004—2 December 2004;

No. 18—Health Insurance Amendment (100% Medicare Rebate and Other Measures) 2004—2 December 2004; and

No. 20—Agriculture, Fisheries and Forestry Legislation Amendment (No. 2) 2004—6 December 2004; and

- (b) acquainting the House of the appointment of Senators to the following joint committees:

Australian Crime Commission—Parliamentary Joint Committee—Senators Denman and Hutchins;  
Corporations and Financial Services—Parliamentary Joint Committee—Senators Brandis, Chapman, Lundy, Murray and Wong;

ASIO, ASIS and DSD—Parliamentary Joint Committee—Senator Ray;

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—Senators Carr and Crossin;

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—Senator Faulkner;

Public Accounts and Audit—Joint Committee—Senators Hogg and Moore;

Public Works—Parliamentary Standing Committee—Senator Forshaw;

And in accordance with the resolutions agreed to by both Houses:

Electoral Matters—Joint Standing Committee—Senators Carr and Forshaw.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Senators Bolkus, Crossin, Hutchins, Kirk and Lundy;

Migration—Joint Standing Committee—Senator Kirk;

National Capital and External Territories—Joint Standing Committee—Senators Crossin and Lundy;

Treaties—Joint Standing Committee—Senators Collins, Mackay and Stephens—No. 15—1 December 2004; and

- (c) acquainting the House that Senator Lundy has been discharged from the Joint Standing Committee on the National Capital and External Territories and Senator O'Brien has been appointed a member of the committee—No. 19—2 December 2004.

**18 MESSAGE FROM THE SENATE—WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL 2004**

Message No. 17, 2 December 2004, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

**19 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—DEVELOPMENT OF A NEW COLLECTION STORAGE FACILITY FOR THE NATIONAL LIBRARY OF AUSTRALIA, HUME, ACT**

Dr Stone (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: Development of a new collection storage facility for the National Library of Australia at Hume, ACT.

Question—put and passed.

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

Dr Stone (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, Darwin, for Defence and private housing.

Question—put and passed.

**21 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED DEVELOPMENT OF LAND FOR DEFENCE HOUSING AT MCDOWALL, BRISBANE, QLD**

Dr Stone (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 for Defence housing at McDowall, Brisbane, Qld.

Question—put and passed.

**22 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED FITOUT OF NEW LEASED PREMISES FOR THE ATTORNEY-GENERAL'S DEPARTMENT AT 3-5 NATIONAL CIRCUIT, BARTON, ACT**

Dr Stone (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 Attorney-General's Department at 3-5 National Circuit, Barton, ACT.

Question—put and passed.

**23 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED FITOUT OF NEW LEASED PREMISES FOR THE DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES, CIVIC, ACT**

Dr Stone (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, Civic, ACT.

Question—put and passed.

**24 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED FITOUT OF NEW LEASED PREMISES FOR THE DEPARTMENT OF THE PRIME MINISTER AND CABINET AT 1 NATIONAL CIRCUIT, BARTON, ACT**

Dr Stone (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 the Prime Minister and Cabinet at 1 National Circuit, Barton, ACT.

Question—put and passed.

**25 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED NEW EAST BUILDING FOR THE AUSTRALIAN WAR MEMORIAL, CANBERRA, ACT**

Dr Stone (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 new East Building for the Australian War Memorial, Canberra, ACT.

Question—put and passed.

**26 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION 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.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr McClelland, by leave, moved Opposition amendments (1) to (3) together.

Debate continued.

Amendments negatived.

Bill agreed to.

Consideration in detail concluded.

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

**27 MESSAGE FROM THE SENATE**

Message No. 21, 6 December 2004, from the Senate was reported acquainting the House that Senator McGauran had been discharged from attendance on the Parliamentary Joint Committee on the Australian Crime Commission, and Senator Santoro had been appointed a member of the committee.

**28 TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (POST-2005 SCHEME) 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. 12, 12 November 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 immediately.

On the motion of Mr Macfarlane (Minister for Industry, Tourism and Resources), the bill was read a third time.

**29 CUSTOMS TARIFF AMENDMENT (TEXTILE, CLOTHING AND FOOTWEAR POST-2005 ARRANGEMENTS) 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 immediately.

On the motion of Mr Macfarlane (Minister for Industry, Tourism and Resources), the bill was read a third time.

**30 POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 5, government business, be postponed until a later hour this day.

**31 TAX LAWS AMENDMENT (SUPERANNUATION REPORTING) 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.

Leave granted for third reading to be moved immediately.

On the motion of Mr Brough (Minister for Revenue and Assistant Treasurer), the Bill was read a third time.

**32 TAX LAWS AMENDMENT (RETIREMENT VILLAGES) 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 Fitzgibbon who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the bill a second reading, the House condemns the Government for failing to correct the tax anomaly earlier, leading to significant stress and suffering on elderly Australians”.

Debate continued.

Debate adjourned (Ms Gambaro—Parliamentary Secretary to the Minister for Defence), and the resumption of the debate made an order of the day for the next sitting.

**33 ADJOURNMENT**

Ms Gambaro (Parliamentary Secretary to the Minister for Defence) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11.30 p.m., adjourned until tomorrow at 2 p.m.

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**DOCUMENTS**

The following documents were deemed to have been presented on 6 December 2004:

Criminal Code Act—Regulations—Statutory Rules 2004 Nos 283, 284, 311, 312, 313, 314.

Defence Act—Determination under section 58B—2004 No. 47.

Disability Discrimination Act—Standards—2004 Disability standards for accessible public transport—Amendment (No. 2).

Environment Protection and Biodiversity Conservation Act—Notice under section 33—Accreditation of a plan for a declaration, 24 September 2004.

Financial Sector (Transfers of Business) Act—Transfer Rules 2004 No. 1.

Fisheries Management Act—Management Plan—Bass Strait Central Zone Scallop Fishery 2002—Amendment 2004 (No. 1).

National Health Act—

Declaration under subsection 85(2)—2004 No. PB 17.

Declaration under subsection 85(2AA)—2004 No. PB 16.

Determination under paragraph 98C(1)(b)—2004 No. PB 18.

Determination under paragraph (bj) of Schedule 1—2004 No. PHB 22.



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Downer, Mr Katter, Mrs May and Mr Sercombe.



**I. C. HARRIS**

Clerk of the House of Representatives