

2004

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

# VOTES AND PROCEEDINGS

No. 10

WEDNESDAY, 8 DECEMBER 2004

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**1** The House met, at 9 a.m., pursuant to adjournment. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

**2 WORKPLACE RELATIONS AMENDMENT (SMALL BUSINESS EMPLOYMENT PROTECTION) BILL 2004**

Mr 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 Andrews moved—That the bill be now read a second time.

*Document*

Mr Andrews presented an explanatory memorandum to the bill.

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

**3 TAX LAWS AMENDMENT (2004 MEASURES NO. 7) BILL 2004**

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

*Document*

Mr Brough presented an explanatory memorandum to the bill.

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

**4 TAX LAWS AMENDMENT (LONG-TERM NON-REVIEWABLE CONTRACTS) BILL 2004**

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

*Document*

Mr Brough presented an explanatory memorandum to the following bills:

Tax Laws Amendment (Long-term Non-reviewable Contracts) 2004.

A New Tax System (Goods and Services Tax Imposition (Recipients)—General) 2004.

A New Tax System (Goods and Services Tax Imposition (Recipients)—Customs) 2004.

A New Tax System (Goods and Services Tax Imposition (Recipients)—Excise) 2004.

Debate adjourned (Mr A. S. Burke), and the resumption of the debate, by leave, made an order of the day for a later hour this day.

**5 A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—GENERAL) BILL 2004**

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to implement A New Tax System by imposing the tax payable under the GST law, so far as that tax is imposed on recipients of taxable supplies and is neither a duty of customs nor a duty of excise.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

Debate adjourned (Mr A. S. Burke), and the resumption of the debate, by leave, made an order of the day for a later hour this day.

**6 A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—CUSTOMS) BILL 2004**

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to implement A New Tax System by imposing the tax payable under the GST law, so far as that tax is imposed on recipients of taxable supplies and is a duty of customs.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

Debate adjourned (Mr A. S. Burke), and the resumption of the debate, by leave, made an order of the day for a later hour this day.

**7 A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—EXCISE) BILL 2004**

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to implement A New Tax System by imposing the tax payable under the GST law, so far as that tax is imposed on recipients of taxable supplies and is a duty of excise.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

Debate adjourned (Mr A. S. Burke), and the resumption of the debate, by leave, made an order of the day for a later hour this day.

**8 CHILD SUPPORT LEGISLATION AMENDMENT BILL 2004**

Mrs Ley (Parliamentary Secretary—Children and Youth Affairs), pursuant to notice, presented a Bill for an Act to amend legislation relating to child support, and for related purposes.

Bill read a first time.

Mrs Ley moved—That the bill be now read a second time.

*Document*

Mrs Ley presented an explanatory memorandum to the bill.

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

**9 ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH**

The order of the day having been read for the resumption of the debate on the question—That the following Address in Reply to the speech of His Excellency the Governor-General be agreed to:

May it please Your Excellency:

We, the House of Representatives of the Commonwealth of Australia, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech which you have been pleased to address to the Parliament—

Debate resumed.

Debate adjourned (Mr Truss—Minister for Agriculture, Fisheries and Forestry), and the resumption of the debate made an order of the day for a later hour this day.

**10 MESSAGE FROM THE SENATE—TAX LAWS AMENDMENT (SUPERANNUATION REPORTING) BILL 2004**

Message No. 32, 7 December 2004, from the Senate was reported returning the Tax Laws Amendment (Superannuation Reporting) Bill 2004 with amendments.

Ordered—That the amendments be considered immediately.

On the motion of Mr Brough (Minister for Revenue and Assistant Treasurer), the amendments were disagreed to, after debate.

Mr Brough 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 and 2*

The amendments moved in the Senate retain the employer reporting requirement and associated cost to business. The intent of the bill is to remove the reporting requirement.

Further amendments prescribing additional reporting requirements would mandate the development of an intrusive, expensive and unnecessary reporting system. The Australian Taxation Office's (ATO's) annual report already provides much of the information referred to in the amendments. This information is also published on the ATO website.

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

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

#### **11 NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) 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 McClelland 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 calls upon the Government, consistent with the recommendations of the Australian Law Reform Commission, to:

- (1) implement a new Federal protected disclosure regime; and
- (2) include in the regime appropriate protection for persons working with security sensitive information and national security”.

Debate continued.

*Document*

Mr Ruddock (Attorney-General) presented an explanatory memorandum to the bill.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—bill read a second time.

*Consideration in detail*

Bill, by leave, taken as a whole.

On the motion of Mr Ruddock, by leave, Government amendments (1) to (8) were made together, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Ruddock, by leave, the bill was read a third time.

#### **12 NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) (CONSEQUENTIAL AMENDMENTS) 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 Ruddock (Attorney-General), the bill was read a third time.

#### **13 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004**

The order of the day having been read for the second reading—Mr Ruddock (Attorney-General) moved—That the bill be now read a second time.

*Document*

Mr Ruddock presented an explanatory memorandum to the bill.

Debate ensued.

Debate adjourned (Mr Lloyd—Minister for Local Government, Territories and Roads), and the resumption of the debate made an order of the day for a later hour this day.

#### 14 DOCUMENTS

Mrs D. M. Kelly (Minister for Veterans' Affairs) added to an answer to a question without notice given yesterday and presented the following documents:

Grant advisory letters—

Copy of letter from Peter Yuile, Deputy Secretary, Department of Transport and Regional Services, 8 December 2004.

Statement by Giulio Cerasani, Departmental Liaison Officer, Office of Mr Cobb, Parliamentary Secretary to the Minister for Transport and Regional Services, 7 December 2004.

Statement by Mrs D. M. Kelly, Minister for Veterans' Affairs, 7 December 2004.

Mr Latham (Leader of the Opposition), in accordance with standing order 201, having called for a document quoted from by Mrs D. M. Kelly—

Mrs D. M. Kelly presented the following document:

Grant advisory letters—Statement by Mrs D. M. Kelly, Minister for Veterans' Affairs, 8 December 2004.

#### 15 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) 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 Ruddock (Attorney-General), the bill was read a third time.

#### 16 SURVEILLANCE DEVICES BILL 2004

The order of the day having been read for the second reading—Mr Ruddock (Attorney-General) moved—That the bill be now read a second time.

*Documents*

Mr Ruddock presented an explanatory memorandum and a correction to the explanatory memorandum to the bill.

Debate ensued.

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

Leave granted for third reading to be moved immediately.

On the motion of Mr Ruddock, the bill was read a third time.

#### 17 QUESTIONS

Questions without notice being asked—

*Suspension of standing and sessional orders moved*

Mr Latham (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House censures the Minister for Veterans' Affairs for:

- (1) failing to provide any proper explanation of the fundamental contradiction between her claims that on 31 August she believed a press release announcing the grant to Horse Australia 2005 had been issued and that on the same day she signed a letter to Mrs Health Clelland of Horse Australia asking that she keep the grant confidential to enable her National party colleague, Senator Boswell to announce it;

- (2) her failure to table every letter that has been sent on her Parliamentary Secretary letterhead in the time she has been Minister for Veterans' Affairs;
- (3) purporting to act as Parliamentary Secretary to the Minister for Transport and Regional Services while no longer entitled to;
- (4) improperly continuing to deal with arrangements in respect of funding under the Regional Partnerships Program; and
- (5) refusing to provide any proper explanation of her role as Parliamentary Secretary in relation to the grant to A2 Milk Marketeers and her employment, in breach of the Ministerial Code of Conduct of Mr Ken Croke, a person with a clear conflict of interest.

Debate ensued.

Question—put.

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

AYES, 59

Mr Adams	Ms A. L. Ellis	Mrs Irwin	Mr Price
Mr Albanese	Ms K. M. Ellis	Mr Kerr	Mr Quick
Mr Andren	Mr Emerson	Ms C. King	Mr Ripoll
Mr Beazley	Mr L. Ferguson	Mr Latham	Ms Roxon
Mr Bevis	Mr M. J. Ferguson	Dr Lawrence	Mr Rudd
Ms Bird	Mr Fitzgibbon	Ms Livermore	Mr Sawford
Mr Bowen	Mr Garrett	Mr McClelland	Mr Sercombe
Ms A. E. Burke	Mr Georganas	Ms Macklin	Mr S. F. Smith
Mr A. S. Burke	Ms George	Mr McMullan	Mr Swan
Mr Byrne	Mr Gibbons	Mr Melham	Mr Tanner
Ms Corcoran	Ms Gillard	Mr Murphy	Mr K. J. Thomson
Mr Crean	Ms Grierson	Mr B. P. O'Connor	Ms Vamvakinou
Mr Danby*	Ms Hall*	Mr G. M. O'Connor	Mr Wilkie
Mr Edwards	Mr Hatton	Ms Owens	Mr Windsor
Mrs Elliot	Ms Hoare	Ms Plibersek	

## NOES, 84

Mr Abbott	Mr Dutton	Mr Keenan	Mr Ruddock
Mr Anderson	Mrs Elson	Mrs D. M. Kelly	Mr Schultz
Mr Andrews	Mr Entsch	Jackie Kelly	Mr Scott
Fran Bailey	Mr Farmer	Mr Laming	Mr Secker
Mr Baird	Mr Fawcett	Mrs Ley	Mr Slipper
Mr Baker	Mr M. D. Ferguson	Mr Lindsay	Mr A. D. H. Smith
Mr Baldwin	Mr Forrest*	Mr Lloyd	Mr Somlyay
Mr Barresi	Ms Gambaro	Mr McArthur*	Dr Southcott
Mr Bartlett	Mrs Gash	Mr McGauran	Dr Stone
Mr Billson	Mr Georgiou	Mrs Markus	Mr C. P. Thompson
Mrs B. K. Bishop	Mr Haase	Mrs Moylan	Mr Ticehurst
Ms J. Bishop	Mr Hardgrave	Mr Nairn	Mr Tollner
Mr Broadbent	Mr Hartsuyker	Dr Nelson	Mr Truss
Mr Brough	Mr Henry	Mr Neville	Mr Tuckey
Mr Cadman	Mr Hockey	Ms Panopoulos	Mr Turnbull
Mr Causley	Mr Howard	Mr Pearce	Mr M. A. J. Vaile
Mr Ciobo	Mrs Hull	Mr Prosser	Mrs D. S. Vale
Mr Cobb	Mr Hunt	Mr Pyne	Mr Vasta
Mr Costello	Dr Jensen	Mr Randall	Mr Wakelin
Mr Downer	Mr Johnson	Mr Richardson	Dr Washer
Mrs Draper	Mr Jull	Mr Robb	Mr Wood

\* Tellers

And so it was negatived.

Questions without notice concluded.

#### 18 DOCUMENTS

The following documents were presented:

Australia-Japan Foundation—Report for 2003-04.

Cotton Research and Development Corporation—Report for 2003-04—Addendum.

Dairy Adjustment Authority—Report for 2003-04.

Dairy Australia Limited—Report for 2003-04.

Department of Transport and Regional Services—Report for 2003-04.

Snowy Hydro Limited—Consolidated financial report—29 June 2003 to 26 June 2004.

#### 19 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Mr McGauran (Deputy Leader of the House) moved—That the House take note of the following documents:

Australia-Japan Foundation—Report for 2003-04.

Department of Transport and Regional Services—Report for 2003-04.

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

#### 20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REGIONAL PARTNERSHIPS PROGRAM

The House was informed that Mr K. J. Thomson had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The abuse by National Party Ministers and Parliamentary Secretaries of the Government’s Regional Partnerships Program”.

The proposed discussion having received the necessary support—

Mr K. J. Thomson addressed the House.

*Deputy Speaker's ruling*

The Deputy Speaker ruled that Mr K. J. Thomson was not in order in addressing a Matter of Public Importance and making personal reflections on and imputations against the Minister for Veterans' Affairs in the absence of a substantive motion.

*Dissent from ruling*

Mr Latham (Leader of the Opposition) moved—That the ruling be dissented from.

Debate ensued.

Question—put.

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

## AYES, 58

Mr Adams	Ms A. L. Ellis	Mrs Irwin	Mr Price
Mr Albanese	Ms K. M. Ellis	Mr Kerr	Mr Quick
Mr Andren	Mr Emerson	Ms C. King	Mr Ripoll
Mr Beazley	Mr L. Ferguson	Mr Latham	Ms Roxon
Mr Bevis	Mr M. J. Ferguson	Dr Lawrence	Mr Rudd
Ms Bird	Mr Fitzgibbon	Ms Livermore	Mr Sawford
Mr Bowen	Mr Garrett	Mr McClelland	Mr Sercombe
Ms A. E. Burke	Mr Georganas	Ms Macklin	Mr S. F. Smith
Mr A. S. Burke	Ms George	Mr McMullan	Mr Swan
Mr Byrne	Mr Gibbons	Mr Melham	Mr Tanner
Ms Corcoran	Ms Gillard	Mr Murphy	Mr K. J. Thomson
Mr Crean	Ms Grierson	Mr B. P. O'Connor	Ms Vamvakinou
Mr Danby*	Ms Hall*	Mr G. M. O'Connor	Mr Wilkie
Mr Edwards	Mr Hatton	Ms Owens	
Mrs Elliot	Ms Hoare	Ms Plibersek	

## NOES, 81

Mr Abbott	Mr Entsch	Mr Laming	Mr Secker
Mr Anderson	Mr Farmer	Mrs Ley	Mr Slipper
Mr Andrews	Mr Fawcett	Mr Lindsay	Mr A. D. H. Smith
Fran Bailey	Mr M. D. Ferguson	Mr Lloyd	Mr Somlyay
Mr Baird	Mr Forrest*	Mr McArthur*	Dr Southcott
Mr Baker	Ms Gambaro	Mr McGauran	Dr Stone
Mr Baldwin	Mrs Gash	Mrs Markus	Mr C. P. Thompson
Mr Barresi	Mr Georgiou	Mrs Moylan	Mr Ticehurst
Mr Bartlett	Mr Haase	Mr Nairn	Mr Tollner
Mr Billson	Mr Hardgrave	Dr Nelson	Mr Truss
Mrs B. K. Bishop	Mr Hartsuyker	Mr Neville	Mr Tuckey
Ms J. Bishop	Mr Henry	Ms Panopoulos	Mr Turnbull
Mr Broadbent	Mr Hockey	Mr Pearce	Mr M. A. J. Vaile
Mr Brough	Mrs Hull	Mr Prosser	Mrs D. S. Vale
Mr Cadman	Mr Hunt	Mr Pyne	Mr Vasta
Mr Ciobo	Dr Jensen	Mr Randall	Mr Wakelin
Mr Cobb	Mr Johnson	Mr Richardson	Dr Washer
Mr Downer	Mr Jull	Mr Robb	Mr Wood
Mrs Draper	Mr Keenan	Mr Ruddock	
Mr Dutton	Mrs D. M. Kelly	Mr Schultz	
Mrs Elson	Jackie Kelly	Mr Scott	

\* Tellers

And so it was negatived.

Discussion continued.

Discussion concluded.

**21 AUSTRALIAN PASSPORTS 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 Pyne (Parliamentary Secretary to the Minister for Health and Ageing), by leave, the bill was read a third time.

**22 AUSTRALIAN PASSPORTS (APPLICATION FEES) 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 Pyne (Parliamentary Secretary to the Minister for Health and Ageing), by leave, the bill was read a third time.

**23 AUSTRALIAN PASSPORTS (TRANSITIONALS AND CONSEQUENTIALS) 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 Pyne (Parliamentary Secretary to the Minister for Health and Ageing), by leave, the bill was read a third time.

**24 HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 3) 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 Pyne (Parliamentary Secretary to the Minister for Health and Ageing), by leave, the bill was read a third time.

**25 AVIATION SECURITY AMENDMENT 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 Pyne (Parliamentary Secretary to the Minister for Health and Ageing), by leave, the bill was read a third time.

**26 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS**

Mrs Moylan (Chair) presented the following documents:

Public Works—Parliamentary Standing Committee—Reports—

Proposed development of land at Lee Point, in Darwin, for Defence and private housing, Northern Territory (5th report of 2004).

Proposed fitout of new leased premises for the Department of the Prime Minister and Cabinet at 1 National Circuit, Barton, ACT (6th report of 2004).

Proposed fitout of new leased premises for the Attorney-General's Department at 3-5 National Circuit, Barton, ACT (7th report of 2004).

Proposed new East Building for the Australian War Memorial, Canberra (8th report of 2004).

Development of a new collection storage facility for the National Library of Australia at Hume, ACT (9th report of 2004).

Reports ordered to be printed.

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



**27 MESSAGES FROM THE SENATE**

Messages from the Senate, 7 December 2004, were reported:

- (a) returning the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Bill 2004 and informing the House that the Senate does not insist on its amendments disagreed to by the House—No. 34; and
- (b) returning the Tax Laws Amendment (Small Business Measures) Bill 2004 without amendment—No. 35.

**28 TAX LAWS AMENDMENT (LONG-TERM NON-REVIEWABLE CONTRACTS) 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.

**29 A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—GENERAL) 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 Brough (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**30 A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—CUSTOMS) 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 Brough (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**31 A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—EXCISE) 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 Brough (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**32 MESSAGE FROM THE SENATE—NATIONAL WATER COMMISSION BILL 2004**

Message No. 37, 8 December 2004, from the Senate was reported returning the National Water Commission Bill 2004 with an amendment.

Ordered—That the amendment be considered immediately.

On the motion of Mr Nairn (Parliamentary Secretary to the Prime Minister), the amendment was agreed to.

**33 WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL 2004**

The order of the day having been read for the second reading—Mr Andrews (Minister for Employment and Workplace Relations) moved—That the bill be now read a second time.

*Document*

Mr Andrews presented a revised explanatory memorandum to the bill.

Debate ensued.

Debate adjourned (Mr Dutton—Minister for Workforce Participation), and the resumption of the debate made an order of the day for a later hour this day.

**34 MESSAGE FROM THE SENATE—TAX LAWS AMENDMENT (RETIREMENT VILLAGES) BILL 2004**

Message No. 38, 8 December 2004, from the Senate was reported returning the Tax Laws Amendment (Retirement Villages) Bill 2004 with amendments.

Ordered—That the amendments be considered immediately.

On the motion of Mr Brough (Minister for Revenue and Assistant Treasurer), the amendments were disagreed to, after debate.

Mr Brough 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 to 3*

The House of Representatives does not support the amendments put forward in the Senate on two fronts:

First, the suggested amendments restate a rule that is already contained in the bill and that is the ability for the Aged Care Minister to make a determination that on the levels of care services required by residents are to be assessed.

Second, and more importantly, the amendments proposed will remove the requirement to assess whether residents require daily living assistance. If this amendment were carried it may require the ATO to assess eligibility of residents based on their individual needs. The ATO does not have the expertise to make such assessments and, in potentially having to issue rulings on this matter, would create the kind of uncertainty that this bill is designed to remove.

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

**35 ADJOURNMENT**

Mr Brough (Minister for Revenue and Assistant Treasurer) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 8 p.m., adjourned until tomorrow at 9 a.m.

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**DOCUMENT**

The following document was deemed to have been presented on 8 December 2004:

Customs Act—Customs (Prohibited Exports) Regulation 13E(1)—2004 Defence and strategic goods list.

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**ATTENDANCE**

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

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

2004

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

No. 10

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 8 DECEMBER 2004

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 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. 14, 1 December 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 immediately.

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

**4 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 the question on the report to be put immediately.

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

**5 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 the question on the report to be put immediately.

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

**6 HIGHER EDUCATION LEGISLATION AMENDMENT 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.

*Message from the Governor-General*

Message No. 10, 17 November 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 immediately.

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

**7 AVIATION SECURITY 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.

Leave granted for the question on the report to be put immediately.

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

*Suspension of sitting*

At 1.13 p.m., the Deputy Speaker left the Chair.

*Resumption of sitting*

At 4.30 p.m., the Deputy Speaker resumed the Chair.

**8 FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL 2004**

The order of the day having been read for the second reading—Mr Truss (Minister for Agriculture, Fisheries and Forestry) moved—That the bill be now read a second time.

*Document*

Mr Truss presented an explanatory memorandum to the bill.

Debate ensued.

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

Leave granted for the question on the report to be put immediately.

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

**9 FAMILY LAW AMENDMENT (ANNUITIES) BILL 2004**

The order of the day having been read for the second reading—Mr Ruddock (Attorney-General) moved—That the bill be now read a second time.

*Document*

Mr Ruddock presented an explanatory memorandum to the bill.

Debate ensued.

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

Leave granted for the question on the report to be put immediately.

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

**10 ADJOURNMENT**

On the motion of Mr Baldwin, the Main Committee adjourned at 5.25 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