

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 23

MONDAY, 14 MARCH 2005



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 EMPLOYMENT, WORKPLACE RELATIONS AND WORKFORCE PARTICIPATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mr Barresi (Chair) presented the following documents:

Employment, Workplace Relations and Workforce Participation—Standing Committee—Working for Australia's future—Increasing participation in the workforce—

Report, incorporating a dissenting report, March 2005.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be made a Parliamentary Paper.

Statements in connection with the report were made.

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

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

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

3 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mrs May (Chair) presented the following documents:

Procedure—Standing Committee—The anticipation rule—

Report, incorporating evidence, March 2005.

Minutes of proceedings.

Ordered—That the report be made a Parliamentary Paper.

Statements in connection with the report were made.

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

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

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

4 ASIO, ASIS AND DSD—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mr McArthur presented the following documents:

ASIO, ASIS and DSD—Parliamentary Joint Committee—Review of administration and expenditure for ASIO, ASIS and DSD—Report, March 2005.

Ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

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

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

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

5 ABORIGINAL COMMUNITIES

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

- (1) recognises that:
 - (a) passive welfare payments to Aboriginal communities, asking nothing in return from the recipient, have denied them the pride they deserve and the opportunity to shape their own destiny;
 - (b) education is the key to change, and that childhood intervention to improve education will boost employment opportunities and head off longer-term problems; and
 - (c) the leadership capacity of individuals in local communities must be fostered, and that we should support those Aboriginal leaders who want to stand up and ‘tell it like it is’, rather than dealing with elected or appointed intermediaries who will not be accountable;
- (2) condemns the violence and unlawful destruction of property in Aboriginal communities this year, which puts the lives of police and others at risk; and
- (3) calls on Aboriginal communities to show the leadership they need to move forward into a more successful future.

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 TRAFFICKING FOR SEXUAL SERVITUDE

Mr Price, pursuant to notice, moved—That this House expresses its concern about the international trafficking in women for sexual slavery and:

- (1) recognises that women trafficked to Australia for sexual servitude are victims not criminals and should be treated by authorities as victims;
- (2) calls on the Government to adopt the recommendations of the Parliamentary Joint Committee on the Australian Crime Commission’s report: *Australian Crime Commission’s response to trafficking in women for sexual servitude*;
- (3) urges the Government to increase the assistance available to victims of trafficking for sexual servitude;
- (4) calls on the Government to change current visa provisions so as to give adequate protection to all victims of trafficking for sexual servitude;
- (5) condemns the Government for placing victims of human trafficking for sexual servitude in detention;
- (6) recognises that women who have been trafficked to Australia for sexual servitude who subsequently cooperate with police are in great danger, both in Australia and, in particular, their country of origin; and
- (7) notes the Government’s failure to prosecute the human traffickers.

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

7 MEMBERS’ STATEMENTS

Members’ statements were made.

8 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mrs D. M. Kelly (Minister for Veterans’ Affairs), Mr Downer (Minister for Foreign Affairs) would answer questions on her behalf.

9 QUESTIONS

Questions without notice being asked—

Documents

Mr M. A. J. Vaile (Minister for Trade) presented the following documents:

China—

Market economy status—Department of Foreign Affairs and Trade, 2 March 2005.

Trade and economic framework between Australia and the People's Republic of China—Department of Foreign Affairs and Trade.

Questions without notice continuing—

Member directed to leave

At 2.18 p.m. the Member for Hotham (Mr Crean) was directed, under standing order 94, to leave the Chamber for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly left the Chamber.

Questions without notice continued.

10 PETITIONS

Petitions lodged for presentation were announced.

11 MESSAGE FROM THE SENATE—PARLIAMENTARY SERVICE AMENDMENT BILL 2005

Message No. 81, 10 March 2005, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Parliamentary Service Act 1999*, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for Wednesday, 16 March 2005.

12 LEBANON'S FORMER PRIME MINISTER, MR RAFIK HARIRI

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

- (1) condemns the act of unprovoked violence that took the life of Mr Rafik Hariri, Lebanon's former Prime Minister, along with nine others;
- (2) notes that Mr Hariri was Lebanon's Prime Minister for 10 of the last 14 years, he was a major figure in the re-construction of Beirut after the civil war and had emerged as a leading critic of the continued presence of foreign troops in Lebanon; and
- (3) notes that Mr Hariri will be remembered around the world and among Lebanese Australians for his unstinting dedication to the people of Lebanon.

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.

13 MENTAL ILLNESS

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

- (1) notes:
 - (a) the prevalence of mental illness in Australia and its impact on the community;
 - (b) the concerns expressed by the community for the need to improve mental health services; and
 - (c) the need to increase funding to mental health services and to provide proper care to those afflicted with serious mental illness; and
- (2) calls on all Governments:
 - (a) to work cooperatively to increase their contribution towards funding mental health services and to maintain that support in real terms;
 - (b) to take urgent steps to address the prevalence of cases that are not properly and fully managed;
 - (c) to review the policies that allow people with serious mental illness to live virtually unattended in the community;

- (d) to increase efforts to assist in the early identification of mental illness cases and to put in place early intervention measures, particularly amongst the young;
- (e) to investigate the high rate of mental illness that has been found amongst prisoners in our jails with the view of providing appropriate care; and
- (f) instigate research to determine precisely the extent of the problem 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.

14 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.

15 MESSAGE FROM THE SENATE—BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

Message No. 80, 10 March 2005, from the Senate was reported returning the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004 with amendments.

Ordered—That the amendments be considered immediately.

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

Mr McGauran presented reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to the amendments of the Senate

Senate Amendment (1)

This amendment proposes a significant change to the anti-siphoning provisions of the *Broadcasting Services Act 1992* (BSA). Broadly, the amendment provides that the anti-siphoning list made by the Minister for Communications, Information Technology and the Arts, in accordance with subsection 115(1) of the BSA, must include the Fédération Internationale de Football Association (FIFA) World Cup finals tournament. The anti-siphoning list already includes each match in the 2006 FIFA World Cup, and on 9 March 2005 the Minister announced her intention to add to the list each match in the 2010 FIFA World Cup. The amendment is therefore unnecessary.

The amendment would have the likely effect of preventing the Minister from delisting this event under subsection 115(2) of the BSA, without breaching proposed subsection (1AAA). The amendment may also have the consequence of overriding both the automatic delisting of the event six weeks before the event's commencement (subsection 115(1AA)—this is amended to 12 weeks under the Bill) and the delisting of the event seven days after the completion of the event (subsection 115(1B)). These delisting provisions are designed to ensure the effective operation of the anti-siphoning scheme. In overriding these provisions, the amendment would circumvent the intended operation of the anti-siphoning scheme. The amendment would therefore have perverse and undesirable consequences.

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

Senate Amendments (2) and (3)

These amendments propose to extend the anti-siphoning provisions with the object of preventing a subscription television broadcasting (pay TV) licensee, or a company associated with a pay TV licensee, from acquiring the subscription or free-to-air rights to an event included on the anti-siphoning list before those rights are acquired by a free-to-air broadcaster, or the event is delisted from the anti-siphoning list.

The amendments would make it a breach of licence condition for a pay TV licensee if the licensee, or a person who controls it or that it controls, or anyone controlled by or in control of any such person, acquires the broadcast rights to listed events unless a national broadcaster or commercial broadcaster with access to more than 50 per cent of the population acquires the rights. The amendments expand the scope of the anti-siphoning scheme further by preventing such companies from acquiring the pay TV or free-to-air rights to listed events, whereas currently only the purchase by pay TV licensees of the pay TV rights is addressed (under paragraph 10(1)(e) of the BSA). Additionally, the amendments seek to

make it a breach of licence condition if a pay TV licensee subsequently broadcasts an event the rights to which have been acquired in breach of the anti-siphoning licence condition.

In expanding the scope of the anti-siphoning licence condition to include companies associated with pay TV licensees, the amendments would make a pay TV licensee responsible for the business decisions of companies that that licensee is not in a position to control. This would also potentially mean that the purchase of rights to listed events by some commercial television broadcasting licensees that are associated with pay TV licensees would place those licensees in breach.

The creation of a new licence condition for the broadcast of events that are acquired in breach of the anti-siphoning scheme is unnecessary, since the prior acquisition of rights to an event contrary to the scheme places the licensee in breach of a licence condition (paragraph 10(1)(e) of the BSA). This additional licence condition could potentially have the effect that, if the rights to a listed event are acquired by a pay TV licensee or associated company in a manner that breaches the anti-siphoning provisions, then that event is unavailable to all pay TV licensees, under any circumstances. That is, this amendment could mean that a pay TV licensee may not broadcast an event, even if it acquired the rights to that event in line with the anti-siphoning provisions, if another pay TV licensee breached the anti-siphoning licence condition in respect of that event.

The amendments therefore are unnecessary, would have undesirable consequences and would be unworkable.

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

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

16 WORKPLACE RELATIONS AMENDMENT (RIGHT OF ENTRY) 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.

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

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Mr Abbott	Mrs Elson	Mr Laming	Mr Ruddock
Mr Andrews	Mr Entsch	Mrs Ley	Mr Schultz
Fran Bailey	Mr Farmer	Mr Lindsay	Mr Scott
Mr Baird	Mr Fawcett	Mr Lloyd	Mr Secker
Mr Baker	Mr M. D. Ferguson	Mr McArthur*	Mr Slipper
Mr Baldwin	Mr Forrest*	Mr Macfarlane	Mr A. D. H. Smith
Mr Barresi	Ms Gambaro	Mr McGauran	Dr Southcott
Mr Bartlett	Mrs Gash	Mrs Markus	Dr Stone
Mr Billson	Mr Georgiou	Mrs May	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 Turnbull
Mr Cadman	Mr Hockey	Ms Panopoulos	Mr M. A. J. Vaile
Mr Causley	Mrs Hull	Mr Pearce	Mrs D. S. Vale
Mr Ciobo	Mr Hunt	Mr Prosser	Mr Vasta
Mr Cobb	Dr Jensen	Mr Pyne	Mr Wakelin
Mr Costello	Mr Johnson	Mr Randall	Mr Windsor
Mrs Draper	Mr Keenan	Mr Richardson	Mr Wood
Mr Dutton	Jackie Kelly	Mr Robb	

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

* Tellers

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

Leave granted for third reading to be moved immediately.

On the motion of Mr Andrews (Minister for Employment and Workplace Relations), the bill was read a third time.

17 SEX DISCRIMINATION AMENDMENT (TEACHING PROFESSION) 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.

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

18 ADJOURNMENT

Mr Pearce (Parliamentary Secretary to the Treasurer) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.59 p.m., adjourned until tomorrow at 2 p.m.

DOCUMENTS

The following documents were deemed to have been presented on 14 March 2005:

Civil Aviation Act—

Civil Aviation Regulations—

Exemptions—2005 Nos CASA EX01, 06, EX07, EX08 [F2005L00632], [F2005L00667], [F2005L00670], [F2005L00671].

Instrument—2005 No. CASA 87 [F2005L00673].

Civil Aviation Safety Regulations—Airworthiness Directives—Part 39-105—2005—

2 (11) March [F2005L00582], [F2005L00584], [F2005L00592], [F2005L00610], [F2005L00612], [F2005L00614], [F2005L00615], [F2005L00616], [F2005L00618], [F2005L00620], [F2005L00621].

4 (5) March [F2005L00556], [F2005L00587], [F2005L00589], [F2005L00596], [F2005L00609].

10 (2) March [F2005L00664], [F2005L00666].

Customs Act—Tariff Concession Orders—2005 8, 11 March [F2005L00663], [F2005L00682].

Environment Protection and Biodiversity Conservation Act—Instrument under subsection 303DC(1)—16 February 2005 [F2005L00429].

Financial Management and Accountability Act—

Directions—2004/05—Nos 31, 32 [F2005L00661], [F2005L00680].

Net Appropriation Agreements under section 31—2005 7 (2) March [F2005L00641], [F2005L00677].

National Health Act—Determination under paragraph (bj) of Schedule 1—2005 No. HIB 2 [F2005L00674].

Quarantine Act—Proclamation—2005 Quarantine Amendment (No. 1) [F2005L00630].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Edwards*, Mr Jull, Mrs D. M. Kelly, Ms Plibersek*, Ms Roxon, Mr Somlyay, Mr Tuckey and Ms Vamvakinou.

* On leave

I. C. HARRIS
Clerk of the House of Representatives