

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 57

WEDNESDAY, 14 SEPTEMBER 2005

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

2 **NATIONAL HEALTH AMENDMENT (BUDGET MEASURES—PHARMACEUTICAL BENEFITS SAFETY NET) BILL 2005**

Mr Pyne (Parliamentary Secretary to the Minister for Health and Ageing), for Mr Abbott (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the Pharmaceutical Benefits Scheme, and for related purposes.

Bill read a first time.

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

*Document*

Mr Pyne presented an explanatory memorandum to the bill.

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

3 **NATIONAL HEALTH AMENDMENT (IMMUNISATION PROGRAM) BILL 2005**

Mr Pyne (Parliamentary Secretary to the Minister for Health and Ageing), for Mr Abbott (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the *National Health Act 1953*, and for other purposes.

Bill read a first time.

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

*Document*

Mr Pyne presented an explanatory memorandum to the bill.

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

4 **HEALTH LEGISLATION AMENDMENT BILL 2005**

Mr Pyne (Parliamentary Secretary to the Minister for Health and Ageing), for Mr Abbott (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend legislation relating to health, and for related purposes.

Bill read a first time.

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

*Document*

Mr Pyne presented an explanatory memorandum to the bill.

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

5 **THERAPEUTIC GOODS AMENDMENT BILL (NO. 2) 2005**

Mr Pyne (Parliamentary Secretary to the Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

Bill read a first time.

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

*Document*

Mr Pyne presented an explanatory memorandum to the bill.

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

**6 LAW AND JUSTICE LEGISLATION AMENDMENT (VIDEO LINK EVIDENCE AND OTHER MEASURES) BILL 2005**

Mr Ruddock (Attorney-General), pursuant to notice, presented a Bill for an Act to amend various Acts relating to law and justice, and for related purposes.

Bill read a first time.

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

*Document*

Mr Ruddock presented an explanatory memorandum to the bill.

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

**7 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) BILL 2005**

Mr Ruddock (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Telecommunications (Interception) Act 1979*, and for other purposes.

Bill read a first time.

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

*Documents*

Mr Ruddock presented the following document:

Review of the Regulation of Access to Communications—Report by A. S. Blunn AO, Attorney-General's Department, August 2005.

Mr Ruddock also presented an explanatory memorandum to the bill.

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

**8 CUSTOMS TARIFF AMENDMENT (COMMONWEALTH GAMES) BILL 2005**

Mr Ruddock (Minister representing the Minister for Justice and Customs) presented a Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Bill read a first time.

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

*Document*

Mr Ruddock presented an explanatory memorandum to the bill.

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

**9 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 4) BILL 2005**

Dr Nelson (Minister for Education, Science and Training), pursuant to notice, presented a Bill for an Act to amend legislation relating to higher education, and for related purposes.

Bill read a first time.

Dr Nelson moved—That the bill be now read a second time.

*Document*

Dr Nelson presented an explanatory memorandum to the bill.

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

**10 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2005**

Dr Nelson (Minister for Education, Science and Training), pursuant to notice, presented a Bill for an Act to amend the *Education Services for Overseas Students Act 2000*, and for related purposes.

Bill read a first time.

Dr Nelson moved—That the bill be now read a second time.

*Document*

Dr Nelson presented an explanatory memorandum to the bill.

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

**11 TAX LAWS AMENDMENT (LOSS RECOUPMENT RULES AND OTHER MEASURES) BILL 2005**

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

**12 ENERGY EFFICIENCY OPPORTUNITIES BILL 2005**

Mr Entsch (Parliamentary Secretary to the Minister for Industry, Tourism and Resources), for Mr Macfarlane (Minister for Industry, Tourism and Resources), pursuant to notice, presented a Bill for an Act to encourage more efficient use of energy by large energy using businesses, and for related purposes.

Bill read a first time.

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

*Document*

Mr Entsch presented an explanatory memorandum to the bill.

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

**13 OFFICE REPLACEMENT OF THE BUREAU OF METEOROLOGY AT WILLIS ISLAND, CORAL SEA, QUEENSLAND—APPROVAL OF WORK**

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*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Office replacement of the Bureau of Meteorology at Willis Island, Coral Sea, Queensland.

Question—put and passed.

**14 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—FITOUT OF NEW LEASED PREMISES FOR AUSTRALIAN CUSTOMS SERVICE AT 1010 LATROBE STREET, DOCKLANDS, MELBOURNE, VICTORIA**

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: Fitout of new leased premises for Australian Customs Service at 1010 LaTrobe Street, Docklands, Melbourne, Victoria.

Question—put and passed.

**15 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) 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.

**16 DOCUMENTS**

Mr T. S. Burke, by leave, presented the following documents:

Mrs Valbona Kola and Mr Ergi Anton Kola—Copies of—

Australian identity documents for Valbona Kola, expiry date 21 June 2007, and for another.

Australian identity documents issued in 2004 for Ergi Kola and for another.

Identity documents in Serbian and English for Ergi Kola.

Identity documents in Serbian and English for Valbona Telumi.

Letters from—

Department of Foreign Affairs and Trade to Ms Marion Le, 17 June 2005.

Department of Immigration and Indigenous Affairs to Ms Marion Le, 22 July 2005.

Senator Vanstone to Mrs Valbona Kola, 29 August 2005.

United Nations High Commission for Refugees record of contact with Ergi Kola and Valbona Kola. *Kola v. Minister for Immigration and Multicultural Affairs* [2002] FCA 265.

**17 HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005**

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.

It being 2 p.m., the debate was interrupted in accordance with standing order 97, and the resumption of the debate made an order of the day for a later hour this day.

**18 QUESTIONS**

Questions without notice being asked—

*Document*

Mr M. A. J. Vaile (Acting Prime Minister) presented the following document:

Telstra Corporation Limited—Response to Senator Stephen Conroy's statement—Copy of letter from Douglas Gratton, Company Secretary, Telstra, to the Manager, Company Announcements Office, Australian Stock Exchange, 13 September 2005.

Questions without notice continuing—

*Document*

Mr M. A. J. Vaile presented the following document:

Strong rules and funding secure telecommunication outcomes for the bush—News release from the National Farmers' Federation, 13 September 2005.

Questions without notice continuing—

*Member directed to leave*

At 2.57 p.m. the Member for Melbourne (Mr Tanner) 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 continuing—

*Document*

Mr Costello (Treasurer) presented the following document:

ASIC's investigation into Telstra—Media release by Kate Harvey, Director of Public Affairs, Australian Securities and Investments Commission, 14 September 2005.

Questions without notice continued.

**19 MEMBER DIRECTED TO LEAVE THE CHAMBER**

At 3.22 p.m. the Member for Grayndler (Mr Albanese) 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.

**20 DOCUMENT**

Fran Bailey (Minister for Small Business and Tourism) added to an answer to a question without notice and presented the following document:

Small business and the unfair dismissal law—Transcript of Joel Fitzgibbon interview on the Small Business Show, 15 November 1998.

**21 DOCUMENTS**

The following documents were presented:

Superannuation (Government Co-contribution for Low Income Earners) Act—Reports on the operation of the Act—

Quarterly report for the period 1 April to 30 June 2005.

Annual report for 2004-05.

**22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FUEL PRICES**

The House was informed that Mr M. J. Ferguson had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to direct the ACCC to formally monitor fuel prices and take adequate measures to build Australia's transport fuel self-sufficiency and provide a buffer against future global oil price shocks".

The proposed discussion having received the necessary support—

Mr M. J. Ferguson addressed the House.

Discussion ensued.

*Member directed to leave*

At 4.04 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.

Discussion continued.

Discussion concluded.

**23 PROTECTION OF THE SEA (SHIPPING LEVY) AMENDMENT BILL 2005—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 Mrs D. M. Kelly (Minister for Veterans' Affairs), by leave, the bill was read a third time.

**24 HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005**

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.

Mr Hatton addressing the House—

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**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.

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**DOCUMENTS**

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

Civil Aviation Act—Civil Aviation Regulations—Instruments—2005 Nos CASA 369, CASA 395, CASA 396 [F2005L02595], [F2005L02621], [F2005L02624].

Corporations Act—Order under subsections 741(1) and 1020F(1)—Australian Securities and Investments Commission—Class Order CO 05/938 [F2005L02615].

Customs Act—

CEO Declaration of Places—2005 No. 1 [F2005L02566].

Tariff Concession Order—2005 2 September [F2005L02585].

Financial Management and Accountability Act—Net Appropriation Agreements under section 31—2005 28 (2) June [F2005L02567], [F2005L02568].

Higher Education Support Act—Guidelines—

Administration—5 September 2005 [F2005L02593].

Higher education provider—5 September 2005 [F2005L02590].

Migration Act—Migration Regulations—Notices—2005—

Specification of Commonwealth, State or Territory legislation [F2005L02563].

Specification of organisations [F2005L02560].

National Environment Protection Council Act—National Environment Protection Measure—Used Packaging Materials—Variation, July 2005 [F2005L02437].

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Downer, Mr Howard, Mr Jull\*, Mrs Ley, Mr Lloyd, Mr Rudd, Mr Snowdon, Dr Southcott\* and Ms Vamvakinou.

\* On leave

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

2004-05

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

No. 57

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 14 SEPTEMBER 2005

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1 The Main Committee met at 9.30 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 PROTECTION OF THE SEA (SHIPPING LEVY) AMENDMENT BILL 2005**

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 Ripoll, 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 failing to uphold Australia’s national interest by adopting anti-Australian shipping policies that favour foreign vessels and crew, despite the risk to national security, Australian jobs, our trade performance and the natural environment”—

Debate resumed.

Amendment negatived.

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.

**4 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—MOTION TO TAKE NOTE OF DOCUMENT**

The order of the day having been read for the resumption of the debate on the motion of Mr Slipper—That the House take note of the document (*presented on 18 August 2005*), viz.:

Legal and Constitutional Affairs—Standing Committee—Report on the exposure draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005—Report, August 2005—

Debate resumed.

Mr Slipper, by leave, addressed the Main Committee without closing the debate.

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

**5 ADJOURNMENT**

On the motion of Mr Broadbent, the Main Committee adjourned at 1.02 p.m.

The Deputy Speaker fixed tomorrow at 9.30 a.m. for the next meeting of the Main Committee.

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**B. C. WRIGHT**  
Clerk of the Main Committee