

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 61

WEDNESDAY, 12 OCTOBER 2005

1 The House met, at 10 a.m., in accordance with the resolution agreed to yesterday. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

2 **TAX LAWS AMENDMENT (SUPERANNUATION CONTRIBUTIONS SPLITTING) BILL 2005**

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act in respect of taxation measures relating to superannuation, 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 (Ms Livermore), and the resumption of the debate made an order of the day for the next sitting.

3 **NATIONAL HEALTH AMENDMENT (IMMUNISATION PROGRAM) 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 Ms Gillard, 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 expresses its concern that the Government has:

- (1) consistently ignored the expert advice of the Australian Therapeutic Advisory Group on Immunisation (ATAGI) with respect to the inclusion of pneumococcal, oral polio and chicken pox vaccines on the National Immunisation Program;
- (2) failed to consult with ATAGI prior to announcing this change in its role in vaccine approval;
- (3) failed to publicly state how ATAGI and the Pharmaceutical Benefits Advisory Committee will work together on the approval and listing of vaccines for the National Immunisation Program and the Pharmaceutical Benefits Scheme; and
- (4) established a mechanism whereby it will be increasingly difficult for new vaccines, such as the vaccine recently announced against cervical cancer, to be listed for universal use”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

The House proceeding to a division and the division not further proceeded with—

Question—passed.

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

Message from the Governor-General

Message No. 113, 21 September 2005, 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 Pyne (Parliamentary Secretary to the Minister for Health and Ageing), the bill was read a third time.

4 TAX LAWS AMENDMENT (LOSS RECOUPMENT RULES AND OTHER MEASURES) 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 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:

- (1) present a tax regime for company losses that gives sufficient attention to the needs of mining exploration and venture capital;
- (2) provide a clear policy justification for changes to the conduit foreign income regime; and
- (3) advance meaningful taxation reform”.

Debate continued.

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 immediately.

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

5 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 4) 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.

6 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence overseas of Mr Downer (Minister for Foreign Affairs), Mr Ruddock (Attorney-General) would answer questions on his behalf.

7 QUESTIONS

Questions without notice being asked—

Member directed to leave

At 2.30 p.m. the Member for Bendigo (Mr Gibbons) was directed, under standing order 94, to leave the Chamber for one hour for disorderly conduct, and he accordingly left the Chamber.

Questions without notice continuing—

Member directed to leave

At 2.50 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.

Questions without notice continuing—

Member directed to leave

At 3.02 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—

Suspension of standing and sessional orders moved

Mr Beazley (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 censure the Howard Government for:

- (1) the corrupt use of taxpayers’ funds on a Liberal Party advertising campaign for its extreme industrial relations changes; and

- (2) using those taxpayer funds to make fraudulent claims about the adverse impact these changes will have on Australian workers, their families, their living standards and their way of life.

Debate ensued.

Documents

Mr Abbott (Minister for Health and Ageing) presented the following documents:

Political advertising—Copies of advertisements by non-Government Members (10).

Debate continued.

The time allowed by standing order 1 for debate on the motion having expired—

Question—put.

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

AYES, 58

Mr Adams	Mr L. D. T. Ferguson	Mr Katter	Mr Quick
Mr Beazley	Mr M. J. Ferguson	Mr Kerr	Mr Ripoll
Mr Bevis	Mr Fitzgibbon	Ms C. King	Ms Roxon
Ms Bird*	Mr Garrett	Dr Lawrence	Mr Rudd
Mr Bowen	Mr Georganas	Ms Livermore	Mr Sawford
Ms A. E. Burke	Ms George	Mr McClelland	Mr Sercombe
Mr T. S. Burke	Mr Gibbons	Ms Macklin	Mr S. F. Smith
Mr Byrne	Ms Gillard	Mr McMullan	Mr Snowdon
Ms Corcoran	Ms Grierson	Mr Melham	Mr Swan
Mr Crean	Mr Griffin	Mr Murphy	Mr K. J. Thomson
Mr Edwards	Ms Hall*	Mr B. P. O'Connor	Ms Vamvakinou
Mrs Elliot	Mr Hatton	Mr G. M. O'Connor	Mr Wilkie
Ms A. L. Ellis	Mr Hayes	Ms Owens	Mr Windsor
Ms K. M. Ellis	Ms Hoare	Ms Plibersek	
Mr Emerson	Mr Jenkins	Mr Price	

NOES, 80

Mr Abbott	Mr Dutton	Jackie Kelly	Mr Robb
Mr Anderson	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	Mrs Gash	Mr McGauran	Mr Somlyay
Mr Bartlett	Mr Georgiou	Mrs Markus	Dr Stone
Mr Billson	Mr Haase	Mrs May	Mr C. P. Thompson
Mrs B. K. Bishop	Mr Hardgrave	Mrs Moylan	Mr Ticehurst
Ms J. Bishop	Mr Hartsuyker	Mr Nairn	Mr Tollner
Mr Broadbent	Mr Henry	Dr Nelson	Mr Truss
Mr Brough	Mr Hockey	Mr Neville	Mr Tuckey
Mr Cadman	Mr Howard	Ms Panopoulos	Mr Turnbull
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 Keenan	Mr Randall	Dr Washer
Mrs Draper	Mrs D. M. Kelly	Mr Richardson	Mr Wood

* Tellers

And so it was negatived.

Questions without notice concluded.

8 DOCUMENTS

The following documents were presented:

Australia Council—Report for 2004-05.

Australia Post—Report for 2004-05.

Australian Federal Police—Report for 2004-05.

Australian Statistics Advisory Council—Report for 2004-05—Corrigendum.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Reports—2003-04—Australian Crime Commission.

2004-05—Australian Crime Commission.

Department of Communications, Information Technology and the Arts—Co-regulatory scheme for online content—Report for January to June 2005.

Department of Industry, Tourism and Resources—Report for 2004-05.

Film Australia Limited—Report for 2004-05.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited, IIF Neo Pty Limited—Reports for 2003-04—Corrigenda.

National Industrial Chemicals Notification and Assessment Scheme—Report for 2004-05.

National Library of Australia—Report for 2004-05.

National Museum of Australia—Report for 2004-05.

National Occupational Health and Safety Commission—Report for 2004-05.

Special Broadcasting Service Corporation (SBS)—Report for 2004-05.

Stevedoring Industry Finance Committee—Report for 2004-05.

9 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

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

Department of Industry, Tourism and Resources—Report for 2004-05.

National Occupational Health and Safety Commission—Report for 2004-05.

Stevedoring Industry Finance Committee—Report for 2004-05.

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

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—DIMIA CULTURE

The House was informed that Mr T. S. Burke had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to take responsibility for the culture within the Department of Immigration and Multicultural and Indigenous Affairs”.

The proposed discussion having received the necessary support—

Mr T. S. Burke addressed the House.

Discussion ensued.

Discussion concluded.

11 BALI BOMBINGS—MOTION—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the order of the day relating to Prime Minister’s motion of condolence on the Bali bombings had been debated in the Main Committee and returned to the House, and presented a certified copy of the motion.

All Members present having risen, in silence—

Question—passed.

12 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) 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 Ms J. Bishop (Minister for Ageing), by leave, the bill was read a third time.

13 CUSTOMS TARIFF AMENDMENT (COMMONWEALTH GAMES) 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 Ms J. Bishop (Minister for Ageing), by leave, the bill was read a third time.

14 BILL REFERRED TO MAIN COMMITTEE

Mr Bartlett (Chief Government Whip), by leave, moved—That the Energy Efficiency Opportunities Bill 2005 be referred to the Main Committee for further consideration.

Question—put and passed.

15 MESSAGE FROM THE SENATE

Message No. 208, 12 October 2005, from the Senate was reported returning the Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005 without amendment.

16 MESSAGE FROM THE SENATE—TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005

Message No. 207, 11 October 2005, from the Senate was reported returning the Trade Practices Legislation Amendment Bill (No. 1) 2005 with amendments.

Ordered—That the amendments be considered at the next sitting.

17 POSTPONEMENT OF BUSINESS

Ordered—That business intervening before Notice No. 1, government business, be postponed until a later hour this day.

18 REFURBISHMENT OF ROYAL AUSTRALIAN MINT BUILDING, CANBERRA, ACT—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: Refurbishment of Royal Australian Mint Building, Canberra, ACT.

Question—put and passed.

19 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED FITOUT OF AN EXTENSION TO LEASED PREMISES FOR IP AUSTRALIA IN WODEN, 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 an extension to leased premises for IP Australia in Woden, ACT.

Question—put and passed.

20 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED RELOCATION OF 171ST AVIATION SQUADRON TO HOLSWORTHY BARRACKS, NSW

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 relocation of 171st Aviation Squadron to Holsworthy Barracks, NSW.

Question—put and passed.

21 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED CONSTRUCTION OF A NEW CHANCERY BUILDING FOR THE AUSTRALIAN EMBASSY IN PHNOM PENH, CAMBODIA

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 construction of a new chancery building for the Australian Embassy in Phnom Penh, Cambodia.

Question—put and passed.

22 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PROPOSED CONSTRUCTION OF A NEW CHANCERY BUILDING FOR THE AUSTRALIAN EMBASSY IN RANGOON, BURMA

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 construction of a new chancery building for the Australian Embassy in Rangoon, Burma.

Question—put and passed.

23 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 4) 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 Hayes addressing the House—

24 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.

DOCUMENTS

The following documents were deemed to have been presented on 12 October 2005:

Acts Interpretation Act—Statement relating to delay in furnishing report within specified period—Australian Crime Commission—Assumed Identities Report for 2003-04.

Civil Aviation Act—

Civil Aviation Regulations—

Exemption—2005 No. CASA EX44 [F2005L03078].

Instrument—2005 No. CASA 407 [F2005L03069].

Civil Aviation Safety Regulations—Airworthiness Directives—

Part 39-105—2005 10 October [F2005L03076].

Part 39-107—2005 10 October [F2005L03077].

Commonwealth Places (Mirror Taxes) Act—Regulations—Select Legislative Instrument—2005 No. 227 [F2005L02730].

Corporations Act—Exemption under paragraph 1020F(1)(a)—Australian Securities and Investments Commission—Class Order CO 05/850 [F2005L03059].

Crimes Act—Determination under Division 11A—2005 2 October [F2005L02994].

Customs Act—Instruments of approval—2005 Nos CEO 105, CEO 106, CEO 107, CEO 108—[F2005L03070], [F2005L03071], [F2005L03072], [F2005L03073].

Defence Act—Determinations under section 58B—2005 Nos 39, 40, 41.

Maritime Transport and Offshore Facilities Security Act—Notice—How incident reports are to be made (No. 2) 2005 [F2005L03075].

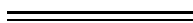
Norfolk Island Act—Regulations—Select Legislative Instrument—2005 No. 226 [F2005L03041].

Social Security Act—Determinations—2005—

Social Security (Tasmanian Motor Accidents Insurance Board ‘future care payments’ exemption) (DEST) [F2005L03068].

Social Security (Victorian Transport Accident Commission ‘attendant care service’ and ‘post acute support’ exemption) (DEST) [F2005L03027].

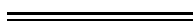
Trade Practices Act—Regulations—Select Legislative Instruments—2005 Nos 228, 229 [F2005L02920], [F200502919].



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Downer, Ms Gambaro, Mr Johnson, Mr Jull*, Dr Southcott* and Mr M. A. J. Vaile.

* On leave



I. C. HARRIS

Clerk of the House of Representatives

2004-05

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 61

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 12 OCTOBER 2005

1 The Main Committee met at 10.10 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements being made—

Suspension of sitting

At 10.31 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 10.35 a.m., the proceedings were resumed.

Members' statements continued.

3 **TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) 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.

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 **CUSTOMS TARIFF AMENDMENT (COMMONWEALTH GAMES) 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.

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 **EMPLOYMENT, WORKPLACE RELATIONS AND WORKFORCE PARTICIPATION—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 Barresi—That the House take note of the document (*presented on 17 August 2005*), viz.:

Employment, Workplace Relations and Workforce Participation—Standing Committee—Making it work—Inquiry into independent contracting and labour hire arrangements—Report, incorporating a dissenting report, August 2005.

Debate resumed.

Debate adjourned (Mr Neville) and the resumption of the debate made an order of the day for a later hour this day.

6 VP DAY—60TH ANNIVERSARY—MOTION BY PRIME MINISTER

The order of the day having been read for the resumption of the debate on the motion of Mr Howard (Prime Minister)—That this House:

- (1) notes that 15 August 2005 (VP Day) marks 60 years since the Japanese surrender which ended World War II;
- (2) recalls with profound gratitude the heroic achievements and sacrifices of those Australians who served in the defence forces during the war, as well as those who contributed on the civilian front;
- (3) particularly remembers the thousands of Australians who lost their lives or were wounded in the conflict, and especially recalls the suffering of so many Australians taken as prisoners of war;
- (4) whilst never forgetting those who suffered during World War II, acknowledges the strength and importance of the post World War II relationship between Australia and Japan; and
- (5) resolves that Australia's efforts should always be directed to ensuring that a conflict of that magnitude never occurs again—

Debate resumed.

Mr Hayes, by leave, again addressed the Main Committee.

Suspension of sitting

At 12.45 p.m., the Deputy Speaker left the Chair.

Resumption of sitting

At 4.01 p.m., the Deputy Speaker resumed the Chair.

Debate continued.

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

7 ADJOURNMENT

On the motion of Mrs Gash, the Main Committee adjourned at 6.31 p.m.

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

B. C. WRIGHT
Clerk of the Main Committee