

2004-05-06-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 150

MONDAY, 12 FEBRUARY 2007

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 COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Jackie Kelly (Chair) presented the following documents:

Communications, Information Technology and the Arts—Standing Committee—Community television: Options for digital broadcasting—

Report, February 2007.

Evidence received by the committee.

Minutes of proceedings.

Report 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—

Jackie Kelly 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 a later hour this day.

Jackie Kelly moved—That the order of the day be referred to the Main Committee for debate.

Question—put and passed.

**3 AIRPORT DEVELOPMENT AND AVIATION NOISE OMBUDSMAN BILL 2007**

Mr Georganas, pursuant to notice, presented a Bill for an Act to establish an Airport Development and Aviation Noise Ombudsman, and for related purposes.

Mr Georganas made a statement in relation to the bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting, in accordance with standing order 41.

**4 HOMELESSNESS AND THE SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM**

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

(1) notes that:

- (a) on nearly any night there are around 100,000 Australians who are homeless and that nearly half of these people are under 25, with young people aged 12-18 making up a quarter of all those who are homeless; and
- (b) the Supported Accommodation Assistance Program (SAAP) is often the last resort for people who find themselves without, or at risk of being without, safe, secure or adequate housing;

(2) expresses concern at the recent findings of the Australian Institute of Health and Welfare (AIHW), which show that:

- (a) SAAP is able to accommodate 12,335 people on an average day;
  - (b) SAAP is unable to accommodate all who request immediate accommodation, with an estimated 304 people (193 adults and unaccompanied children and 111 accompanying children) turned away on an average day;
  - (c) over half (56 per cent) of the people making valid requests for immediate accommodation on any given day were turned away;
  - (d) family groups had more difficulty in obtaining SAAP than individuals; and
  - (e) a large proportion of the homeless population do not receive SAAP accommodation; and
- (3) urges the Government to:
- (a) recognise the immense pressure under which SAAP funded services are operating, with reduced real funding levels under the current agreement;
  - (b) provide additional funding to meet unmet demand; and
  - (c) develop strategies and work co-operatively with other levels of government to reduce homelessness.

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.

## 5 REARRANGEMENT OF BUSINESS

With the concurrence of the House, by leave, the order of consideration of remaining private Members' business notices accorded priority for this sitting was determined as Nos 5, 4, 3.

## 6 AUSTRALIAN AID PROGRAM

Mrs Hull, pursuant to notice, moved—That the House:

- (1) supports the Australian aid program's focus on eradication of poverty and corruption in developing countries;
- (2) supports the Australian aid program's efforts to overcome the impact of poverty and corruption and to strengthen democratic institutions by promotion of good governance with specific reference to women and children in developing countries; and
- (3) calls on the Parliament to encourage the Australian aid program to promote the human rights of, and the elimination of discrimination against, women and children in developing countries, in activities that:
  - (a) support the elimination of gender-based discrimination—such as land, inheritance and property rights, family law, gender-based violence and discrimination in employment; and
  - (b) support equitable access (including legal representation) for women and children to the legal system.

Debate ensued.

At 1.45 p.m., the debate was interrupted in accordance with standing order 43, Ms Plibersek was granted leave to continue her 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.

## 8 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence of Mr Macfarlane (Minister for Industry, Tourism and Resources), Mr Truss (Minister for Trade) would answer questions on his behalf.

## 9 QUESTIONS

Questions without notice being asked—

*Prime Minister—Motion of censure*

Mr Rudd (Leader of the Opposition), by leave, moved—That this House:

- (1) censures the Prime Minister for:
- (a) his statement that Al-Qaeda is praying for a Democrat party candidate to win the next United States Presidential election;
  - (b) his false statement today in Parliament that his statement yesterday was restricted to one US Senator and not the Democratic Party as a whole;
  - (c) the damage this partisan comment has done to the United States–Australia alliance, and to Australian relations with both Democrat and Republican members of the US Congress; and
  - (d) the gross insensitivity of lecturing United States Presidential candidates on Iraq, when the war in Iraq is responsible for the deaths of more than 3,000 US servicemen and women, the wounding of another 20,000, and expenditures exceeding \$360 billion; and
- (2) demands that he immediately and unreservedly withdraw and apologise for those comments.

Debate ensued.

Question—put.

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

AYES, 60

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

## NOES, 82

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

\* Tellers

And so it was negatived.

Questions without notice concluded.

**10 PETITIONS**

Petitions lodged for presentation were announced.

**11 DAVID HICKS**

Ms Vamvakinou, pursuant to notice, moved—That the House:

- (1) acknowledges that the ongoing detention without trial of David Hicks is inconsistent with both international and Australian legal standards (including the principle of *habeas corpus*) and contravenes the individual rights and protections for which these standards provide;
- (2) acknowledges that the newly revised rules for the US Military Commissions under which David Hicks is to be tried, but under which no US citizen can or will be tried, remain in breach of both the Geneva Conventions and the Australian Criminal Code and for this reason, do not constitute a fair trial but instead set an unacceptable precedent for the detention and trial of an Australian citizen overseas, especially by sanctioning the use of hearsay evidence and evidence obtained by coercion and by not permitting the accused to be privy to all the evidence;
- (3) notes that one of the charges laid against David Hicks relies on the use of retrospective legislation, while the Government asserts that he cannot be tried in Australia because it would require retrospective legislation;
- (4) calls for the immediate repatriation of David Hicks to Australia to face trial under Australian law;
- (5) urges members of the United States Congress to help facilitate David Hicks' repatriation to Australia by passing a resolution in Congress to this effect;
- (6) calls on the Government to release advice provided by the Commonwealth Director of Public Prosecutions concerning the viability of charging David Hicks in Australia;
- (7) acknowledges that we in this place have a responsibility to monitor and protect the welfare and rights of Australian citizens imprisoned overseas; and for this reason:
- (8) calls for an immediate and independent assessment of the mental and physical health of David Hicks by relevant experts to ascertain the validity of allegations made concerning the deteriorating well being of David Hicks;

- (9) seeks concrete assurances that any such assessment will not jeopardise or in any way prejudice the treatment of David Hicks whilst he is in Guantanamo Bay; and
- (10) acknowledges that the ongoing imprisonment of David Hicks, and the denial of his basic rights, runs counter to the principles of freedom and democracy in the name of which the 'war against terror' is being fought, and threatens to undermine the international effort to combat terrorism.

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.

## 12 HUMAN RIGHTS IN BURMA

Mr Baird, having amended, by leave, notice No. 3 private Members' business, moved—That the House:

- (1) notes that Nobel Peace Prize winner Aung San Suu Kyi, General Secretary of the National League for Democracy in Burma:
  - (a) remains under house arrest and incommunicado;
  - (b) has been in prison or under house arrest for 11 of the past 17 years; and
  - (c) is only one of over 1,100 political prisoners in Burma;
- (2) calls on the State Peace and Development Council of Burma to:
  - (a) allow its citizens to peacefully exercise their rights to freedom of association and assembly; and
  - (b) immediately and unconditionally release all people who have been arrested for the peaceful exercise of these rights;
- (3) notes that on 12 January 2007, nine out of fifteen countries in the UN Security Council voted in support of a non-punitive resolution on Burma and in debate on the resolution all Council members registered their concern about the situation there; and
- (4) expresses its concern regarding the 500,000 displaced people in Burma and the further 150,000 displaced people on the Thai border in refugee camps.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted, Mr L. D. T. Ferguson 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.

## 13 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.

## 14 POSTPONEMENT OF NOTICES

Mrs D. M. Kelly (Parliamentary Secretary to the Minister for Transport and Regional Services) moved—That notices Nos 1 and 2, government business, be postponed until the next sitting.

Debate ensued.

Question—put and passed.

## 15 BILLS REFERRED TO MAIN COMMITTEE

Mr Bartlett (Chief Government Whip), by leave, moved—That, unless otherwise ordered, at the adjournment of the House for this sitting the following bills stand referred to the Main Committee for further consideration:

Appropriation (No. 3) 2006-2007; and

Appropriation (No. 4) 2006-2007.

Question—put and passed.

**16 MESSAGES FROM THE SENATE**

Messages from the Senate, 8 February 2007, were reported:

(a) returning the following bills without amendment:

No. 442—Tax Laws Amendment (2006 Measures No. 6) 2006.

No. 443—Law and Justice Legislation Amendment (Marking of Plastic Explosives) 2006.

No. 444—Customs Tariff Amendment (Incorporation of Proposals) 2006.

No. 445—Australian Securities and Investments Commission Amendment (Audit Inspection) 2006; and

(b) informing the House that:

Senator Scullion had been discharged from the Joint Standing Committee on Foreign Affairs, Defence and Trade and Senator Sandy Macdonald had been appointed a member of the committee; and

Senator Carr had been discharged from the Joint Standing Committee on the National Capital and External Territories and Senator Crossin had been appointed a member of the committee—Message No. 447.

**17 MESSAGE FROM THE SENATE—STATUTE LAW REVISION BILL (NO. 2) 2006**

Message No. 446, 8 February 2007, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, 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.

**18 MESSAGE FROM THE SENATE—AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—PARLIAMENTARY JOINT COMMITTEE—PROPOSED POWERS AND PROCEEDINGS**

Message No. 441, 8 February 2007, from the Senate was reported informing the House that the Senate had agreed to a resolution concerning matters relating to the powers and proceedings of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

Ordered—That the message be considered immediately.

Mrs D. M. Kelly (Parliamentary Secretary to the Minister for Transport and Regional Services) moved—That this House concurs in the resolution transmitted in Senate message No. 441 relating to the powers and proceedings of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

Debate ensued.

Question—put and passed.

**19 APPROPRIATION BILL (NO. 3) 2006-2007**

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 Tanner 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 is of the view that:

- (1) despite record high commodity prices the Government has failed to secure Australia’s long term economic fundamentals and that it should be condemned for its failure to:
  - (a) stem the widening current account deficit and trade deficit;
  - (b) reverse the reduction in education and training investment;
  - (c) acknowledge the connection between climate change and human activity and tackle the serious threat climate change poses to Australia’s long-term well-being;
  - (d) address critical structural weaknesses in health such as workforce shortages and rising costs;
  - (e) expand and encourage research and development to move Australian industry and exports up the value-chain; and
  - (f) address falling levels of workplace productivity;
- (2) the Government’s extreme industrial relations laws will lower wages and conditions for many workers and do nothing to enhance productivity or economic growth; and

(3) the Government's Budget documents fail the test of transparency and accountability".

Debate continued.

Mr B. P. O'Connor addressing the House—

**20 ADJOURNMENT**

It being 9 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 9.25 p.m., adjourned until 2 p.m. tomorrow.

---

---

**DOCUMENTS**

The following documents were deemed to have been presented on 12 February 2007:

*Appropriation Act (No. 1) 2006-2007*—Advance to the Finance Minister—Instrument—2006-07 No. 2, 1 February 2007 [F2007L00280].

Broadcasting Services Act—Guidelines—Guidelines relating to ACMA's enforcement powers under the *Broadcasting Services Act 1992* —25 January 2007 [F2007L00261].

Customs Act—Order—Tariff Concession Revocation—2 January 2007 [F2007L00146].

Higher Education Support Act—Higher education provider—Notice of approval—2007 No. 2 [F2007L00232].

Lands Acquisition Act—Statements under—  
sub-section 40(3)—February 2007.

section 125(5)—February 2007.

Taxation Administration Act—Rulings—2007—

Nos CR 7, CR 8, CR 9, CR 10.

No. GSTR 1.

Nos PR 5, PR 6.

Nos ST 2007 (Withdrawal), ST 2008 (Withdrawal), ST 2009 (Withdrawal), ST 2010 (Withdrawal), ST 2011 (Withdrawal), ST 2012 (Withdrawal), ST 2014 (Withdrawal), ST 2015 (Withdrawal), ST 2018 (Withdrawal), ST 2020 (Withdrawal), ST 2021 (Withdrawal), ST 2023 (Withdrawal), ST 2024 (Withdrawal), ST 2026 (Withdrawal), ST 2027 (Withdrawal), ST 2028 (Withdrawal), ST 2029 (Withdrawal), ST 2030 (Withdrawal), ST 2033 (Withdrawal).

---

---

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Cobb, Mr Downer and Mr Macfarlane.

---

---

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

2004-05-06-07

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

No. 150

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

MONDAY, 12 FEBRUARY 2007

---

1 The Main Committee met at 4 p.m.

**2 COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—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 Jackie Kelly—  
That the House take note of the document (*presented on 12 February 2007*), *viz.*—

Communications, Information Technology and the Arts—Standing Committee—Report—Community  
television: Options for digital broadcasting—February 2007—

Debate resumed.

*Suspension of meeting*

At 4.03 p.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 4.16 p.m., the proceedings were resumed.

Debate continued.

Jackie Kelly, by leave, addressed the Main Committee without closing the debate.

Debate continued.

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

**3 POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 1, committee and delegation reports, be postponed until the next sitting.

**4 FAMILY AND HUMAN SERVICES—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 Mrs B. K.  
Bishop—That the House take note of the document (*presented on 7 December 2006*), *viz.*—

Family and Human Services—Standing Committee—Balancing work and family—Report,  
incorporating dissenting reports, December 2006—

Debate resumed.

Mrs B. K. Bishop, by leave, addressed the Main Committee without closing the debate.

Debate continued.

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



**5 DEATHS OF THE HONOURABLE SIR ROBERT COTTON AND THE HONOURABLE SIR JAMES KILLEN—CONDOLENCE MOTION MOVED BY THE 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 the House record its deep regret at the deaths of the Honourable Sir Robert Carrington Cotton KCMG AO, former Federal Minister and Senator for New South Wales and Ambassador to the United States of America, and the Honourable Sir James Denis Killen AC KCMG, former Federal Minister and Member for Moreton, Queensland; and place on record its appreciation of their long and meritorious service and tender its profound sympathy to their families in their bereavement—

Debate resumed.

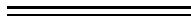
Mr Jull was granted leave to continue his speech when the debate is resumed.

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

**6 ADJOURNMENT**

On the motion of Mr Neville, the Main Committee adjourned at 6 p.m.

The Deputy Speaker fixed 9.30 a.m. on Wednesday, 14 February 2007 for the next meeting of the Main Committee.



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