

2004-05-06-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 158

TUESDAY, 20 MARCH 2007

1 The House met at 2.50 p.m. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

2 GARUDA 737 CRASH, YOGYAKARTA

Mr Howard (Prime Minister) moved—That the House:

- (a) record its deep regret at the tragic loss of life and serious injuries that resulted from the aircraft accident in Yogyakarta, Indonesia, on 7 March 2007;
- (b) note that amongst the 21 people killed were 5 Australians serving their nation, working for:
 - the Australian Federal Police—Mark Scott and Brice Steele;
 - the Department of Foreign Affairs and Trade—Liz O'Neill;
 - AusAid—Alison Sudradjat; and
 - the Fairfax press—Morgan Mellish; and
 record its deep appreciation of their meritorious public service;
- (c) tender its profound sympathy to the Government and people of Indonesia, and to the families of all the people killed and injured in the accident; and
- (d) extend its best wishes to all those injured for a speedy recovery, recalling particularly Cynthia Banham, Michael Hatton, Kyle Quinlan and Roger Tallboys.

Mr Rudd (Leader of the Opposition) having seconded the motion, Mr M. A. J. Vaile (Leader of the Nationals) and Ms Gillard (Deputy Leader of the Opposition) and other Members having addressed the House in support thereof, and all Members present having risen in their places as a mark of respect—Debate adjourned (Mr Abbott—Leader of the House), and the resumption of the debate made an order of the day for the next sitting.

3 MATTER REFERRED TO MAIN COMMITTEE

Mr Abbott (Leader of the House), by leave, moved—That the resumption of debate on the Prime Minister's motion of condolence in connection with the Garuda 737 crash in Yogyakarta (*see item No. 2*) be referred to the Main Committee.

Question—put and passed.

4 MINISTERIAL CHANGES

Mr Howard (Prime Minister) informed the House that on 9 March 2007 Senator the Honourable Chris Ellison had been appointed Minister for Human Services and Senator the Honourable David Johnston had been appointed Minister for Justice and Customs.

Mr Howard also advised that on 18 March 2007 he had announced further changes to the Ministry, and that a swearing-in ceremony would be held tomorrow, after which he would present a revised Ministry list.

5 SHADOW MINISTRY—DOCUMENT

Mr Rudd (Leader of the Opposition) presented the following document:
Shadow Ministry, 9 March 2007.

6 QUESTIONS

Questions without notice were asked.

7 AUDITOR-GENERAL'S REPORTS

The Speaker presented the following documents:

Auditor-General—Audit reports of 2006–2007—Performance audits—

No. 29—Implementation of the *Sydney Airport Demand Management Act 1997*.

No. 30—The Australian Taxation Office's management of its relationship with tax practitioners—
Follow-up audit: Australian Taxation Office.

Reports ordered to be made Parliamentary Papers.

8 DOCUMENTS

The following documents were presented:

Australia and the International Financial Institutions—Report for 2005-06.

Australia-China Council—Report for 2005-06.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer for the period 1 April to 30 June 2006.

Native Title Act—Native title representative body—Ngaanyatjarra Council (Aboriginal Corporation)—
Report for 2005-06.

Treaties—*Bilateral*—Treaty between the Government of Australia and the Government of the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea—Reasons for invoking the National Interest Exemption.

9 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Mr Hunt (Parliamentary Secretary to the Minister for Foreign Affairs) moved—That the House take note of the following documents:

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer for the period 1 April to 30 June 2006.

Treaties—*Bilateral*—Treaty between the Government of Australia and the Government of the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea—Reasons for invoking the National Interest Exemption.

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

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WAR IN IRAQ

The House was informed that both Mr McClelland and Mr Windsor had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 46, the Speaker had given priority to the matter proposed by Mr McClelland, namely, "The Government's failure to acknowledge the disastrous consequences of the invasion of Iraq, despite today marking the 4th anniversary of that invasion".

The proposed discussion having received the necessary support—

Mr McClelland addressed the House.

Discussion ensued.

The time allotted under sessional order No. 1 having expired, the discussion was interrupted.

11 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following bills:

15 March 2007—Message—

No. 256—Statute Law Revision 2007.

No. 257—

Australian Citizenship 2007.

Australian Citizenship (Transitionals and Consequential) 2007.
 Electoral and Referendum Legislation Amendment 2007.
 Family Law (Divorce Fees Validation) 2007.
 Maritime Legislation Amendment (Prevention of Air Pollution from Ships) 2007.
 ACIS Administration Amendment (Unearned Credit Liability) 2007.
 No. 258—
 Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment (No. 1) 2007.
 Classification (Publications, Films and Computer Games) Amendment 2007.
 Broadcasting Legislation Amendment 2007.
 Veterans' Affairs Legislation Amendment (Statements of Principles and Other Measures) 2007.
 No. 259—
 Income Tax Amendment 2007.
 Income Tax (Former Complying Superannuation Funds) Amendment 2007.
 Income Tax (Former Non-resident Superannuation Funds) Amendment 2007.
 Income Tax Rates Amendment (Superannuation) 2007.
 No. 260—
 Tax Laws Amendment (Simplified Superannuation) 2007.
 Superannuation (Excess Concessional Contributions Tax) 2007.
 Superannuation (Excess Non-concessional Contributions Tax) 2007.
 Superannuation (Excess Untaxed Roll-over Amounts Tax) 2007.
 Superannuation (Departing Australia Superannuation Payments Tax) 2007.
 Superannuation (Self Managed Superannuation Funds) Supervisory Levy Amendment 2007.
 Superannuation Legislation Amendment (Simplification) 2007.

12 AIRPORTS AMENDMENT BILL 2006

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 M. J. Ferguson, 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 undermining public confidence in the Airports Act through approval decisions such as that relating to the Perth brickworks site, located opposite a residential area, and the Essendon direct factory outlet, proposed without regard to the impact on local road infrastructure”—

Debate resumed.

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

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

AYES, 78

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

NOES, 53

Mr Adams	Mr Emerson	Mrs Irwin	Mr Price
Mr Albanese	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 Sawford
Ms A. E. Burke	Mr Georganas	Ms Livermore	Mr S. F. Smith
Mr Byrne	Ms George	Ms Macklin	Mr Snowdon
Ms Corcoran	Mr Gibbons	Mr McMullan	Mr Tanner
Mr Crean	Ms Gillard	Mr Melham	Mr K. J. Thomson
Mr Danby*	Mr Griffin	Mr Murphy	Ms Vamvakinou
Mr Edwards	Ms Hall*	Mr B. P. O'Connor	Mr Wilkie
Mrs Elliot	Mr Hatton	Mr G. M. O'Connor	
Ms A. L. Ellis	Mr Hayes	Ms Owens	
Ms K. M. Ellis	Ms Hoare	Ms Plibersek	

* Tellers

And so it was resolved in the affirmative.

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.

Mr M. J. Ferguson, by leave, moved Opposition amendments (1) to (32) together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 56

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

NOES, 78

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 McArthur*	Mr Somlyay
Mr Baird	Mr Forrest	Mr McGauran	Dr Southcott
Mr Baker	Ms Gambaro	Mrs Markus	Dr Stone
Mr Baldwin	Mr Georgiou	Mrs May	Mr C. P. Thompson
Mr Barresi	Mr Haase	Mrs Mirabella	Mr Ticehurst
Mr Bartlett	Mr Hardgrave	Mrs Moylan	Mr Tollner
Mr Billson	Mr Hartsuyker	Mr Nairn	Mr Truss
Mrs B. K. Bishop	Mr Henry	Dr Nelson	Mr Tuckey
Ms J. Bishop	Mr Hockey	Mr Neville	Mr Turnbull
Mr Broadbent	Mrs Hull*	Mr Pearce	Mr M. A. J. Vaile
Mr Cadman	Mr Hunt	Mr Prosser	Mrs D. S. Vale
Mr Ciobo	Dr Jensen	Mr Pyne	Mr Vasta
Mr Cobb	Mr Johnson	Mr Randall	Mr Wakelin
Mr Costello	Mr Jull	Mr Richardson	Dr Washer
Mrs Draper	Mr Keenan	Mr Robb	Mr Wood
Mr Dutton	Mrs D. M. Kelly	Mr Schultz	
Mrs Elson	Jackie Kelly	Mr Scott	

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

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

13 **ADJOURNMENT**

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

Debate ensued.

The House continuing to sit until 9.30 p.m.—The Speaker adjourned the House until 9 a.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 20 March 2007:

Aged Care Act—Determinations under—

subsection 48-1 (3)—2007—No. ACA 1 [F2007L00645].

subsection 52-1 (1)—2007—

Aged Care (Amount of flexible care subsidy - multi-purpose services) (No. 1) [F2007L00652].

No. ACA 2 [F2007L00647].

No. ACA 3 [F2007L00648].

Appropriation Act (No. 2) 2005-2006—Determination to reduce appropriation upon request—No. 5 of 2006-2007 [F2007L00571].

Australian Communications and Media Authority Act—Direction under section 14—2007 No. 1 [F2007L00573].

Australian Meat and Live-stock Industry Act—Order—2007 Australian Meat and Live-stock Industry (High quality beef export to the European Union) [F2007L00472].

Australian Research Council Act—

Determinations—2006—Nos 40, 41, 42, 43, 44.

Funding rules—Funding commencing in 2008—

Discovery Indigenous Researchers Development [F2007L00259].

Linkage Infrastructure, Equipment and Facilities [F2007L00258].

Linkage International [F2007L00221].

Linkage Projects [F2007L00222].

Civil Aviation Act—

Civil Aviation Regulations—

Exemptions—2007—Nos CASA EX08, CASA EX09 [F2007L00556], [F2007L00597].

Instruments—2007—Nos CASA 75, CASA 84, CASA 98 [F2007L00484], [F2007L00546], [F2007L00613].

Civil Aviation Safety Regulations—Airworthiness Directives—

Part 39-105—2007—

28 (2) February [F2007L00565], [F2007L00566].

5 March [F2007L00584].

9 (4) March [F2007L00640], [F2007L00641], [F2007L00642], [F2007L00643].

Part 39-106—2007—

27 February [F2007L00550].

28 (3) February [F2007L00559], [F2007L00560], [F2007L00561].

2 (3) March [F2007L00578], [F2007L00579], [F2007L00580].

13 (3) March [F2007L00655], [F2007L00656], [F2007L00657].

Corporations Act—

Accounting standards—2007—

AASB 8 [F2007L00562].

Amendments—Nos AASB 1, AASB 2, AASB 3 [F2007L00549], [F2007L00575], [F2007L00551].

Exemptions and declaration under subsections 741(1) and 1020F(1)—Australian Securities and Investments Commission—Class Order CO 07/10 [F2007L00504].

Exemptions under subsections 741(1) and 1020F(1)—Australian Securities and Investments Commission—Class Order CO 07/9 [F2007L00510].

Variations under—

paragraph 1020F(1)(a)—Australian Securities and Investments Commission—Class Order CO 07/44 [F2007L00509].

subsections 741(1) and 1020F(1)—Australian Securities and Investments Commission—Class Order CO 07/42 [F2007L00506].

Crimes Act—Determination under Division 11A—9 March 2007 [F2007L00639].

Customs Act—Orders—

Tariff Concession—2007—

7 February [F2007L00524].

8 February [F2007L00539].

- 9 (10) February [F2007L00517], [F2007L00518], [F2007L00519], [F2007L00520], [F2007L00521], [F2007L00522], [F2007L00526], [F2007L00533], [F2007L00535], [F2007L00538].
- 14 February [F2007L00523].
- 22 February [F2007L00540].
- 2 (40) March [F2007L00587] to [F2007L00593], [F2007L00600] to [F2007L00612], [F2007L00617] to [F2007L00626], [F2007L00628] to [F2007L00637].
- 5 (3) March [F2007L00594] to [F2007L00596].
- 6 (2) March [F2007L00615], [F2007L00616].
- Tariff Concession Revocation—2007—
- 7 (2) February [F2007L00530], [F2007L00531].
- 8 (2) February [F2007L00528], [F2007L00529].
- 9 February [F2007L00532].
- 12 February [F2007L00527].
- 15 (2) February [F2007L00534], [F2007L00536].
- 20 February [F2007L00541].
- 22 February [F2007L00542].
- 26 February [F2007L00567].
- 27 (4) February [F2007L00568] to [F2007L00570], [F2007L00572].
- Defence Act—Determinations under section 58B—2007—Nos 7, 8, 9.
- Education Services for Overseas Students Act —Instrument under subsection 33(1)—National code of practice for registration authorities and providers of education and training to overseas students 2007 (National Code 2007) [F2007L00646].
- Environment Protection and Biodiversity Conservation Act—
- Determinations under—
- paragraph 194C(1)(a)—20 February 2007 [F2007L00563].
- sections 324G and 341G—20 February 2007 [F2007L00564].
- Instruments under—
- paragraph 209(1)(b)—27 February 2007 [F2007L00574].
- section 33—Notice of intent—Accreditation of an amendment to a plan for a declaration—Heard Island and McDonald Islands Fishery Management Plan Amendment 2006 (No 1), 9 March 2007.
- Fisheries Management Act—Temporary Order—5 March 2007 [F2007L00586].
- Great Barrier Reef Marine Park Act—Regulations—Select Legislative Instruments—2007 Nos 32, 33 [F2007L00516], [F2007L00537].
- Hazardous Waste (Regulation of Exports and Imports) Act—Regulations—Select Legislative Instrument—2007 No. 34 [F2007L00553].
- Higher Education Support Act—Higher education provider—Notice of approval—2007 No. 3 [F2007L00599].
- Migration Act—Migration Agents Regulations—Notices—2007—
- Migration Agents (Continuing professional development—Preparation of material for presentation) [F2007L00627].
- Migration Agents (Continuing professional development—Program of education) [F2007L00638].
- National Health Act—
- Arrangements under subparagraph 100(1)(b)(i)—2007 Nos PB 25, PB 26, PB 27, PB 28, PB 29 [F2007L00665], [F2007L00667], [F2007L00669], [F2007L00670], [F2007L00671].
- Declarations under—
- subsection 85(2)—2007 No. PB 21 [F2007L00660].
- subsection 85(2AA)—2007 No. PB 22 [F2007L00661].
- Determinations under—
- paragraph 98B(1)(a)—2007—Pharmaceutical Benefits Amendment No. 4 [F2007L00557].
- paragraph 98C(1)(b)—2007 No. PB 24 [F2007L00663].
- sections 85, 85A and 88—2007 No. PB 20 [F2007L00658].
- subsection 85B(1)—2007 No. PB 23 [F2007L00662].
- Occupational Health and Safety (Commonwealth Employment) Act—
- Proclamation under subsection 2 (1)—fixing 15 March 2007 as the day on which Schedule 1 to that Act commences [F2007L00525].

Regulations—Select Legislative Instruments—2007—

No. 29 [F2007L00545].

No. 30 [F2007L00461].

Primary Industries (Customs) Charges Act—Regulations—Select Legislative Instrument—2007 No. 25 [F2007L00511].

Primary Industries (Excise) Levies Act—Regulations—Select Legislative Instrument—2007 No. 26 [F2007L00508].

Primary Industries Levies and Charges Collection Act—Regulations—Select Legislative Instrument—2007 No. 27 [F2007L00513].

Quarantine Act and Legislative Instruments Act—Regulations—Select Legislative Instrument—2007 No. 28 [F2007L00552].

Remuneration Tribunal Act—Regulations—Select Legislative Instrument—2007 No. 31 [F2007L00554].

Social Security Act—

Determinations—2007—

Social Security (Australian Government disaster recovery payment) (No. 2)—12 March [F2007L00651].

Social Security (Australian Government disaster recovery payment) (No. 3)—14 March [F2007L00689].

Social Security (Deeming threshold rates) (DEST)—8 March [F2007L00705].

Social Security (Deeming threshold rates) (DEWR)—12 March [F2007L00691].

Social Security (Deeming threshold rates) (FaCSIA)—7 March [F2007L00659].

Specifications—2007—Social Security (Waiver of debts)—7 March [F2007L00654].

Sydney Airport Curfew Act—Dispensation—2007 No. 3.

Taxation Administration Act—

Determinations—

1999—No. TD 37 (Addendum).

2007—Nos TD 1, TD 2.

Rulings—

1999—No. TR 8 (Withdrawal).

2007—

No. TR 1.

Nos CR 14, CR 15, CR 16, CR 17.

Nos PR 12, PR 13, PR 14, PR 15, PR 16.

Nos ST 2098 (Withdrawal), ST 2099 (Withdrawal), ST 2100 (Withdrawal), ST 2101 (Withdrawal), ST 2103 (Withdrawal), ST 2104 (Withdrawal), ST 2106 (Withdrawal), ST 2107 (Withdrawal), ST 2108 (Withdrawal), ST 2109 (Withdrawal), ST 2111 (Withdrawal), ST 2112 (Withdrawal), ST 2113 (Withdrawal), ST 2114 (Withdrawal), ST 2115 (Withdrawal), ST 2116 (Withdrawal), ST 2118 (Withdrawal), ST 2119 (Withdrawal), ST 2120 (Withdrawal), ST 2121 (Withdrawal), ST 2122 (Withdrawal), ST 2124 (Withdrawal), ST 2126 (Withdrawal), ST 2127 (Withdrawal), ST 2128 (Withdrawal), ST 2129 (Withdrawal), ST 2132 (Withdrawal), ST 2133 (Withdrawal), ST 2134 (Withdrawal), ST 2135 (Withdrawal), ST 2136 (Withdrawal), ST 2137 (Withdrawal), ST 2138 (Withdrawal), ST 2139 (Withdrawal), ST 2141 (Withdrawal), ST 2142 (Withdrawal), ST 2144 (Withdrawal), ST 2145 (Withdrawal), ST 2146 (Withdrawal), ST 2148 (Withdrawal).

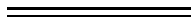
Therapeutic Goods Act—

Exemption—2007—Therapeutic Goods (Emergency) (No. 1) [F2007L00558].

Therapeutic Goods Advertising Code 2006—26 February 2007 [F2007L00576].

Therapeutic Goods Order—No. 70B [F2007L00555].

Veterans' Entitlements Act—Determination—2007 Veterans' Entitlements Income (Exempt lump sum - tobacco growers adjustment assistance package) No. R2 [F2007L00547].



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brough, Mrs Gash, Ms Grierson, Mr Katter and Mr Sercombe.



I. C. HARRIS

Clerk of the House of Representatives