

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 91

MONDAY, 26 MAY 2003

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

2 MIGRATION—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Ms Gambaro (Chair) presented the following papers:

Migration—Joint Standing Committee—2003 Review of Migration Regulation 4.31B—
Report, incorporating a dissenting report, April 2003.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Statements in connection with the report were made.

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

Ms Gambaro moved—That the House take note of the report.

Ms Gambaro was granted leave to continue her speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

3 A BETTER FUTURE FOR OUR KIDS BILL 2003

Ms Roxon, pursuant to notice, presented a Bill for an Act to establish an Office of National Commissioner for Children and Young People, and for related purposes.

Ms Roxon 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 104A.

4 KYOTO PROTOCOL RATIFICATION BILL 2003

Mr K. J. Thomson, pursuant to notice, presented a Bill for an Act to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Mr K. J. Thomson 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 104A.

5 TAIWAN AND THE WORLD HEALTH ORGANISATION

Mr Somlyay, pursuant to notice, moved—That this House calls on the Government to:

- (1) congratulate Taiwan on its substantial achievements in the field of health and its many contributions to world health care;

- (2) acknowledge that Taiwan's contributions to world health care could be made much more effectively and with much broader scope under the auspices of the World Health Organisation (WHO);
- (3) acknowledge the need for a fully-integrated global health care system and the undesirability of Taiwan's exclusion from this system, particularly in the light of the current Severe Acute Respiratory Syndrome crisis;
- (4) recognise therefore, that Taiwan's participation as an observer in the WHO would not only benefit the people of Taiwan, but also leave no loophole in the world health care network; and
- (5) help Taiwan find appropriate and feasible ways to participate meaningfully in the WHO.

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 AUSTRALIANS IN GUANTANAMO BAY

Mr Kerr, pursuant to notice, moved—That this House conveys to the Ambassador of the United States of America its:

- (1) concern at the ongoing detention, without charge or trial, of two Australian citizens in Guantanamo Bay; and
- (2) request that the United States of America advise what processes will be put in place to allow the detained Australians to be put on trial or to be released.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 106A, Mr Dutton 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.

7 MEMBERS' STATEMENTS

Members' statements were made.

8 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absences abroad of Mr Downer (Minister for Foreign Affairs) and Mr Anthony (Minister for Children and Youth Affairs), Mr M. A. J. Vaile (Minister for Trade) and Mr Brough (Minister for Employment Services), respectively, would answer questions on their behalf.

Mr Howard also informed the House that, during the absence of Mr I. E. Macfarlane (Minister for Industry, Tourism and Resources), Mr Hockey (Minister for Small Business and Tourism) would answer questions on his behalf.

9 PROPOSED RESIGNATION OF THE GOVERNOR-GENERAL—STATEMENT

Mr Howard (Prime Minister), by leave, made a statement concerning the proposed resignation of the Governor-General and presented the following paper:

Proposed resignation—Letter from His Excellency the Right Reverend Dr Peter Hollingworth, AC OBE, Governor-General to the Hon. John Howard MP, Prime Minister, 26 May 2003.

Mr Crean (Leader of the Opposition), by leave, also made a statement on the matter.

10 QUESTIONS

Questions without notice being asked—

Prime Minister—Motion of censure

Mr Crean (Leader of the Opposition), by leave, moved—That this House censures the Prime Minister for his failure to make appropriate checks and inquiries before his appointment of Dr Hollingworth as Governor-General and his failure to dismiss Dr Hollingworth once evidence of his actions in covering up a known paedophile became known. In particular, that this House censures the Prime Minister for:

- (1) his failure to understand that it is unacceptable for anyone in authority to cover up child sex abuse;

- (2) his failure to make proper checks and exercise proper judgement before appointing Dr Hollingworth;
- (3) his failure to terminate Dr Hollingworth's appointment in February last year when Dr Hollingworth admitted he acted inappropriately in the handling of child sex abuse cases;
- (4) his failure to terminate Dr Hollingworth's appointment when he appeared on *Australian Story* and implied that an inappropriate relationship between a priest and a 14 year old girl could be initiated by the child;
- (5) his failure to recognise what child sex abuse is and thereby condoning the cover-up of child sex abuse and the blaming of victims of child sex abuse;
- (6) his failure to terminate Dr Hollingworth's appointment when the Aspinall Report made further adverse findings against Dr Hollingworth;
- (7) his failure to confront allegations of rape and in seeking to cover them up;
- (8) his failure to terminate Dr Hollingworth's appointment for allegations that were proven, yet acting belatedly on allegations that were not proven but had become public;
- (9) his failure to speak to the Australian public immediately following Dr Hollingworth's resignation;
- (10) his failure to resolve the status of Dr Hollingworth's appointment immediately following the withdrawal of the allegation of rape made before the Supreme Court of Victoria; and
- (11) his failure to protect the integrity and dignity of the highest office in Australia by not admitting he got it wrong and by not displaying leadership in removing the Governor-General 15 months ago.

Debate ensued.

Ms Roxon rising to address the House—

Closure

Mr Abbott (Leader of the House) moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 75

Mr Abbott	Mrs Draper	Mr Jull	Mr Scott
Mr Anderson	Mr Dutton	Mrs D. M. Kelly	Mr Secker
Mr K. J. Andrews	Mrs Elson	Dr Kemp	Mr Slipper
Fran Bailey	Mr Entsch	Mr P. E. King	Mr A. D. H. Smith
Mr Baird	Mr Farmer	Mrs Ley	Mr Somlyay
Mr Baldwin	Mr Forrest*	Mr Lindsay	Dr Southcott
Mr Barresi	Mrs Gallus	Mr Lloyd	Dr Stone
Mr Bartlett	Ms Gambaro	Mr McArthur*	Mr C. P. Thompson
Mr Billson	Mrs Gash	Mr McGauran	Mr Ticehurst
Mrs B. K. Bishop	Mr Georgiou	Mrs May	Mr Tollner
Ms J. I. Bishop	Mr Haase	Mrs Moylan	Mr Truss
Mr Brough	Mr Hardgrave	Mr Nairn	Mr Tuckey
Mr Cadman	Mr Hartsuyker	Dr Nelson	Mr M. A. J. Vaile
Mr Cameron	Mr Hawker	Mr Neville	Mrs D. S. Vale
Mr Causley	Mr Hockey	Mr Pearce	Mr Wakelin
Mr Charles	Mr Howard	Mr Prosser	Dr Washer
Mr Ciobo	Mrs Hull	Mr Pyne	Mr Williams
Mr Cobb	Mr Hunt	Mr Ruddock	Ms Worth
Mr Costello	Mr Johnson	Mr Schultz	

NOES, 65

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr Ripoll
Mr Albanese	Mr M. J. Ferguson	Ms Livermore	Ms Roxon
Mr Andren	Mr Fitzgibbon	Mr McClelland	Mr Rudd
Mr Beazley	Ms George	Ms J. S. McFarlane	Mr Sawford
Mr Bevis	Mr Gibbons	Ms Macklin	Mr Sciacca
Mr Brereton	Ms Gillard	Mr McLeay	Mr Sercombe
Ms Burke	Ms Grierson	Mr McMullan	Mr Sidebottom
Mr Byrne	Mr Griffin	Mr Melham	Mr S. F. Smith
Ms Corcoran	Ms Hall	Mr Mossfield	Mr Snowdon
Mr Cox	Mr Hatton	Mr Murphy	Mr Tanner
Mr Crean	Ms Hoare	Ms O'Byrne	Ms Vamvakinou
Mrs Crosio	Mrs Irwin	Mr B. P. O'Connor	Mr Wilkie
Mr Danby*	Ms Jackson	Mr G. M. O'Connor	Mr Windsor
Mr Edwards	Mr Jenkins	Mr Organ	Mr Zahra
Ms Ellis	Mr Kerr	Ms Plibersek	
Mr Emerson	Ms C. F. King	Mr Price	
Mr Evans	Mr Latham	Mr Quick*	

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

The House divided (the Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 64

Mr Adams	Mr Evans	Ms C. F. King	Ms Plibersek
Mr Albanese	Mr L. D. T. Ferguson	Mr Latham	Mr Price
Mr Andren	Mr M. J. Ferguson	Dr Lawrence	Mr Quick*
Mr Beazley	Mr Fitzgibbon	Ms Livermore	Mr Ripoll
Mr Bevis	Ms George	Mr McClelland	Ms Roxon
Mr Brereton	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Ms Burke	Ms Gillard	Ms Macklin	Mr Sawford
Mr Byrne	Ms Grierson	Mr McLeay	Mr Sciacca
Ms Corcoran	Mr Griffin	Mr McMullan	Mr Sercombe
Mr Cox	Ms Hall	Mr Melham	Mr Sidebottom
Mr Crean	Mr Hatton	Mr Mossfield	Mr S. F. Smith
Mrs Crosio	Ms Hoare	Mr Murphy	Mr Snowdon
Mr Danby*	Mrs Irwin	Ms O'Byrne	Mr Tanner
Mr Edwards	Ms Jackson	Mr B. P. O'Connor	Ms Vamvakinou
Ms Ellis	Mr Jenkins	Mr G. M. O'Connor	Mr Wilkie
Mr Emerson	Mr Kerr	Mr Organ	Mr Zahra

NOES, 77

Mr Abbott	Mr Dutton	Dr Kemp	Mr Slipper
Mr Anderson	Mrs Elson	Mr P. E. King	Mr A. D. H. Smith
Mr K. J. Andrews	Mr Entsch	Mrs Ley	Mr Somlyay
Fran Bailey	Mr Farmer	Mr Lindsay	Dr Southcott
Mr Baird	Mr Forrest*	Mr Lloyd	Dr Stone
Mr Baldwin	Mrs Gallus	Mr McArthur*	Mr C. P. Thompson
Mr Barresi	Ms Gambaro	Mr McGauran	Mr Ticehurst
Mr Bartlett	Mrs Gash	Mrs May	Mr Tollner
Mr Billson	Mr Georgiou	Mrs Moylan	Mr Truss
Mrs B. K. Bishop	Mr Haase	Mr Nairn	Mr Tuckey
Ms J. I. Bishop	Mr Hardgrave	Dr Nelson	Mr M. A. J. Vaile
Mr Brough	Mr Hartsuyker	Mr Neville	Mrs D. S. Vale
Mr Cadman	Mr Hawker	Ms Panopoulos	Mr Wakelin
Mr Cameron	Mr Hockey	Mr Pearce	Dr Washer
Mr Causley	Mr Howard	Mr Prosser	Mr Williams
Mr Charles	Mrs Hull	Mr Pyne	Mr Windsor
Mr Ciobo	Mr Hunt	Mr Ruddock	Ms Worth
Mr Cobb	Mr Johnson	Mr Schultz	
Mr Costello	Mr Jull	Mr Scott	
Mrs Draper	Mrs D. M. Kelly	Mr Secker	

* Tellers

And so it was negatived.

Questions without notice concluded.

11 PETITIONS

Petitions lodged for presentation were announced.

12 DECLARATION OF PARKS, CONSERVATION AREAS AND RESERVES

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

- (1) notes the recent announcement of the Carr Labor Government to declare 65,000 hectares of land as 15 new National Parks, State Conservation Areas and State Forest Reserves;
- (2) is concerned that this declaration may be in breach of the Regional Forest Agreement between New South Wales and the Commonwealth;
- (3) is concerned that the removal of this land from production will impact upon timber resources required to sustain employment in timber communities and the future viability of those communities; and
- (4) is concerned that substantial Commonwealth and New South Wales government funds invested under FISAP will be placed at risk as a result of this declaration.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mr Albanese was granted leave to continue his speech when the debate is resumed.

13 SUPPORTED EMPLOYMENT SECTOR

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

- (1) recognises the valuable role of the supported employment sector in providing paid work to people with disabilities;
- (2) notes that employment gives people with disabilities not only an income, but also important social and developmental experiences;

- (3) asserts the need to ensure that pay and working conditions for people with disabilities are fair and meet minimum standards;
- (4) notes Government reforms in this area including quality assurance reforms and the introduction of case-based funding to business services;
- (5) acknowledges that unless these reforms are introduced in a coordinated manner and with adequate support to the supported employment sector, the viability of many business services in this sector may be threatened and that, according to the Department's Case Based Funding Trial Final Evaluation Report: Main Findings (October 2002, page 14), "based on maintenance funding levels, 67% of Business Services would operate at a deficit, 5% at close to break even and 28% at a surplus"; and
- (6) calls upon the Government to:
 - (a) consult with the supported employment sector to ensure that the original December 2004 deadline for certification allows optimal outcomes to be achieved;
 - (b) provide adequate assistance to the supported employment sector, so that nil, or a minimum number of businesses become unviable leading to loss of employment by some people with disabilities;
 - (c) liaise with people working in business services and their families to ensure that they are prepared for the transition or closure of the business service; and
 - (d) liaise closely with the State/Territory governments to ensure that they are prepared and able to manage the increased demand on services as a result of business service closures.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Ms Jackson was granted leave to continue her speech when the debate is resumed.

14 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, 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 MESSAGES FROM THE SENATE

Messages from the Senate, 15 May 2003, were reported returning the following Bills without amendment:

Message—

No. 260—Criminal Code Amendment (Terrorism) 2002.

No. 261—Therapeutic Goods Amendment (No. 1) 2003.

16 MESSAGE FROM THE SENATE—TERRORISM INSURANCE BILL 2003

A message from the Senate was reported returning the following Bill with amendments:

15 May 2003—Message No. 259—Terrorism Insurance 2003.

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

17 APPROPRIATION BILL (NO. 1) 2003-2004

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 by Mr McMullan 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:

- (1) its obsession with shifting the cost of health and education from the budget to Australian families;
- (2) imposing higher costs of doctors' visits on families without concession cards and a 30 per cent hike in essential medicine prices;

- (3) allowing HECS fees to rise by 30%, introducing a loan scheme with a 6% interest rate and doubling the number of places reserved for full fee paying students;
- (4) its cynical attempt to distract the public from these higher costs by offering miserly tax cuts of \$4 a week for the average family;
- (5) its failure to address the complexity of superannuation and its determination to offer super cuts only to the wealthiest families;
- (6) its willingness to deliver tax cuts to corporate Australia while imposing a record tax burden on Australian families;
- (7) its failure to protect the superannuation savings of Australian families by protecting them from corporate greed;
- (8) its decision to hire yet more tax officials rather than take steps to ease the BAS compliance burden on small business; and
- (9) its failure to provide leadership on environmental issues and in particular its failure to address water reform”.

Debate continued.

Mr Dutton addressing the House—

18 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 9.30 p.m., adjourned until tomorrow at 2 p.m.

PAPERS

The following papers were deemed to have been presented on 26 May 2003:

Australian Prudential Regulation Authority Act—

Instrument fixing charges to be paid to APRA, 14 May 2003.

Revocation of instrument, dated 4 April 2003, fixing charges to be paid to APRA, 14 May 2003.

Australian Radiation Protection and Nuclear Safety Act—Regulations—Statutory Rules 2003 No. 90.

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—

Part 39-105—2003 15, 16(2), 17(2), 22, 23(3), 24, 28, 29(3) April, 1(2), 2(5) May.

Part 39-106—2003 16 April.

Part 39-107—2003 1, 2 May.

Regulations—Statutory Rules 2003 No. 95.

Customs Act—Regulations—Statutory Rules 2003 Nos 88, 89.

Environment Protection and Biodiversity Conservation Act—Instrument under Section 303EB, 24 April 2003.

Export Market Development Grants Act—Determination—2003 No. 1.

Health Insurance Act—

Principles—2003 Health Insurance (Eligible Collection Centres) Approval.

Regulations—Statutory Rules 2003 No. 87.

Higher Education Funding Act—

Determination—2002 Nos T31, T32.

Guidelines—2003 Higher education institutions: Research and research training management reports.

Immigration (Education) Act—Regulations—Statutory Rules 2003 No. 91.

Migration Act—Regulations—Statutory Rules 2003 Nos 92, 94.

Migration Agents Registration Application Charge Act—Regulations—Statutory Rules 2003 No. 93.

Taxation Administration Act—

Determinations—2003 Nos TD 12, TD 13, TD 14.

Rulings—

2001 No. PR 24 (Withdrawal).

2002 No. CR 75 (Addendum).

2003 Nos CR 36, CR 36 (Erratum), CR 37, CR 38, CR 39, GSTR 9, PR 22, PR 23, PR 24, PR 25, PR 26, PR 27, PR 28, TR 2, TR 3, TR 4.

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(d)—2003 No. 1.

Workplace Relations Act—Rules—Statutory Rules 2003 No. 86.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anthony, Mr Downer, Jackie Kelly, Mr I. E. Macfarlane, Mr Randall and Mr Swan.



I. C. HARRIS

Clerk of the House of Representatives