

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 104

TUESDAY, 24 JUNE 2003

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

**2 QUESTIONS**

Questions without notice being asked—

*Paper*

Dr Nelson (Minister for Education, Science and Training) presented the following paper:

Map indicating growth in independent schools in wider Sydney metropolitan area.

Questions without notice continuing—

*Member ordered to withdraw*

At 2.45 p.m. the Member for Bass (Ms O'Byrne) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and she accordingly withdrew from the Chamber.

Questions without notice continuing—

*Member ordered to withdraw*

At 3.23 p.m. the Member for Corio (Mr G. M. O'Connor) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Questions without notice concluded.

**3 PAPER**

The Speaker presented the following paper:

Quorums in the House—Speaker's response to Mr Latham, 24 June 2003.

**4 PAPER**

Mr Crean (Leader of the Opposition), by leave, presented the following paper:

University fees—Transcript of interview between the Prime Minister, the Hon. John Howard MP, and Neil Mitchell, Radio 3AW, 15 October 1999.

**5 AUDITOR-GENERAL'S REPORTS**

The Speaker presented the following papers:

Auditor-General—Audit reports of 2002–2003—

No. 52—Performance audit—Absence management in the Australian Public Service.

No. 53—Business support process audit—Business continuity management: Follow-on audit.

No. 54—Business support process audit—Capitalisation of software.

No. 55—Performance audit—Goods and services tax fraud prevention and control: Australian Taxation Office.

Reports ordered to be printed.

**6 PAPERS**

The following papers were presented:

Australia-Korea Foundation—Report for 2001-02.

Native Title Act—Native title representative body—Carpentaria Land Council Aboriginal Corporation—Report for 2001-02.

Treaties—

List of multilateral treaty action presently under negotiation or consideration by the Australian Government, or expected to be within the next twelve months, June 2003.

*Multilateral—Text, together with national interest analysis*—Protocol on preparedness, response and co-operation to pollution incidents by hazardous and noxious substances, done at London on 15 March 2000 [Replacement].

**7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION FUNDING**

The House was informed that Ms Macklin (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s unfair education priorities that deliver million dollar funding increases to elite private schools while increasing student university fees by 30 per cent”.

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

*Member ordered to withdraw*

At 3.52 p.m. the Member for Port Adelaide (Mr Sawford) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Discussion continued.

Discussion concluded.

**8 MESSAGES FROM THE SENATE**

Messages from the Senate, 23 June 2003, were reported returning the following Bills without amendment:

Message—

No. 272—Health Care (Appropriation) Amendment 2003.

No. 273—Superannuation Industry (Supervision) Amendment 2002.

No. 274—Superannuation (Financial Assistance Funding) Levy Amendment 2002.

**9 MATTERS REFERRED TO MAIN COMMITTEE**

Mr Lloyd (Chief Government Whip), by leave, moved—That:

(1) the following Bill be referred to the Main Committee for further consideration:

Export Control Amendment 2003; and

(2) the following order of the day, committee and delegation reports, be referred to the Main Committee for debate:

Employment and Workplace Relations—Standing Committee—Report on inquiry into aspects of Australia’s workers’ compensation schemes—Motion to take note of paper: Resumption of debate.

Question—put and passed.

**10 SELECTION COMMITTEE—REPORT**

Mr Causley (Chair) presented the following paper:

Selection Committee—Report relating to the program of private Members’ business on Monday, 11 August 2003.

**11 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT**

Mr Hunt presented the following paper:

Corporations and Financial Services—Joint Statutory Committee—Inquiry into the Corporations Amendment Regulations 2003 (No. 1), Statutory Rules 2003 No. 31—  
Report, June 2003.

Evidence received by the committee.

Ordered—That the report be printed.

**12 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE—EXECUTIVE MINUTES—STATEMENT BY MEMBER**

Mr Charles (Chair), by leave, presented the following paper:

Public Accounts and Audit—Joint Committee—Executive minutes on—

Report 374—Review of the *Financial Management and Accountability Act 1997* and the *Commonwealth Authorities and Companies Act 1997*.

Report 385—Review of Auditor-General's Reports 2000-2001, second and third quarters, August 2001.

Report 388—Review of the accrual Budget documentation, June 2002.

Report 389—Review of Auditor-General's reports 2000-2001, fourth quarter.

Mr Charles, by leave, made a statement in connection with the minutes.

**13 COMMITTEES—MEMBERSHIP**

The House was informed that the Chief Opposition Whip had nominated Members to be members of certain committees.

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, moved—That:

(1) Mr Gibbons be discharged from the Standing Committee on Industry and Resources and that, in his place, Mr McLeay be appointed a member of the committee; and

(2) Mrs Crosio be discharged from the Publications Committee and that, in her place, Mr Evans be appointed a member of the committee.

Question—put and passed.

**14 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—CONSTRUCTION OF A NEW CHANCERY FOR THE AUSTRALIAN HIGH COMMISSION, NEW DELHI, INDIA**

Mr Slipper (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: Construction of a new Chancery for the Australian High Commission, New Delhi, India.

Question—put and passed.

**15 POSTPONEMENT OF NOTICE**

Ordered—That notice No. 2, government business, be postponed until the next sitting.

**16 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—REFURBISHMENT OF STAFF APARTMENTS AT THE AUSTRALIAN EMBASSY COMPLEX, PARIS, FRANCE**

Mr Slipper (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: Refurbishment of staff apartments at the Australian Embassy Complex, Paris, France.

Question—put and passed.

**17 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—NEW MAIN ENTRANCE AT THE LUCAS HEIGHTS SCIENCE AND TECHNOLOGY CENTRE, LUCAS HEIGHTS, NSW.**

Mr Slipper (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: New main entrance at the Lucas Heights Science and Technology Centre, Lucas Heights, NSW.

Question—put and passed.

**18 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—REDEVELOPMENT OF RADIOPHARMACEUTICAL PRODUCTION BUILDING NO. 23 AT LUCAS HEIGHTS, NSW**

Mr Slipper (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: Redevelopment of Radiopharmaceutical Production Building No. 23 at Lucas Heights, NSW.

Question—put and passed.

**19 FITOUT OF NEW CUSTOMS BUILDING AT SYDNEY AIRPORT, NSW—APPROVAL OF WORK**

Mr Slipper (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: Fitout of new Customs building at Sydney Airport, NSW.

Debate ensued.

Question—put and passed.

**20 GOVERNOR-GENERAL AMENDMENT BILL 2003**

Mr Abbott (Minister representing the Special Minister of State), pursuant to notice, presented a Bill for an Act to amend the *Governor-General Act 1974*, and for related purposes.

Bill read a first time.

Mr Abbott moved—That the Bill be now read a second time.

*Paper*

Mr Abbott presented an explanatory memorandum to the Bill.

Debate, by leave, ensued.

Mr McClelland moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words:

“whilst not denying the Bill a second reading, the House notes that:

- (1) on 26 May the Leader of the Opposition and the Shadow Attorney-General proposed a new method for appointing Australia’s Governor-General, consisting of the following steps:
  - (a) a Consultative Committee be established consisting of the Head of the Department of Prime Minister and Cabinet, the most recent retired Chief Justice of the High Court of Australia, and a community representative appointed by the Prime Minister;
  - (b) the position of Governor-General be advertised nationally and nominations called for;
  - (c) the Committee prepare a short list of candidates for Governor-General; and
  - (d) the Prime Minister appoint a candidate from the short list; or
  - (e) if the Prime Minister appoints a candidate who is not from the short list, he or she must make a statement explaining why the short list was rejected.
- (2) the method proposed by the Opposition would have ensured that the Prime Minister retains ultimate responsibility for choosing the Governor-General, but would also have ensured that the appointment is made on fuller information following consultation with the Australian community;

- (3) this method was proposed on an interim basis while the support of the Prime Minister was sought to establish a Joint Select Committee to inquire into the longer term arrangements for appointing Australia's Head of State and other matters;
- (4) notwithstanding his serious error of judgment in appointing Dr Hollingworth, the Prime Minister refused to consult with either the Australian people or the Opposition before appointing Dr Hollingworth's successor, and refused to support the establishment of a Joint Select Committee to review the process of appointment.

And the House further affirms that:

- (5) to ensure greater public accountability the Governor-General's Annual Report should be considered and commented on by the House of Representatives Standing Committee on Legal and Constitutional Affairs, and then ultimately by all members of Parliament;
- (6) Standing Order 74 should be deleted in recognition that no holder of a public office should be above parliamentary scrutiny".

Debate continued.

Amendment negatived.

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

*Message from the Administrator*

Message No. 143, 24 June 2003, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Abbott, the Bill was read a third time.

## 21 MIGRATION LEGISLATION AMENDMENT (SPONSORSHIP MEASURES) BILL 2003

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 Ms Gillard 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, and while supportive of the specific proposals in the Bill, the House notes that, if they are to be successful the Government's inept handling of the migration program, will need to be ended and the whole program administered with greater integrity, transparency and humanity".

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 forthwith.

On the motion of Mr Hardgrave (Minister for Citizenship and Multicultural Affairs), the Bill was read a third time.

## 22 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003

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.

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

## 23 TAXATION LAWS AMENDMENT BILL (NO. 2) 2003—SENATE'S MESSAGE NO. 265

The order of the day having been read for the consideration of message No. 265 from the Senate returning the Taxation Laws Amendment Bill (No. 2) 2003 and insisting on the amendments made by the Senate—

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the amendments insisted upon by the Senate were agreed to, after debate.

**24 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003**

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 having been resumed by Mr Andren—

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**25 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 9 a.m.

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**PAPERS**

The following papers were deemed to have been presented on 24 June 2003:

A New Tax System (Commonwealth-State Financial Arrangements) Act—Regulations—Statutory Rules 2003 No. 125.

Administrative Decisions (Judicial Review) Act—Regulations—Statutory Rules 2003 No. 115.

Airports Act—Regulations—Statutory Rules 2003 No. 124.

Cocos (Keeling) Islands Act—Ordinance 2003 No. 1.

Commonwealth Places (Application of Laws) Act—Regulations—Statutory Rules 2003 No. 116.

Corporations (Fees) Act—Regulations—Statutory Rules 2003 No. 128.

Corporations Act—Regulations—Statutory Rules 2003 Nos 126, 127.

Defence (Visiting Forces) Act—Regulations—Statutory Rules 2003 No. 117.

Federal Court of Australia Act—Rules of Court—Statutory Rules 2003 No. 132.

Financial Management and Accountability Act—Regulations—Statutory Rules 2003 No. 119.

Fisheries Management Act—Regulations—Statutory Rules 2003 No. 112.

Governor-General Act—Regulations—Statutory Rules 2003 No. 123.

Industrial Chemicals (Notification and Assessment) Act—Regulations—Statutory Rules 2003 No. 121.

Medical Indemnity (Prudential Supervision and Product Standards) Act—Regulations—Statutory Rules 2003 No. 129.

Migration Act—Regulations—Statutory Rules 2003 No. 122.

National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules 2003 No. 114.

Passports Act—Regulations—Statutory Rules 2003 No. 120.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2003 No. 113.

Radiocommunications Act—Regulations—Statutory Rules 2003 No. 118.

*Residential Tenancies Act 1987 (WA) (CI)*—Regulations—2003 No. 1.

*Residential Tenancies Act 1987 (WA) (CKI)*—Regulations—2003 No. 1.

Superannuation Contributions Tax (Assessment and Collection) Act—Regulations—Statutory Rules 2003 No. 130.

Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act—Regulations—Statutory Rules 2003 No. 131.

Sydney Airport Curfew Act—Dispensation—2003 No. 5.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Dutton, Mr Katter, Mr I. E. Macfarlane\*, Mr McGauran and Mr M. A. J. Vaile.

\* On leave

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