

2002-03-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 188

MONDAY, 9 AUGUST 2004



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 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Price (Deputy Chair) presented the following papers (sent to the Speaker on 29 June 2004, pursuant to standing order 353):

Procedure—Standing Committee—Media coverage of House proceedings, including the Chamber, Main Committee and committees—

Interim report, June 2004.

Evidence received by the committee.

Minutes of proceedings.

Statements in connection with the report were made.

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

Mr Price moved—That the House take note of the report.

Mr Price was granted leave to continue his 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 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Scott presented the following paper (sent to the Speaker on 29 June 2004, pursuant to standing order 360):

Foreign Affairs, Defence and Trade—Joint Standing Committee—Watching brief on the war on terrorism—Report, June 2004.

Ordered to be printed.

Statements in connection with the report were made.

4 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Baird presented the following papers (sent to the Speaker on 30 June 2004, pursuant to standing order 360):

Foreign Affairs, Defence and Trade—Joint Standing Committee—Australia's engagement with the World Trade Organisation: A report on the proceedings of the annual public hearing—

Report, June 2004.

Evidence received by the committee.

Ordered—That the report be printed.

Statements in connection with the report were made.

5 CORPORATIONS AND FINANCIAL SERVICES—JOINT PARLIAMENTARY COMMITTEE—REPORT

Mr Ciobo presented the following papers (sent to the Speaker on 30 June 2004, pursuant to standing order 360):

Corporations and Financial Services—Joint Parliamentary Committee—Corporate insolvency laws: A stocktake—

Report, incorporating a dissenting report, June 2004.

Evidence received by the committee.

Ordered—That the report be printed.

6 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr C. P. Thompson presented the following paper (sent to the Speaker on 2 July 2004, pursuant to standing order 360):

National Capital and External Territories—Joint Standing Committee—A national capital, a place to live: Inquiry into the role of the National Capital Authority—Report, July 2004.

Ordered to be printed.

Statements in connection with the report were made.

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

Mr C. P. Thompson moved—That the House take note of the report.

Mr C. P. Thompson was granted leave to continue his 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.

7 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr C. P. Thompson presented the following paper (sent to the Speaker on 2 July 2004, pursuant to standing order 360):

National Capital and External Territories—Joint Standing Committee—Norfolk Island: Review of the annual reports of the Department of Transport and Regional Services and the Department of the Environment and Heritage—Report, incorporating a dissenting report, July 2004.

Ordered to be printed.

Statements in connection with the report were made.

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

Mr C. P. Thompson moved—That the House take note of the report.

Mr C. P. Thompson was granted leave to continue his 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.

8 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mrs B. K. Bishop (Chair) presented the following papers (sent to the Speaker on 23 July 2004, pursuant to standing order 353):

Legal and Constitutional Affairs—Standing Committee—Inquiry into the Exposure Draft of the Bankruptcy Legislation Amendment (Anti-Avoidance and Other Measures) Bill 2004—

Report, July 2004.

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—

Mrs B. K. Bishop moved—That the House take note of the report.

Member ordered to withdraw

At 1.30 p.m. the Member for MacKellar (Mrs B. K. Bishop) was ordered, under standing order 304A, to withdraw from the House for one hour for defying the Chair, and she accordingly withdrew from the Chamber.

Mrs B. K. Bishop 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.

9 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER

Mrs Gallus presented the following paper:

Australian Parliamentary Observer Delegation to the Presidential elections in Indonesia—Report, 5 July 2004.

Mrs Gallus made a statement in connection with the report.

10 ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT (REVIEW OF DECISIONS) BILL 2004

Mr Rudd, pursuant to notice, presented a Bill for an Act to amend the *Administrative Appeals Tribunal Act 1975*, and for related purposes.

Mr Rudd 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.

11 MEMBERS' STATEMENTS

Members' statements were made.

12 QUESTIONS

Questions without notice were asked.

13 PAPER

Ms Gillard, by leave, during a personal explanation, presented the following paper:

Tony Abbott and the truth—Complete strangers—Media release by Ms Gillard, Shadow Minister for Health, 8 August 2004.

14 PETITIONS

Petitions lodged for presentation were announced.

15 SUDAN

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

(1) notes:

- (a) the reports of many independent observers, including those sent by the African Union, that the so-called Janjaweed militias have carried out numerous massacres, summary executions, rapes, burnings of towns and villages, and forcible depopulations in the Darfur region of western Sudan;
- (b) reports by Human Rights Watch that the Sudanese military regime has armed, supported and supervised the militias, and that Sudanese government forces have directly participated in some of these actions;
- (c) estimates by reputable sources that at least 300,000 people have already been killed or died as a direct or indirect result of this campaign, that more than a million people have been made homeless, that more than 100,000 have been forced to seek refuge in Chad, and that an unknown but large number of women have been raped in the course of these attacks; and
- (d) reports that the militias have destroyed mosques, killed Muslim religious leaders, and desecrated Qurans in the course of their attacks;

- (2) condemns the military regime in Sudan for instigating a policy of forcibly depopulating areas considered disloyal to Khartoum and which has led to massive social dislocation and deaths of innocent civilians, in particular, the Fur, Masalit and Zaghawa ethnic groups in Darfur;
- (3) holds the Sudanese regime responsible for the crimes committed by its armed forces and by the militias under its control;
- (4) welcomes the decision by the Australian Government to allocate \$20 million for relief in Darfur, but calls on the Government to make a significantly greater commitment to aid the people of Darfur through appropriate international agencies;
- (5) notes that UN Security Council Resolution 1556 has imposed an arms embargo on Sudan and authorised the creation of an international protection force for Darfur; and
- (6) calls on the Australian Government:
 - (a) in the event that this force does not succeed in preventing further armed attacks on the people of Darfur, to take immediate action at the United Nations to ensure that the UN force is given a mandate to disarm the militias, secure the withdrawal of Sudanese government forces from the area, protect the people of Darfur and enable all refugees to return to their homes;
 - (b) to make a contribution, proportionate with Australia's military capacity, of Australian forces to any peace-keeping force dispatched to Sudan under a United Nations mandate; and
 - (c) to take action at the United Nations to secure the prosecution for war crimes at the appropriate international tribunal of President Omar Bashir and other officials of the Sudanese military regime responsible for the massacres of civilians in Darfur.

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.

16 WAR CORRESPONDENTS

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

- (1) acknowledges the role of Australia's war correspondents in the wars, conflicts and peace-keeping roles in which Australian military personnel have served since the Boer War;
- (2) celebrates the high standard of journalism, reporting, pictorial data and electronic material that has marked the war correspondent in keeping the Australian public well informed at times of heightened national concern;
- (3) records the bravery of these correspondents in compiling their material, often under extreme and life-threatening conditions;
- (4) laments the loss of life in the ranks of Australia's war correspondents;
- (5) believes that their contribution to the national fabric of war-service should be acknowledged beside that of military personnel, coast watchers and wartime merchant mariners; and
- (6) supports the CEW Bean Foundation in its endeavours to build a national memorial to commemorate the service of war correspondents.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

17 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.

The time allotted for the debate having expired—

Question—That grievances be noted—put and passed.

18 CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS OFFENCES AND OTHER MEASURES) BILL (NO. 2) 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.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

19 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 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—*And on the amendment moved thereto by Ms Livermore, 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:

- (1) failing to provide real increases in funding for urgently needed recurrent and capital programs in primary and secondary schools for indigenous students and their families;
- (2) introducing major changes to the operation of programs, particularly ASSPA committees, without full consultation with indigenous communities;
- (3) failing to provide strategic intervention in the early years of primary schooling by changing the focus of support for tutorial assistance to indigenous students who fail to meet national literacy and numeracy benchmarks in Years 3, 5 and 7; and
- (4) fostering instability in funding arrangements for the Supplementary Recurrent Assistance program and failing to recognise the disadvantage experienced by all indigenous students whether they live in metropolitan, regional, rural or remote areas of Australia”—

Debate resumed.

Paper

Mr Snowdon, by leave, presented the following paper:

Government changes to IEDA Programs—ASSPA, ATAS & VEGAS—Copy of letter from Graeme Robinson, Principal, Amanbidji School, via Katherine, Northern Territory, to Dr Nelson, Minister for Education, Science and Training, 28 July 2004.

Debate continued.

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

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

AYES, 72

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

NOES, 58

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

* 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.

Adjournment negatived

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

Dr Nelson (Minister for Education, Science and Training) requiring the question to be put forthwith without debate—

Question—put and negatived.

Message from the Governor-General

Message No. 297, 23 June 2004, 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 forthwith.

On the motion of Dr Nelson, the Bill was read a third time.

20 ADJOURNMENT

Dr Nelson (Minister for Education, Science and Training) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 9.30 p.m.—The Speaker adjourned the House until tomorrow at 2 p.m.

PAPERS

The following papers were deemed to have been presented on 9 August 2004:

Australian Sports Drug Agency Act—

Australian Sports Drug Agency Regulations—Orders—2004—

Australian Sports Drug Agency Drug Testing (Scheme A)—Amendment (No. 2).

Australian Sports Drug Agency Drug Testing (Scheme B)—Amendment (No. 2).

Regulations—Statutory Rules 2004 No. 236.

Civil Aviation Act—

Civil Aviation Regulations—

Amendment Orders—2004 Nos 3, 4.

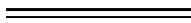
Exemptions—2004 Nos CASA EX27, CASA EX28, CASA EX29, CASA EX31.

Instruments—2004 Nos CASA 411, CASA 435, CASA 436.
Fisheries Management Act—Regulations—Statutory Rules 2004 Nos 233, 234, 235.
Health Insurance Act—Regulations—Statutory Rules 2004 Nos 237, 238.
Industrial Chemicals (Notification and Assessment) Act—Regulations—Statutory Rules 2004 No. 239.
International Organisations (Privileges and Immunities) Act—Regulations—Statutory Rules 2004 No. 240.
Migration Act—Statements under subsection 417(4)—2004—1 January to 30 June (1).
Workplace Relations Act and Workplace Relations Amendment (Codifying Contempt Offences) Act—
Guidelines in relation to the exercise of compliance powers in the building and construction industry, 9
August 2004.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Hawker, Mrs May and Mr Sawford.



I. C. HARRIS
Clerk of the House of Representatives