

2004

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 5

TUESDAY, 30 NOVEMBER 2004

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

**2 QUESTIONS**

Questions without notice were asked.

**3 MEMBER DIRECTED TO LEAVE THE CHAMBER**

At 3.21 p.m. the Member for Batman (Mr M. J. Ferguson) was directed, under standing order 94, to leave the Chamber for one hour for refusing to withdraw objectionable words, and he accordingly left the Chamber.

**4 DOCUMENT**

The Speaker presented the following document:

Parliamentary Service Commissioner—Report for 2003-04.

Report ordered to be made a Parliamentary Paper.

**5 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 15 of 2004–2005—Performance Audit—Financial management of Special Appropriations.

Report ordered to be made a Parliamentary Paper.

**6 DOCUMENTS**

The following documents were presented:

Airservices Australia—Report for 2003-04.

ASC Pty Ltd—Report for 2003-04.

Australia Post—Statement of corporate intent—2004/05-2006/07.

Australia-China Council—Report for 2003-04.

Australian Competition and Consumer Commission—Report for 2003-04.

Australian Fisheries Management Authority—Report for 2003-04.

Australian Industry Development Corporation—Report for 2003-04.

Australian Pesticides and Veterinary Medicines Authority—Report for 2003-04.

Australian Public Service Commission—State of the service—Report for 2003-04.

Australian Sports Commission—Report for 2003-04.

Australian Tourist Commission—Report for 2003-04.

Bureau of Meteorology—Report for 2003-04.

Copyright Agency Limited—Report for 2003-04.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2003-2004.

Department of Defence—Report for 2003-04.

Director of National Parks—Report for 2003-04.

Doping allegations within the Australian Institute of Sport (AIS) Track Sprint Cycling Program—Independent inquiry by Hon. Robert Anderson QC to Australian Sports Commission and Cycling Australia—Second stage report dealing with the fourth and fifth terms of reference, together with second addendum to report and sequel to second addendum report, 27 October 2004.  
Statement by the Minister for the Arts and Sport.

Equal Opportunity for Women in the Workplace Agency—Report for 2003-04.

Forest and Wood Products Research and Development Corporation—Report for 2003-04.

International Labour Organisation—Submission report on ILO instruments adopted in June 2003.

Members of Parliament (Staff) Act—Report on consultants engaged under section 4 for 2003-04.

Military Superannuation and Benefits Scheme—Report for 2003-04.

National Capital and External Territories—Joint Standing Committee—Report—Not a town centre: The proposal for pay parking in the Parliamentary Zone—Government response.

National Competition Council—Report for 2003-04.

Queensland Fisheries Joint Authority—Report for 2003-04.

Reserve Bank of Australia—Payments System Board—Report for 2004.

Screenrights—

Report for 2003-04.

Report for 2003-04—Errata.

Superannuation (Government Co-contribution for Low Income Earners) Act—Quarterly report on the operation of the Act—1 July to 30 September 2004.

United Nations—International Covenant on Civil and Political Rights—Human Rights Committee—Communications—No. 901/1999.

War Crimes Act—Report for 2003-04.

Workplace Relations Act—Agreement making in Australia under the Workplace Relations Act—Report for 2002 and 2003.

#### **7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIA'S LONG-TERM NATIONAL INTERESTS IN REGION**

The House was informed that Mr Rudd had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Howard Government’s refusal to abandon the doctrine of regional military pre-emption and the Government’s failure to secure Australia’s long-term national interests in our region”.

The proposed discussion having received the necessary support—

Mr Rudd addressed the House.

Discussion ensued.

Discussion concluded.

#### **8 SELECTION COMMITTEE—REPORT—GENERAL PRINCIPLES—PRIVATE MEMBERS' BUSINESS**

Mr Causley (Chair) presented the following report from the Selection Committee:

General principles relating to the selection of private Members’ business.

The report is as follows:

##### **REPORT**

##### **General principles relating to the selection of private Members’ business**

1. In formulating the priority to be given to items of private Members’ business the Selection Committee shall have regard to:
  - (a) the importance of the subject;
  - (b) the current level of interest in the subject;
  - (c) the extent of the current discussion on the subject both in the Parliament and elsewhere;
  - (d) the extent to which the subject comes within the responsibility of the Commonwealth Parliament;

- (e) the probability of the subject being brought before the House by other means within a reasonable time; and
  - (f) whether the subject is the same, or substantially the same, as another item of business which has been debated or on which the House has already made a decision in the same period of sittings and, if so, whether new circumstances exist.
2. The Committee shall accord priority to private Members' business:
    - (a) with regard to the numbers of Members affiliated with each party in the House;
    - (b) in a way which ensures that a particular Member or the Members who comprise the Opposition Executive do not predominate as the movers of the items selected; and
    - (c) in a way which seeks to ensure balance is achieved over each period of sittings.
  3. When a private Member has the responsibility for the carriage of a bill transmitted from the Senate for concurrence, the bill shall be accorded priority following the question for the second reading being put to the House in the same way as a private Member's bill originating in the House is accorded priority by standing order 41.
  4. Priority shall not be accorded to any item of private Members' business if the matter should be dealt with by the House in another, more appropriate, form of proceeding.
  5. The general principles set out above shall be observed by the Selection Committee but nothing in the general principles shall be taken to prevent the Selection Committee departing from those general principles in order to meet circumstances, which, in its opinion, are unusual or special.
  6. These general principles shall continue in effect until altered by the House following a report from this or a future Selection Committee.

IAN CAUSLEY

Chair

29 November 2004

Mr Farmer (Parliamentary Secretary to the Minister for Education, Science and Training), by leave, moved—That the proposed general principles relating to the selection of private Members' business reported to the House by the Selection Committee this day be adopted and continue in effect until altered by the House following a report from this or a future Selection Committee.

Question—put and passed.

#### **9 SELECTION COMMITTEE—REPORT**

Mr Causley (Chair) presented the following document:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 6 December 2004.

#### **10 MAIN COMMITTEE—DAY OF NEXT MEETING**

The Speaker reported that the Deputy Speaker had fixed Tuesday, 30 November 2004, at 4.30 p.m., for the next meeting of the Main Committee.

#### **11 BILLS REFERRED TO MAIN COMMITTEE**

Mr Bartlett (Chief Government Whip), by leave, moved—That the following bills be referred to the Main Committee for further consideration:

Vocational Education and Training Funding Amendment 2004;

Superannuation Legislation Amendment 2004;

Classification (Publications, Films and Computer Games) Amendment (No. 2) 2004;

Agriculture, Fisheries and Forestry Legislation Amendment (No. 2) 2004;

Higher Education Legislation Amendment (No. 3) 2004; and

National Water Commission 2004.

Question—put and passed.

**12 MESSAGE FROM THE SENATE**

Message No. 5, 29 November 2004, from the Senate was reported acquainting the House of the appointment of Senators to the following joint committees:

Australian Crime Commission—Parliamentary Joint Committee—Senators Ferris, Greig and McGauran.

ASIO, ASIS and DSD—Parliamentary Joint Committee—Senators Ferguson and Sandy Macdonald.

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—Senators Johnston and Scullion.

Broadcasting of Parliamentary Proceedings—Joint Committee—Senator Ferris.

Public Accounts and Audit—Joint Committee—Senators Humphries, Murray, Scullion and Watson.

Public Works—Parliamentary Standing Committee—Senators Ferguson and Troeth.

And in accordance with the resolutions agreed to by both Houses:

Electoral Matters—Joint Standing Committee—Senators Brandis, Mason and Murray.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Senators Eggleston, Ferguson, Harradine, Johnston, Sandy Macdonald, Payne and Stott Despoja.

Migration—Joint Standing Committee—Senators Bartlett, Eggleston and Tchen.

National Capital and External Territories—Joint Standing Committee—Senators Lightfoot, Scullion and Stott Despoja.

Treaties—Joint Standing Committee—Senators Bartlett, Mason, Santoro and Tchen.

**13 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004**

Message No. 6, 29 November 2004, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Telecommunications (Interception) Act 1979*, and for other purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

**14 MESSAGE FROM THE SENATE—FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL 2004**

Message No. 7, 30 November 2004, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to provide certainty about the validity of certain plans of management under the *Fisheries Management Act 1991*, 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.

**15 MESSAGE FROM THE SENATE—FAMILY LAW AMENDMENT (ANNUITIES) BILL 2004**

Message No. 8, 30 November 2004, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Family Law Act 1975*, 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.

**16 POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 1, government business, be postponed until a later hour this day.

**17 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (2004 ELECTION COMMITMENTS) 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—

Debate resumed by Ms Plibersek 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:

- (1) notes that under the proposals contained in this bill grandparent carers who are receiving income support will have access to a special rate of benefit, but that this will only be available to those grandparents who use approved child care services;
- (2) acknowledges that under the proposals in this bill grandparents who use registered child care providers will receive no benefit whatsoever; and
- (3) condemns the Government for its inequitable treatment of those grandparents who use registered childcare providers and notes that the Government has failed to ensure the reasonable availability of approved child care services”.

Debate continued.

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

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

AYES, 79

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

NOES, 53

Mr Adams	Ms K. M. Ellis	Mrs Irwin	Ms Plibersek
Mr Albanese	Mr Emerson	Mr Jenkins	Mr Price
Mr Beazley	Mr L. Ferguson	Mr Kerr	Mr Quick
Ms Bird	Mr M. J. Ferguson	Ms C. King	Mr Ripoll
Mr Bowen	Mr Fitzgibbon	Mr Latham	Ms Roxon
Ms A. E. Burke	Mr Garrett	Dr Lawrence	Mr Rudd
Mr A. S. Burke	Mr Georganas	Ms Livermore	Mr Sercombe
Mr Byrne	Ms George	Mr McClelland	Mr Swan
Ms Corcoran	Mr Gibbons	Mr McMullan	Mr Tanner
Mr Crean	Ms Gillard	Mr Melham	Ms Vamvakinou
Mr Danby*	Ms Grierson	Mr Murphy	Mr Wilkie
Mr Edwards	Mr Griffin	Mr B. P. O'Connor	
Mrs Elliot	Ms Hall*	Mr G. M. O'Connor	
Ms A. L. Ellis	Ms Hoare	Ms Owens	

\* 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.

*Message from the Governor-General*

Message No. 2, 19 November 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 immediately.

On the motion of Mrs Ley (Parliamentary Secretary—Children and Youth Affairs), the bill was read a third time.

**18 HEALTH INSURANCE AMENDMENT (100% MEDICARE REBATE AND OTHER MEASURES) 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—

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: “while not declining to give the bill a second reading, this Parliament condemns the government for:

- (1) doing nothing while out of pocket costs to see a general practitioner have soared from a little over \$8 to a national average of \$15.37 and failing to attach conditions to 100% Medicare aimed at reducing out of pocket costs;
- (2) causing bulk billing rates to fall from 80% under Labor to a little over 70% and failing to attach conditions to 100% Medicare aimed at bolstering bulk billing rates;
- (3) failing to ensure that any of the \$1.7 billion spent will be passed on to patients; and
- (4) continuing its undermining of Medicare as Australia’s universal public health insurance system”.

Debate continued.

Dr Southcott addressing the House—

**19 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 9.27 p.m., adjourned until tomorrow at 9 a.m.

**DOCUMENTS**

The following documents were deemed to have been presented on 30 November 2004:

Australian Prudential Regulation Authority Act—Determination under Section 57—  
Non-Confidentiality No. 6, 17 November 2004.

Defence Act—Defence Force Remuneration Tribunal—Determinations—2004 Nos 12, 14.

Environment Protection and Biodiversity Conservation Act—Instrument under section 303DB—  
15 October 2004.

Higher Education Funding Act—Determination—2004 No. T57.

Higher Education Support Act—Determinations under subsection 30-25(1)—2004 2, 7, 9, 17  
September, 18, 22, 25 (3), 26 (6) October, 1 (3), 11 (5) November.

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, for  
replacement and extension of cooling towers in Old Parliament House, November 2004.

Taxation Administration Act—  
Determinations—

1993—No. TD 124 (Withdrawal).

1994—No. TD 57 (Withdrawal).

1995—No. TD 24 (Withdrawal).

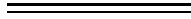
1996—No. TD 31 (Withdrawal).

1997—No. TD 13 (Withdrawal).

1998—No. TD 14 (Withdrawal).

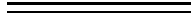
1999—No. TD 30 (Withdrawal).

Rulings—2004—Nos CR 129, CR 130, GSTR 8, PR 109, PR 110, PR 111, TR 16.



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Billson, Mr Howard, Mr Katter, Jackie Kelly, Mrs May, Mr Pyne and Mr Sawford.



**I. C. HARRIS**

Clerk of the House of Representatives

2004

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

No. 5

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

TUESDAY, 30 NOVEMBER 2004

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1 The Main Committee met at 4:30 p.m.

**2 VOCATIONAL EDUCATION AND TRAINING FUNDING 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—

Debate resumed.

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*Suspension of sitting*

At 6.20 p.m., a division having been called in the House, the proceedings were suspended.

*Resumption of sitting*

At 6.38 p.m., the proceedings were resumed.

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Debate continued.

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

*Message from the Governor-General*

Message No. 1, 19 November 2004, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Leave granted for the question on the report to be put immediately.

Question—That the bill be reported to the House without amendment—put and passed.

**3 ADJOURNMENT**

On the motion of Mr Hardgrave (Minister for Vocational and Technical Education), the Main Committee adjourned at 8.33 p.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.

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