

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 26

THURSDAY, 17 MARCH 2005

1 The House met, at 9 a.m., pursuant to adjournment. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

2 COPYRIGHT AMENDMENT (FILM DIRECTORS' RIGHTS) BILL 2005

Mr Ruddock (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Copyright Act 1968*, and for related purposes.

Bill read a first time.

Mr Ruddock moved—That the bill be now read a second time.

Document

Mr Ruddock presented an explanatory memorandum to the bill.

Debate adjourned (Ms George), and the resumption of the debate made an order of the day for the next sitting.

3 SOCIAL SECURITY AMENDMENT (EXTENSION OF YOUTH ALLOWANCE AND AUSTUDY ELIGIBILITY TO NEW APPRENTICES) BILL 2005

Mr Hardgrave (Minister for Vocational and Technical Education), pursuant to notice, presented a Bill for an Act to amend the law relating to social security, and for other purposes.

Bill read a first time.

Mr Hardgrave moved—That the bill be now read a second time.

Document

Mr Hardgrave presented an explanatory memorandum to the bill.

Debate adjourned (Ms George), and the resumption of the debate made an order of the day for the next sitting.

4 NEW INTERNATIONAL TAX ARRANGEMENTS (FOREIGN-OWNED BRANCHES AND OTHER MEASURES) BILL 2005

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

Document

Mr Brough presented an explanatory memorandum to the bill.

Debate adjourned (Ms George), and the resumption of the debate made an order of the day for the next sitting.

5 TAX LAWS AMENDMENT (IMPROVEMENTS TO SELF ASSESSMENT) BILL (NO. 1) 2005

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

Document

Mr Brough presented an explanatory memorandum to the bill and to the Shortfall Interest Charge (Imposition) Bill 2005.

Debate adjourned (Ms George), and the resumption of the debate made an order of the day for the next sitting.

6 SHORTFALL INTEREST CHARGE (IMPOSITION) BILL 2005

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to impose shortfall interest charge as a tax in some circumstances.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

Debate adjourned (Ms George), and the resumption of the debate made an order of the day for the next sitting.

7 TAX LAWS AMENDMENT (2005 MEASURES NO. 2) BILL 2005

Mr Brough (Minister for Revenue and Assistant Treasurer) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Brough moved—That the bill be now read a second time.

Document

Mr Brough presented an explanatory memorandum to the bill.

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

8 FIT-OUT OF NEW LEASED PREMISES FOR THE DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES IN CIVIC, ACT—APPROVAL OF WORK

Dr Stone (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: Fit-out of new leased premises for the Department of Industry, Tourism and Resources in Civic, ACT.

Question—put and passed.

9 SUSPENSION OF STANDING ORDERS 31 AND 33

Mr McGauran (Deputy Leader of the House), for Mr Abbott (Leader of the House), pursuant to notice, moved—That standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 9.30 p.m.) be suspended for this sitting.

Question—put and passed.

10 AMENDMENT OF STANDING ORDER 77 AND SUSPENSION OF STANDING ORDER 100(f)

Mr McGauran (Deputy Leader of the House), for Mr Abbott (Leader of the House), pursuant to notice, moved—That unless otherwise ordered, for the remainder of the session:

- (1) Standing order 77 be amended to read:

77 Anticipating discussion

During a debate, a Member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the Speaker should not prevent incidental reference to a subject.

- (2) Standing order 100(f) be suspended.

Debate ensued.

Question—put and passed.

11 SPECIAL ADJOURNMENT

Mr McGauran (Deputy Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 10 May 2005, at 2 p.m., unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker, fixes an alternative day or hour of meeting.

Question—put and passed.

12 LEAVE OF ABSENCE TO ALL MEMBERS

Mr McGauran (Deputy Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

13 PUBLICATIONS COMMITTEE—REPORT

Mrs Draper (Chair) presented the following document:

PUBLICATIONS COMMITTEE REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered documents presented to Parliament since 17 February 2005, recommends that the following be made Parliamentary Papers:

Commonwealth Grants Commission—State revenue sharing relativities—2005 update.

Department of Employment and Workplace Relations—Report for 2003-04—Corrigendum.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of the Defence annual report for 2002-03, August 2004.

Industry Research and Development Board—Report for 2003-04—Corrigenda.

Migration Agents Registration Authority—Report for 2003-04.

National Blood Authority—Report for 2003-04.

National Environment Protection Council—Report for 2003-04.

Pooled Development Funds Registration Board—Report for 2003-04.

Private Health Insurance Administration Council—Reports on the operations of the Registered Health Benefits organisations for 2003-04.

Trish Draper, MP

Chair

17 March 2005

On the motion of Mrs Draper, by leave, the report was agreed to.

14 MESSAGE FROM THE SENATE

Message No. 98, 16 March 2005, from the Senate was reported agreeing to the amendments made by the House in the Aboriginal and Torres Strait Islander Commission Amendment Bill 2005.

15 BORDER PROTECTION LEGISLATION AMENDMENT (DETERRENCE OF ILLEGAL FOREIGN FISHING) BILL 2005

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 immediately.

On the motion of Mr Truss (Minister for Agriculture, Fisheries and Forestry), the bill was read a third time.

16 TELECOMMUNICATIONS LEGISLATION AMENDMENT (REGULAR REVIEWS AND OTHER MEASURES) BILL 2005

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.

Photographs: Ms King, by leave, presented photographs (8) of telephone wires near Ballarat.

Debate continued.

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

Leave granted for third reading to be moved immediately.

On the motion of Mr Billson (Parliamentary Secretary—Foreign Affairs and Trade), the bill was read a third time.

17 MIGRATION LITIGATION REFORM BILL 2005

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 L. Ferguson 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 of Representatives notes with concern:

- (1) that certain policies of the Government, including processes for the use of ministerial discretion, limited tenure for members of the Refugee Review Tribunal, aspects of the detention policy and a lack of proper case management for claimants, have caused a significant increase in migration litigation;
- (2) that the Government refuses to make the report of the Penfold inquiry public and urgently requests the Government to make the report available;
- (3) that this bill uses the mechanism of ‘purported privative clause decisions’ to restrict judicial review of decisions made with jurisdictional error, which may be ineffective;
- (4) the views of Labor Senators during consideration of the Migration Amendment (Judicial Review) Bill 2004 that similar time-limit provisions could be unconstitutional;
- (5) that the time-limits proposed could prevent some applicants from exercising their right to judicial review;
- (6) that this bill make changes to the Acts governing the High Court, Federal Court and Federal Magistrates Court with respect to summary judgements that would affect all litigation, not simply migration litigation;
- (7) that the provisions allowing cost orders against persons who encourage others to commence litigation without reasonable prospects of success would apply to volunteer and pro bono lawyers and advisers, and would apply without any cap on the costs that could be ordered and that these provisions may be too broad, with no clear explanation of how the ‘no reasonable prospects of success’ test is to work in practice; and
- (8) that this bill does not include the proposal contained in the Australian Labor Party’s policy ‘Protecting Australia and Protecting the Australian Way’ to establish a Refugee Status Determination Tribunal”.

Debate continued.

It being 2 p.m., the debate was interrupted in accordance with standing order 97, and the resumption of the debate made an order of the day for a later hour this day.

18 QUESTIONS

Questions without notice being asked—

Document

Mr Howard (Prime Minister) presented the following document:

Visit to Northern Iraq via Amman, Jordan—Statement to the Senate by Senator Lightfoot, 17 March 2005.

Questions without notice continuing—

Document

Mr Hardgrave (Minister for Vocational and Technical Education) presented the following document:
Skills training and employment opportunities—Statement by Maxitrans Industries Ltd, 15 March 2005.
Questions without notice continued.

19 DOCUMENT

Mr Andrews (Minister for Employment and Workplace Relations) added to an answer to a question without notice and presented the following document:

Labor to be policy-free zone as it attacks government—Article by Maria Hawthorne, Chief Political Correspondent, Australian Associated Press, 15 March 2005.

20 DOCUMENTS

The following documents were presented:

Australian Competition and Consumer Commission—Telecommunications report—2003-04—Telstra's compliance with price control arrangements.

Australian Electoral Commission—Funding and disclosure report following the federal election held on 10 November 2001.

States Grants (Primary and Secondary Education Assistance) Act 2000—Report on financial assistance granted to each State in respect of 2003.

21 DOCUMENTS

Mr Abbott (Leader of the House) presented the following documents:
Petitions not in accord with standing and sessional orders of the House.

22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC MANAGEMENT

The House was informed that Mr Beazley (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The arrogance and complacency of the Government in the face of growing evidence of its mismanagement of the Australian economy".

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

23 MESSAGES FROM THE SENATE

Messages from the Senate, 17 March 2005, were reported:

(a) returning the following bills and informing the House that the Senate does not insist on its amendments disagreed to by the House:

No. 99—Australian Communications and Media Authority 2004;

No. 100—Australian Communications and Media Authority (Consequential and Transitional Provisions) 2004;

(b) returning the Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005 without amendment—No. 101; and

(c) agreeing to the amendments made by the House to the Administrative Appeals Tribunal Amendment Bill 2005—No. 102.

24 MIGRATION LITIGATION REFORM BILL 2005

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 L. Ferguson (see item No. 17, page 280)*—

Debate resumed.

Mr Murphy was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting.

25 ADJOURNMENT

Mr Dutton (Minister for Workforce Participation) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 5 p.m., adjourned until Tuesday, 10 May 2005, at 2 p.m., in accordance with the resolution agreed to this sitting.

DOCUMENTS

The following documents were deemed to have been presented on 17 March 2005:

Civil Aviation Act—Civil Aviation Regulations—Exemption—2005 No. CASA EX02 [F2005L00693].

Control of Naval Waters Act—Proclamation under subsection 3B (2)—2005 Declaration of naval waters [F2005L00668].

Corporations Act—Order under item 14 of the table in section 611—Australian Securities and Investments Commission—Class Order CO 05/84 [F2005L00684].

Customs Act—Tariff Concession Revocation Order—2005 2 March [F2005L00696].

Disability Discrimination Act—

Guidance Notes—Disability standards for education.

Standards—Disability standards for education, 17 March 2005.

Financial Management and Accountability Act—Net Appropriation Agreements under section 31—2005 21 February, 3 March [F2005L00690], [F2005L00691].

Taxation Administration Act—Rulings—

1986—No. IT 2375 (Withdrawal).

1998—No. TR 13 (Withdrawal).

2003—No. CR 83 (Addendum).

2005—Nos CR 9, CR 10, TD 2, TR 4.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Edwards*, Mr Entsch, Mr Fitzgibbon, Mr Jull, Mrs D. M. Kelly, Ms Plibersek*, Ms Roxon, Mr Secker, Mr Somlyay and Mr Tuckey.

* On leave

I. C. HARRIS
Clerk of the House of Representatives

2004-05

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 26

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 17 MARCH 2005

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 HEALTH AND AGEING—STANDING COMMITTEE—MOTION TO TAKE NOTE OF DOCUMENT

The order of the day having been read for the resumption of the debate on the motion of Mr Somlyay—
That the House take note of the document (*presented on 7 March 2005*), viz.:

Health and Ageing—Standing Committee—Report—Future Ageing: Report on a draft report of the
40th Parliament: Inquiry into long-term strategies to address the ageing of the Australian population
over the next 40 years, March 2005—

Debate resumed.

Document

Mrs B. K. Bishop, by leave, presented the following document:

National strategy for an ageing Australia: An older Australia, challenges and opportunities for all—Hon.
Bronwyn Bishop MP, Minister for Aged Care, 2001.

Debate continued.

Debate adjourned (Jackie Kelly), and the resumption of the debate made an order of the day for the next
sitting.

**4 IRAQ: AUSTRALIAN TASK GROUP DEPLOYMENT—MINISTERIAL STATEMENT—MOTION TO TAKE
NOTE OF DOCUMENT**

The order of the day having been read for the resumption of the debate on the motion of Mr Abbott—
That the House take note of the document (*presented on 7 March 2005*), viz.:

Iraq: Australian Task Group Deployment—Ministerial Statement—

Debate resumed.

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

5 ADJOURNMENT

Mr Ticehurst moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.

At 12.59 p.m. the Deputy Speaker adjourned the Main Committee until 9.40 a.m. on Wednesday, 11 May 2005.



B. C. WRIGHT
Clerk of the Main Committee