

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 82

MONDAY, 13 FEBRUARY 2006

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- 1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.
- 2 **CORPORATIONS AND FINANCIAL SERVICES—JOINT PARLIAMENTARY COMMITTEE—REPORT—STATEMENT BY MEMBER**
- Ms A. E. Burke presented the following documents (sent to the Speaker on 19 December 2005, pursuant to standing order 247) and made a statement in connection with the report:
- Corporations and Financial Services—Joint Parliamentary Committee—Statutory oversight of the Australian Securities and Investments Commission—
Report, December 2005.
- Evidence received by the committee.
- Report ordered to be made a Parliamentary Paper.
- 3 **COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**
- Jackie Kelly (Chair) presented the following documents:
- Communications, Information Technology and the Arts—Standing Committee—Digital Television—Who's buying it?—
Report, February 2006.
- Evidence received by the committee.
- Minutes of proceedings.
- Report ordered to be made a Parliamentary Paper.
- Statements in connection with the report were made.
- The time allotted for making statements on the report having expired—
Jackie Kelly moved—That the House take note of the report.
- In accordance with sessional order 39, the debate was adjourned, and the resumption of the debate made an order of the day for a later hour this day.
- Jackie Kelly moved—That the order of the day be referred to the Main Committee for debate.
- Question—put and passed.
- 4 **ADF RWANDAN SERVICE**
- Mr Griffin, pursuant to notice, moved—That this House:
- (1) recognises that the atrocities that occurred in Rwanda between 1994 and 1995 were some of the most horrific and appalling crimes seen in recent history;
 - (2) notes that between April and July 1994 up to one million Tutsi and moderate Hutus were killed at the hands of the militia;
 - (3) notes that in response, Australia deployed 657 ADF members to Rwanda in 1994 and 1995 as part of the United Nations Assistance Mission in Rwanda (UNAMIR);

- (4) notes that the Australian contingent was largely a medical team whose key role was to provide medical care and health support for UNAMIR and, where possible, those injured by the massacres;
- (5) acknowledges that Australian troops came under direct fire in and around refugee camps and faced the daily threat presented by landmines and other explosive devices placed to maim or kill Australian soldiers;
- (6) acknowledges that these peacekeepers experienced the most horrible events such as the massacre of up to 8,000 men women and children at the Kibeho refugee camp in April 1995;
- (7) notes with concern that many of these troops are now suffering serious mental and physical disabilities as the result of their service;
- (8) notes that despite the severe trauma and the danger faced by Australian Peacekeepers in Rwanda, their service is still not treated as warlike service under the Veterans' Entitlement Act; and
- (9) calls on the Government to immediately reclassify this service from 'hazardous' to 'warlike' in recognition of the risk faced by these troops and the magnificent contribution they made to the protection of Rwandan citizens.

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

5 NATIONAL YEAR OF COMMUNITY

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

- (1) recognises and supports the United Nations Association of Australia (NSW Division) for its resolution to declare 2006 the 'National Year of Community';
- (2) acknowledges the importance of 'community' to the social fabric of Australian society; and
- (3) notes the role of community in developing young Australians.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 43, Mr L. D. T. Ferguson 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.

6 MEMBERS' STATEMENTS

Members' statements were made.

7 QUESTIONS

Questions without notice being asked—

Suspension of standing and sessional orders moved

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving immediately—That this House censure the Government for continuing the cover-up of its role in the \$300 million wheat for weapons scandal, its arrogance and abuse of power in directing public servants not to answer any questions about this scandal, and its misleading of the Parliament about all documents, including electronic files, being provided to the Volker Inquiry.

Debate ensued.

The time allowed by standing order 1 for debate on the motion having expired—

Question—put.

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

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Mr Adams	Mr Emerson	Mr Jenkins	Mr Quick
Mr Albanese	Mr L. D. T. Ferguson	Mr Kerr	Mr Ripoll
Mr Beazley	Mr M. J. Ferguson	Ms C. King	Ms Roxon
Mr Bevis	Mr Fitzgibbon	Dr Lawrence	Mr Rudd
Ms Bird	Mr Garrett	Ms Livermore	Mr Sawford
Mr Bowen	Mr Georganas	Mr McClelland	Mr Sercombe
Ms A. E. Burke	Ms George	Ms Macklin	Mr S. F. Smith
Mr A. S. Burke	Mr Gibbons	Mr McMullan	Mr Snowdon
Mr Byrne	Ms Gillard	Mr Melham	Mr Swan
Ms Corcoran	Ms Grierson	Mr Murphy	Mr Tanner
Mr Danby*	Mr Griffin	Mr B. P. O'Connor	Mr K. J. Thomson
Mr Edwards	Ms Hall*	Mr G. M. O'Connor	Ms Vamvakinou
Mrs Elliot	Mr Hayes	Ms Owens	Mr Wilkie
Ms A. L. Ellis	Ms Hoare	Ms Plibersek	
Ms K. M. Ellis	Mrs Irwin	Mr Price	

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

* Tellers

And so it was negatived.

Questions without notice concluded.

8 PETITIONS

Petitions lodged for presentation were announced.

9 YOUNGER PEOPLE IN NURSING HOMES

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

- (1) notes that approximately 1,000 Australians under the age of 50 are living in nursing homes because they have a severe disability such as acquired brain injury;
- (2) recognises that in most cases such accommodation is not appropriate, and that greater choice is needed for these younger people;

- (3) acknowledges that as both federal and state governments are deeply involved in the aged care sector, both levels of government have a role to play in addressing this problem;
- (4) notes that the Aged Care Innovations Pool has provided a small start to addressing the problem; and
- (5) calls on federal and state governments to use the Council of Australian Governments process, and the current Senate Community Affairs Reference Committee Inquiry, as a basis for a combined effort to deal with this serious problem.

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 Mrs Hull was granted leave to continue her speech when the debate is resumed.

10 INTER-COUNTRY ADOPTION

Mrs B. K. Bishop, pursuant to notice, moved—That this House:

- (1) recognises that Australia's rates of inter-country adoption are significantly lower than leading western nations;
- (2) notes that the Commonwealth should take the primary role in managing Australia's external relations in inter-country adoptions;
- (3) recognises the role that non-government organisations should have in managing inter-country adoptions in Australia; and
- (4) notes that parents of children adopted from overseas have less access to benefits and entitlements than the rest of the community.

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.

11 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 44, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

12 BILLS REFERRED TO MAIN COMMITTEE

Mr Bartlett (Chief Government Whip), by leave, moved—That, unless otherwise ordered, at the adjournment of the House for this sitting the following bills stand referred to the Main Committee for further consideration:

Appropriation (No. 3) 2005-2006; and

Appropriation (No. 4) 2005-2006.

Question—put and passed.

13 MESSAGES FROM THE SENATE

Messages from the Senate, 9 February 2006, were reported:

- (a) returning the following bills without amendment:
 - No. 255—Therapeutic Goods Amendment (No. 2) 2005;
 - No. 259—Anglo-Australian Telescope Agreement Amendment 2005; and
- (b) informing the House that Senator Santoro had been discharged from the Joint Standing Committee on Treaties and Senator McGauran had been appointed a member of the committee—Message No. 260

14 MESSAGE FROM THE SENATE—DEFENCE (ROAD TRANSPORT LEGISLATION EXEMPTION) BILL 2005

Message No. 256, 9 February 2006, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to provide for members of the Australian Defence Force and others to be exempt from State and Territory road transport laws in certain circumstances, 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—STATUTE LAW REVISION BILL (NO. 2) 2005

Message No. 257, 9 February 2006, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, 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 MESSAGE FROM THE SENATE—FISHERIES LEGISLATION AMENDMENT (COOPERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005

Message No. 258, 9 February 2006, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend 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.

17 MESSAGE FROM THE SENATE—THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005

Message No. 261, 9 February 2006, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to repeal Ministerial responsibility for approval of RU486, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day, private Member's business, for the next sitting.

18 MESSAGE FROM THE SENATE—DEFENCE LEGISLATION AMENDMENT (AID TO CIVILIAN AUTHORITIES) BILL 2006

Message No. 254, 8 February 2006, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Defence Act 1903*, and for related purposes.

Bill read a first time.

Dr Nelson (Minister for Defence) moved—That the bill be now read a second time.

Document

Dr Nelson 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 declining to give the bill a second reading, the House calls upon the Government to:

- (1) undertake urgent discussions with State and Territory Police Ministers with a view to clarifying the interaction between the application of the substantive criminal law of the Jervis Bay Territory pursuant to these proposed amendments and the criminal laws of the respective States and Territories of Australia; and
- (2) clarify potentially overlapping and inconsistent chains of command between the Chief of Defence Force and State and Territory Commissioners of Police in respect of a call out of the ADF to assist civilian policing authorities”.

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 Dr Nelson, the bill was read a third time.

19 APPROPRIATION BILL (NO. 3) 2005-2006

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 Tanner 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 is of the view that:

- (1) despite record high commodity prices the Government has failed to secure Australia’s long term economic fundamentals and that it should be condemned for its failure to:
 - (a) stem the widening current account deficit and trade deficits;
 - (b) reverse the reduction in public education and training investment;
 - (c) address critical structural weaknesses in health such as workforce shortages and rising costs;
 - (d) expand and encourage research and development to move Australian industry and exports up the value-chain; and
 - (e) address falling levels of workplace productivity;
- (2) the Government’s extreme industrial relations laws will lower wages and conditions for many workers and do nothing to enhance productivity or economic growth; and
- (3) the Government’s Budget documents fail the test of transparency and accountability”.

Debate continued.

Mr Tanner addressing the House—

Adjournment negatived

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

Mr Turnbull (Parliamentary Secretary to the Prime Minister) requiring the question to be put immediately without debate—

Question—put and negatived.

Debate continued.

Mr K. J. Thomson addressing the House and having been repeatedly called to order for inappropriate repetition, the Deputy Speaker directed the Member to discontinue his speech—

Mr K. J. Thomson moved—That the Member for Wills be further heard.

Question—put.

The House proceeding to a division and the division not being further proceeded with, by leave—

Debate continued.

Mr M. J. Ferguson 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.

20 ADJOURNMENT

Mrs D. M. Kelly (Parliamentary Secretary—Trade) moved—That the House do now adjourn.

Debate ensued.

Document

Ms Hall, by leave, presented the following document:

Petition not in accordance with standing orders.

Question—put and passed.

And then the House, at 11 p.m., adjourned until 2 p.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 13 February 2006:

Civil Aviation Act—

Civil Aviation Regulations—Exemption—2006 No. CASA EX03 [F2006L00351].

Civil Aviation Safety Regulations—Airworthiness Directives—
Part 39-105—2006—

16 January [F2006L00454].

17 (2) January [F2006L00451], [F2006L00452].

30 (13) January [F2006L00422], [F2006L00426], [F2006L00427], [F2006L00428], [F2006L00429], [F2006L00430], [F2006L00431], [F2006L00432], [F2006L00433], [F2006L00434], [F2006L00435], [F2006L00436], [F2006L00437].

31 (3) January [F2006L00419], [F2006L00420], [F2006L00421].

1 (8) February [F2006L00354], [F2006L00355], [F2006L00358], [F2006L00359], [F2006L00368], [F2006L00370], [F2006L00384], [F2006L00456].

2 (12) February [F2006L00406], [F2006L00409], [F2006L00411], [F2006L00413], [F2006L00415], [F2006L00416], [F2006L00417], [F2006L00444], [F2006L00446], [F2006L00447], [F2006L00448], [F2006L00449].

3 (8) February [F2006L00401], [F2006L00404], [F2006L00438], [F2006L00439], [F2006L00440], [F2006L00441], [F2006L00442], [F2006L00443].

6 (2) February [F2006L00457], [F2006L00458].

Part 39-106—2006—1 (4) February [F2006L00362], [F2006L00363], [F2006L00365], [F2006L00459].

Part 39-107—2006—1 (2) February [F2006L00382], [F2006L00455].

Corporations Act—Exemption under paragraph 992B(1)(a)—Australian Securities and Investments Commission—Class Order CO 06/68 [F2006L00473].

Customs Act—Orders—

Tariff Concession—2006—

30 (27) January [F2006L00372], [F2006L00373], [F2006L00375], [F2006L00376], [F2006L00377], [F2006L00380], [F2006L00381], [F2006L00383], [F2006L00385], [F2006L00386], [F2006L00387], [F2006L00388], [F2006L00389], [F2006L00391], [F2006L00392], [F2006L00393], [F2006L00394], [F2006L00395], [F2006L00396], [F2006L00398], [F2006L00399], [F2006L00400], [F2006L00402], [F2006L00403], [F2006L00405], [F2006L00407], [F2006L00408].

1 February [F2006L00412].

3 (2) February [F2006L00410], [F2006L00414].

Tariff Concession Revocation—2006 24 January [F2006L00418].

Food Standards Australia New Zealand Act—Variations to the Australia New Zealand Food Standards Code—2006 Amendment No. 85 [F2006L00469].

Higher Education Support Act—Higher education provider—Notice of approval—2006 No. 2 [F2006L00450].

Military Rehabilitation and Compensation Act—Determination—2006 Military Rehabilitation and Compensation (Pay-related allowances) (No. 1) [F2006L00463].

Privacy Act—

Determination under section 80A—Temporary Public Interest Determination—2006 No. 1 [F2006L00424].

Determination under section 80B—Temporary Public Interest Determination—2006 No. 1A [F2006L00425].

Radiocommunications Act—Notice—2006 Radiocommunications Devices (Compliance labelling—Electromagnetic radiation) Amendment (No. 1) [F2006L00342].

Radiocommunications (Receiver Licence Tax) Act—Determination—2006 Radiocommunications (Receiver licence tax) Amendment (No. 1) [F2006L00343].

Radiocommunications (Transmitter Licence Tax) Act—Determination—2006 Radiocommunications (Transmitter licence tax) Amendment (No. 1) [F2006L00344].

Sydney Airport Curfew Act—Dispensation Report—2006 No. 1.

Taxation Administration Act—

Determination—2006 No. TD 1 (Erratum).

Rulings—2006 Nos CR 4, CR 5, CR 6.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Baker, Mr Crean, Mrs Elson, Mrs Gash and Mr Hatton.

I. C. HARRIS
Clerk of the House of Representatives

2004-05-06

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 82

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

MONDAY, 13 FEBRUARY 2006

1 The Main Committee met at 4 p.m.

**2 COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—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 Jackie Kelly—
That the House take note of the document (*presented on 13 February 2006*), viz.:

Communications, Information Technology and the Arts—Standing Committee—Digital TV—Who's
buying it?—Report, February 2006—

Debate resumed.

Jackie Kelly, by leave, addressed the Main Committee without closing the debate.

Debate continued.

Jackie Kelly and Mr Murphy, by leave, again addressed the Main Committee.

Debate continued.

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

3 ADJOURNMENT

On the motion of Mr Neville, the Main Committee adjourned at 5.46 p.m.

The Deputy Speaker fixed tomorrow at 4 p.m. for the next meeting of the Main Committee.

B. C. WRIGHT
Clerk of the Main Committee