

2004-05-06-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 191

WEDNESDAY, 12 SEPTEMBER 2007

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

2 **QUARANTINE AMENDMENT (COMMISSION OF INQUIRY) BILL 2007**

Mr McGauran (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, presented a Bill for an Act to amend the *Quarantine Act 1908*, and for other purposes.

Document

Mr McGauran presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

3 **HIGHER EDUCATION ENDOWMENT FUND BILL 2007**

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 S. F. Smith, 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:

- (1) welcomes the fact that the Higher Education Endowment Fund, like the Future Fund, is for investment in Australia’s long-term national interests;
- (2) notes that:
 - (a) by the Government’s own analysis there exists a significant backlog of deferred infrastructure maintenance, estimated at \$1.5 billion for the university sector;
 - (b) the Group of Eight Universities estimated that total deferred maintenance liabilities were \$1.53 billion in 2006 across Go8 universities alone;
 - (c) the principal reason behind this backlog is the fact that since it came to power more than 11 years ago the Government has undermined the higher education sector by cutting university operating grants, starting with its 1996 Federal Budget; and
 - (d) as a proportion of total revenue, Commonwealth grants to universities have decreased from 57% of their revenue in 1996 to 41% in 2004, while university revenue derived from fees and charges has increased from 13% in 1996 to 24% in 2004;
- (3) condemns the Government for the adverse impact these factors have had on Australia’s universities, including that:
 - (a) since 1995 student-staff ratios have increased from 14.6 to 20.4 today, with adverse implications for the quality of teaching and learning;
 - (b) Australia’s education system now relies more on private financing than all other OECD countries except for the United States, Japan and South Korea;
 - (c) university revenue derived from fees and charges has increased from 13% in 1996 to 25% in 2004, with the result that more than half of the cost of tertiary education today is met from

private sources—with dependence on private sources increasing to 52% in 2004 from 35% in 1995;

- (d) the average amount of Commonwealth funding per student in real terms has declined by nearly \$1,500, while student HECS contributions have increased by nearly \$2,000, and fees and charges have increased by over \$3,000; and
 - (e) the deferment of essential expenditure on the maintenance of University buildings and facilities will have long term consequences for the quality of essential infrastructure; and
- (4) notes widespread concerns that:
- (a) over time, the HEEF could be used to replace existing capital and infrastructure programs in higher education, notably the Capital Development Pool, the Institutional Grants Scheme, the Research Infrastructure (Block Grants) Scheme and the National Collaborative Research Infrastructure Scheme; and
 - (b) the Government's actions in this package highlight the inadequacy of its approach to national infrastructure needs, whether in the education sector or in services which impact on the sector, such as a national broadband network"—

Debate resumed.

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

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

AYES, 86

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

NOES, 54

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

* 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. 340, 20 August 2007, 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 Ms J. Bishop (Minister for Education, Science and Training), the bill was read a third time.

4 HIGHER EDUCATION ENDOWMENT FUND (CONSEQUENTIAL AMENDMENTS) BILL 2007

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—

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

Message from the Governor-General

Message No. 341, 20 August 2007, 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 Ms J. Bishop (Minister for Education, Science and Training), the bill was read a third time.

5 TAX LAWS AMENDMENT (2007 MEASURES NO. 5) BILL 2007

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 Bowen 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) condemns the Government for the inexcusable delay in implementing the taxation of infrastructure financing reforms encompassed in this bill;
- (2) recognises the producer offset, incorporated within Division 376 of the bill, could potentially impact independent program producers;
- (3) recognises the issues raised by the independent production sector in relation to Division 376 of the bill, and recognises the independent producers’ concern at the possibility that the bill may not allow producers to retain substantial equity in their productions and build stable and sustainable production companies;

- (4) notes the contribution of the independent production sector as one source of innovative, diverse and culturally vibrant Australian content, and recognises that Australian independent producers should have every opportunity to retain substantial equity in their productions and build stable and sustainable production companies; and
- (5) notes the need to monitor the operation of this bill and the need to conduct a review of the viability of the independent production industry to commence within 12 months”.

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 Governor-General

Message No. 342, 20 August 2007, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Consideration in detail

Bill, by leave, taken as a whole.

Document

Mr Dutton (Minister for Revenue and Assistant Treasurer) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Dutton, the Government amendment was made.

Mr Bowen moved the Opposition amendment.

Debate continued.

Amendment negatived.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Dutton, by leave, the bill was read a third time.

6 NATIONAL GREENHOUSE AND ENERGY REPORTING BILL 2007

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 Garrett 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:
 - (a) the bill was hastily drafted without any genuine consultation with stakeholders, including state governments, industry groups and environment groups;
 - (b) the bill was hastily drafted and introduced so as to prevent due public and parliamentary scrutiny; and
 - (c) significant Government amendments were circulated less than 24 hours before the second reading debate so as to prevent due public and parliamentary scrutiny;
- (2) is concerned that the bill does not reflect the urgent need to establish an effective emissions trading scheme; and
- (3) therefore demands that the Government amend the legislation according to the unanimous recommendations of the Senate inquiry’s report”.

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.

7 QUESTIONS

Questions without notice were asked.

8 PRIVILEGE—COMPLAINT OF BREACH

Mr Albanese raised, as a matter of privilege, alleged reflections during the Member for Moreton's speech on the Commonwealth Electoral Amendment (Democratic Plebiscites) Bill.

The Speaker stated that he would consider the matter and report to the House at a later time.

9 DOCUMENTS

Mr Andrews (Minister for Immigration and Citizenship), during a personal explanation, presented the following documents:

Three published papers by Mr Andrews—

You as an elderly person.

In vitro fertilisation and genetic manipulation: Australian developments.

Regulating embryo experimentation: The Victorian experience.

Excerpt from publication by Victorian Council for Civil Liberties—Acknowledgements.

10 DOCUMENTS

The following documents were presented:

Housing Assistance Act 1996—Report for 2005-06.

Reserve Bank of Australia—Report for 2006-07.

11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIAN HEALTH SYSTEM

The House was informed that Ms Roxon had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's failure to tackle the challenges facing the Australian health system".

The proposed discussion having received the necessary support—

Ms Roxon addressed the House.

Discussion ensued.

Discussion concluded.

12 MESSAGE FROM THE SENATE

Message No. 595, 11 September 2007, from the Senate was reported returning the Telecommunications Legislation Amendment (Protecting Services for Rural and Regional Australia into the Future) Bill 2007 without amendment.

13 MESSAGE FROM THE SENATE—NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AMENDMENT (ALCOHOL) BILL 2007

Message No. 596, 11 September 2007, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Northern Territory National Emergency Response Act 2007*, 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.

14 MIGRATION—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Randall (Chair) presented the following documents:

Migration—Joint Standing Committee—Temporary visas... permanent benefits: Ensuring the effectiveness, fairness and integrity of the temporary business visa program—

Report, August 2007.

Evidence received by the committee.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Mr Randall and Mr L. D. T. Ferguson, by leave, made statements in connection with the report.

15 PRIVILEGES COMMITTEE—REPORTS

Mr C. P. Thompson (Chair) presented the following documents:

Committee of Privileges—

Report concerning applications from Professor David Peetz for the publication of responses to references made in the House of Representatives, August 2007.

Report concerning an application from Ms Harriett Swift for the publication of a response to references made in the House of Representatives, August 2007.

Mr C. P. Thompson, by leave, moved—That the report relating to Professor David Peetz be agreed to.

Question—put and passed.

16 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mrs Moylan (Chair) presented the following document:

Public Works—Parliamentary Standing Committee—Report—Fit-out of new leased premises for the Australian Customs Service at The Circuit, Brisbane Airport, Queensland (Ninth report of 2007).

Ordered to be made a Parliamentary Paper.

Mrs Moylan, by leave, made a statement in connection with the report.

17 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Scott presented the following documents:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Inquiry into Australia's Defence Force regional air superiority—

Report, August 2007.

Evidence received by the committee.

Report ordered to be made a Parliamentary Paper.

Mr Scott, by leave, made a statement in connection with the report.

18 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Baird presented the following documents:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Australia's trade with Mexico and the region—

Report, August 2007.

Evidence received by the committee.

Report ordered to be made a Parliamentary Paper.

Mr Baird, by leave, made a statement in connection with the report.

19 PARLIAMENTARY ZONE—HUMANITIES AND SCIENCE CAMPUS SQUARE STAGE 1—APPROVAL OF PROPOSAL

Mr Baldwin (Parliamentary Secretary to the Minister for Industry, Tourism and Resources), for Mr Lloyd (Minister for Local Government, Territories and Roads), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 11 September 2007, namely: Humanities and Science Campus Square, Stage 1.

Question—put and passed.

20 AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate—

On the motion of Mr Andrews (Minister for Immigration and Citizenship), the amendments were agreed to, after debate.

21 NATIONAL GREENHOUSE AND ENERGY REPORTING BILL 2007

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 Garrett, (see item No. 6, page 2110)*—

Debate resumed.

Debate adjourned (Dr Stone—Minister for Workforce Participation), and the resumption of the debate made an order of the day for a later hour this day.

22 FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION AMENDMENT (CHILD DISABILITY ASSISTANCE) BILL 2007—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the bill had been agreed to without amendment, and presented a certified copy of the bill.

Bill agreed to.

On the motion of Dr Stone (Minister for Workforce Participation), by leave, the bill was read a third time.

23 FINANCIAL SECTOR LEGISLATION AMENDMENT (DISCRETIONARY MUTUAL FUNDS AND DIRECT OFFSHORE FOREIGN INSURERS) BILL 2007—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee and agreed to with amendments (*see item No. 5, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Dr Stone (Minister for Workforce Participation), by leave, the bill was read a third time.

24 CORPORATIONS (NATIONAL GUARANTEE FUND LEVIES) AMENDMENT BILL 2007—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee and agreed to with an amendment (*see item No. 6, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the bill together with a schedule of the amendment.

Amendment made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Dr Stone (Minister for Workforce Participation), by leave, the bill was read a third time.

25 FINANCIAL SECTOR LEGISLATION AMENDMENT (SIMPLIFYING REGULATION AND REVIEW) BILL 2007—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the bill had been agreed to with amendments (*see item No. 7, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Dr Stone (Minister for Workforce Participation), by leave, the bill was read a third time.

26 SYDNEY HARBOUR FEDERATION TRUST AMENDMENT BILL 2007—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the bill.

Bill agreed to.

On the motion of Dr Stone (Minister for Workforce Participation), by leave, the bill was read a third time.

27 NATIONAL GREENHOUSE AND ENERGY REPORTING BILL 2007

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 Garrett, (see item No. 6, page 2110)*—

Debate resumed.

Mr Jenkins addressing the House—

28 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9 a.m.

DOCUMENTS

The following documents were deemed to have been presented on 12 September 2007:

Defence Act—Determinations under section 58B—2007 Nos 54, 55, 56, 57, 58, 59.

Financial Management and Accountability Act—Determination to establish a special account—2007 No. 21 [F2007L03655].

Lands Acquisition Act—Statements under—
sub-section 40(3)—September 2007.
section 125(5)—September 2007.

Migration Act—Statements under section 197AB—
2006—1 July to 31 December (5).
2007—1 January to 30 June (5).

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Andren.

I. C. HARRIS
Clerk of the House of Representatives

2004-05-06-07

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 191

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 12 SEPTEMBER 2007

1 The Main Committee met at 11.30 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION AMENDMENT (CHILD DISABILITY ASSISTANCE) BILL 2007**

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.

Message from the Governor-General

Message No. 339, 13 August 2007, 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.

4 **POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

5 **FINANCIAL SECTOR LEGISLATION AMENDMENT (DISCRETIONARY MUTUAL FUNDS AND DIRECT OFFSHORE FOREIGN INSURERS) BILL 2007**

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.

Consideration in detail

Bill, by leave, taken as a whole.

Document

Mr Dutton (Minister for Revenue and Assistant Treasurer) presented a supplementary explanatory memorandum to the following bills:

Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) 2007.

Corporations (National Guarantee Fund Levies) Amendment 2007.

On the motion of Mr Dutton, by leave, Government amendments (1) to (12) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the be reported to the House with amendments.

6 CORPORATIONS (NATIONAL GUARANTEE FUND LEVIES) AMENDMENT BILL 2007

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—

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Dutton (Minister for Revenue and Assistant Treasurer), the Government amendment was made.

Bill, as amended, agreed to.

Consideration in detail concluded.

Question—That the bill be reported to the House with an amendment—put and passed.

Suspension of sitting

At 1.39 p.m., the Deputy Speaker left the Chair.

Resumption of sitting

At 4.01 p.m., the Deputy Speaker resumed the Chair.

7 FINANCIAL SECTOR LEGISLATION AMENDMENT (SIMPLIFYING REGULATION AND REVIEW) BILL 2007

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 Bowen 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 the Liberal Government is imposing a new restriction to Part 23 compensation, paid in the event of theft and fraud if an employer fails to pay compulsory superannuation contributions and supports Labor’s calls on the Government to remove this new restriction;
- (2) notes that there is no compensation for compulsory superannuation payments in the event of employer insolvency; and
- (3) acknowledges that compulsory superannuation payments are effectively deferred wages but unlike other statutory entitlements such as annual leave, redundancy pay and unpaid wages superannuation is not covered by the General Employees Entitlements and Redundancy Scheme (GEERS) resulting in up to 10,000 employees a year standing to lose between \$20 to \$30 million in superannuation contributions a year and supports Labor’s calls on the Government to investigate compensation in these circumstances”.

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 Governor-General

Message No. 338, 31 July 2007, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Consideration in detail

Bill, by leave, taken as a whole.

Document

Mr Dutton (Minister for Revenue and Assistant Treasurer) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Dutton, by leave, Government amendments (1) to (14) were made together.
Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the bill be reported to the House with amendments.

8 SYDNEY HARBOUR FEDERATION TRUST AMENDMENT BILL 2007

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 the question on the report to be put immediately.

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

9 ADJOURNMENT

On the motion of Mrs Gash, the Main Committee adjourned at 4.34 p.m.

The Deputy Speaker fixed 9.30 a.m. tomorrow for the next meeting of the Main Committee.



B. C. WRIGHT
Clerk of the Main Committee