

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 48

TUESDAY, 16 AUGUST 2005

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

2 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence of Mr Hockey (Minister for Human Services), Mr Abbott (Minister for Health and Ageing) would answer questions on his behalf.

3 QUESTIONS

Questions without notice were asked.

4 DOCUMENT

Productivity Commission—Report No. 35—Australian pigmeat industry, 18 March 2005.

5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TELECOMMUNICATIONS SERVICES

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 failure of the Government to provide and protect decent telecommunications services for all Australians”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

6 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Crean moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Local Government, Territories and Roads from coming into the House and giving the undertaking that he will table the following documents before 6 p.m. this evening:

- (1) the letter from the senior advisor to the former Deputy Prime Minister directing the Minister’s department to approve funding for Primary Energy and provide that funding as soon as possible;
- (2) the brief prepared by the Minister’s department that recommended against the approval of the \$1.2 million grant to Primary Energy that was intercepted by the acting departmental Secretary; and
- (3) the final departmental brief presented to the Minister that formed the basis of his decision to approve the grant.

Closure of Member

Mr Dutton (Minister for Workforce Participation) moved—That the Member be no longer heard.

Question—put.

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

AYES, 79

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

NOES, 57

Mr Adams	Ms K. M. Ellis	Ms Hoare	Mr Ripoll
Mr Andren	Mr Emerson	Mrs Irwin	Ms Roxon
Mr Beazley	Mr L. D. T. Ferguson	Mr Jenkins	Mr Rudd
Mr Bevis	Mr M. J. Ferguson	Mr Katter	Mr Sawford
Ms Bird	Mr Fitzgibbon	Mr Kerr	Mr Sercombe
Mr Bowen	Mr Garrett	Ms C. King	Mr S. F. Smith
Ms A. E. Burke	Mr Georganas	Ms Livermore	Mr Swan
Mr T. S. Burke	Ms George	Mr McClelland	Mr Tanner
Mr Byrne	Mr Gibbons	Ms Macklin	Mr K. J. Thomson
Ms Corcoran	Ms Gillard	Mr McMullan	Ms Vamvakinou
Mr Crean	Ms Grierson	Mr Murphy	Mr Wilkie
Mr Danby*	Mr Griffin	Ms Owens	Mr Windsor
Mr Edwards	Ms Hall*	Ms Plibersek	
Mrs Elliot	Mr Hatton	Mr Price	
Ms A. L. Ellis	Mr Hayes	Mr Quick	

* Tellers

And so it was resolved in the affirmative.

Mr K. J. Thomson (seconder) addressing the House—

Closure of Member

Mr Dutton moved—That the Member be no longer heard.

Question—put.

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

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

NOES, 58

Mr Adams	Ms K. M. Ellis	Ms Hoare	Mr Quick
Mr Andren	Mr Emerson	Mrs Irwin	Mr Ripoll
Mr Beazley	Mr L. D. T. Ferguson	Mr Jenkins	Ms Roxon
Mr Bevis	Mr M. J. Ferguson	Mr Katter	Mr Rudd
Ms Bird	Mr Fitzgibbon	Mr Kerr	Mr Sawford
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Mr T. S. Burke	Ms George	Mr McClelland	Mr Swan
Mr Byrne	Mr Gibbons	Ms Macklin	Mr Tanner
Ms Corcoran	Ms Gillard	Mr McMullan	Mr K. J. Thomson
Mr Crean	Ms Grierson	Mr Murphy	Ms Vamvakinou
Mr Danby*	Mr Griffin	Mr G. M. O'Connor	Mr Wilkie
Mr Edwards	Ms Hall*	Ms Owens	Mr Windsor
Mrs Elliot	Mr Hatton	Ms Plibersek	
Ms A. L. Ellis	Mr Hayes	Mr Price	

* Tellers

And so it was resolved in the affirmative.

Question—That the motion for the suspension of standing and sessional orders be agreed to—put.

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

AYES, 58

Mr Adams	Ms K. M. Ellis	Ms Hoare	Mr Quick
Mr Andren	Mr Emerson	Mrs Irwin	Mr Ripoll
Mr Beazley	Mr L. D. T. Ferguson	Mr Jenkins	Ms Roxon
Mr Bevis	Mr M. J. Ferguson	Mr Katter	Mr Rudd
Ms Bird	Mr Fitzgibbon	Mr Kerr	Mr Sawford
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Ms A. E. Burke	Mr Georganas	Ms Livermore	Mr S. F. Smith
Mr T. S. Burke	Ms George	Mr McClelland	Mr Swan
Mr Byrne	Mr Gibbons	Ms Macklin	Mr Tanner
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Mr Crean	Ms Grierson	Mr Murphy	Ms Vamvakinou
Mr Danby*	Mr Griffin	Mr G. M. O'Connor	Mr Wilkie
Mr Edwards	Ms Hall*	Ms Owens	Mr Windsor
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Mrs B. K. Bishop	Mr Henry	Mr Neville	Mr Truss
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Mr Cobb	Mr Keenan	Mr Randall	Mr Vasta
Mr Costello	Mrs D. M. Kelly	Mr Richardson	Mr Wakelin
Mr Downer	Jackie Kelly	Mr Robb	Dr Washer
Mrs Draper	Mr Laming	Mr Ruddock	Mr Wood
Mr Dutton	Mrs Ley	Mr Schultz	

* Tellers

And so it was negatived.

7 NATIONAL LIBRARY OF AUSTRALIA COUNCIL

Mr Dutton (Minister for Workforce Participation), by leave, moved—That, in accordance with the provisions of the *National Library Act 1960*, this House elects Mr M. J. Ferguson to be a member of the Council of the National Library of Australia and to continue as a member for a period of 3 years from and including 16 August 2005.

Question—put and passed.

8 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE

The House was informed that the Government Whip had nominated Mrs B. K. Bishop to be a member of the Joint Committee of Public Accounts and Audit in place of Mr Somlyay.

Mr Dutton (Minister for Workforce Participation), by leave, moved—That Mr Somlyay be discharged from the Joint Committee of Public Accounts and Audit and that, in his place, Mrs B. K. Bishop be appointed a member of the committee.

Question—put and passed.

9 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following bills:

12 August 2005—Message No. 92—

Tax Laws Amendment (Personal Income Tax Reduction) 2005.

Superannuation Laws Amendment (Abolition of Surcharge) 2005.

10 MESSAGES FROM THE SENATE

Messages from the Senate were reported:

(1) informing the House that:

- (a) Senator Sandy Macdonald had resigned from the Joint Committee on ASIO, ASIS and DSD—Message No. 173—10 August 2005; and
- (b) Senator O'Brien had been discharged from attendance on the Joint Standing Committee on the National Capital and External Territories and Senator Lundy had been appointed a member of the committee—Message No. 174—10 August 2005; and
- (c) Senator Ferguson had been discharged from attendance on the Parliamentary Standing Committee on Public Works and Senator Parry had been appointed a member of the committee—Message No. 177—11 August 2005; and

(2) returning the Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005 without amendment—Message No. 176—11 August 2005.

11 MESSAGE FROM THE SENATE—ARTS LEGISLATION AMENDMENT (MARITIME MUSEUM AND FILM, TELEVISION AND RADIO SCHOOL) BILL 2005

Message No. 175, 11 August 2005, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the law relating to the arts, 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.

12 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:

Offshore Petroleum 2005;

Offshore Petroleum (Annual Fees) 2005;

Offshore Petroleum (Registration Fees) 2005;

Offshore Petroleum (Royalty) 2005;

Offshore Petroleum (Repeals and Consequential Amendments) 2005;

Offshore Petroleum (Safety Levies) Amendment 2005; and

Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) 2005.

Question—put and passed.

13 NATIONAL RESIDUE SURVEY (EXCISE) LEVY AMENDMENT BILL 2005—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 Mr Dutton (Minister for Workforce Participation), by leave, the bill was read a third time.

14 NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL 2005—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 Mr Dutton (Minister for Workforce Participation), by leave, the bill was read a third time.

15 PARLIAMENTARY ZONE—PATHWAY ON THE SOUTHERN FORESHORE OF LAKE BURLEY GRIFFIN INCLUDING 'AUSTRALIANS OF THE YEAR WALK'—APPROVAL OF PROPOSAL

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 9 August 2005, namely: Pathway on the southern foreshore of Lake Burley Griffin including 'Australians of the Year Walk'.

Debate ensued.

Question—put and passed.

16 AUSTRALIAN WORKPLACE SAFETY STANDARDS 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—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 immediately.

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

17 NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) 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—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 immediately.

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

18 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET 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.

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

Message from the Governor-General

Message No. 93, 4 July 2005, 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 Mr Farmer (Parliamentary Secretary to the Minister for Education, Science and Training), the bill was read a third time.

19 WORKPLACE RELATIONS AMENDMENT (SMALL BUSINESS EMPLOYMENT PROTECTION) 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 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) noting that the nation’s independent umpire in industrial relations matters, the Australian Industrial Relations Commission (AIRC), has examined and heard submissions concerning the impact of redundancy payments on small business;
- (2) noting that the AIRC has found that the available evidence does not support the general proposition that small businesses across the board does not have the capacity to pay severance pay; but
- (3) recognising the circumstances of those individual small business which are incapable of making redundancy payments;

calls on the Government to comply with the AIRC decision and to adopt mechanisms to address those individual businesses with a genuine incapacity to make redundancy payments”—

Debate resumed.

Mr Barresi addressing the House—

20 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 9.29 p.m., adjourned until tomorrow at 9 a.m.

DOCUMENTS

The following documents were deemed to have been presented on 16 August 2005:

Bounty (Ships) Act—Return for 2004-2005.

Broadcasting Services Act—Variation—2005 Licence area plan for Scottsdale Radio—No. 1 [F2005L02264].

Civil Aviation Act—

Civil Aviation Regulations—Instrument—2005 No. CASA 289 [F2005L02280].

Civil Aviation Safety Regulations—Airworthiness Directive—Part 39-105—2005 8 August [F2005L02275].

Commonwealth Authorities and Companies Act—Regulations—Select Legislative Instrument—2005 No. 177 [F2005L02252].

Customs Act—Regulations—Select Legislative Instrument—2005 No. 174 [F2005L01720].

Environment Protection and Biodiversity Conservation Act—Instruments under subsection 303DC(1)—28 July 2005 [F2005L02277].

5 August 2005 [F2005L02279].

Farm Household Support Act—Schemes—2005—

Farm help advice and training—Amendment (No. 2) [F2005L02281].

Farm help re-establishment grant—Amendment (No. 2) [F2005L02282].

Film Licensed Investment Company Act 2005—

Determinations—2005—

Film licensed investment company (Decision-making criteria and procedures) [F2005L02284].

Film licensed investment company (Reporting requirements) [F2005L02287].

Rules—2005 Film licensed investment company (Application) [F2005L02285].

Financial Management and Accountability Act—

Net appropriation agreement cancellation under subsection 31 (4)—2005 24 June [F2005L01981].

Net appropriation agreement variation under subsection 31 (4)—2005 24 June [F2005L01982].

Financial Sector (Collection of Data) Act—Determination of reporting standards under paragraph 13(1)—2005 Nos 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 59, 63, 78 [F2005L02206], [F2005L02207],

[F2005L02210], [F2005L02212], [F2005L02213], [F2005L02214], [F2005L02215], [F2005L02216], [F2005L02219], [F2005L02220], [F2005L02221], [F2005L02229], [F2005L02235], [F2005L02148].

Health Insurance Act—

Determination—2005 Health Insurance (Obstetric Item 15999) HS/02 [F2005L02270].

Regulations—Select Legislative Instrument—2005 No. 178 [F2005L02031].

Higher Education Support Act—Guidelines—OS-HELP 24 July 2005 [F2005L02268].

Income Tax Assessment Act 1936—Regulations—Select Legislative Instrument—2005 No. 181 [F2005L02045].

Remuneration Tribunal Act—Remuneration Tribunal—Determinations—2005 Nos 13, 14 [F2005L02224], [F2005L02230].

Social Security Act—Determinations—2005—

Employment and workplace relations exempt lump sum (South Australian energy concession bonus) [F2005L02265].

Family and community services exempt lump sum (South Australian energy concession bonus) [F2005L02274].

Superannuation Industry (Supervision) Act—Statement under subsection 230A(1)—Financial assistance application on behalf of the Osborne Superannuation Fund.

Taxation Administration Act—Rulings—2005 Nos PR 82 (Withdrawal) PR 103, PR 104, PR 105, PR 106.

Telecommunications Act 1997—Declarations—1997—Carrier Licence Conditions (Telstra Corporation Limited) (Amendment)—Nos 1, 2 of 2005 [F2005L02261], [F2005L02262].



ATTENDANCE

All Members attended (at some time during the sitting) except Ms J. Bishop, Mrs Elson, Ms Gambaro, Mr Hockey, Mr Jull*, Mr Melham and Mr Snowdon.

* On leave



I. C. HARRIS

Clerk of the House of Representatives