

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 91

TUESDAY, 28 MARCH 2006

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 DOCUMENTS

The Speaker presented the following documents:

House of Representatives—Schedule showing the allocation to committees of annual reports of Government departments and agencies, as amended, 28 March 2006.

Letters from the Speaker of the Legislative Assembly of the Northern Territory forwarding copies of resolutions of the Assembly and records of debate relating to—

Foreign fishing incursions in northern Australia, 9 March 2006; and

Cane toads in the Territory, 9 March 2006.

4 AUDITOR-GENERAL'S REPORTS

The Speaker presented the following documents:

Auditor-General—Audit reports of 2005–2006—Performance audits—

No. 34—Advance passenger processing—Department of Immigration and Multicultural Affairs.

No. 35—The Australian Taxation Office's administration of activity statement high risk refunds.

Reports ordered to be made Parliamentary Papers.

5 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND ACCOUNT—PARLIAMENTARY JOINT COMMITTEE—REPORTS

The Speaker presented the following documents (sent to the Speaker on 21 March 2006, pursuant to standing order 247, and the committee having expired on 23 March 2006 pursuant to section 207 of the *Native Title Act 1993*):

Native Title and the Aboriginal and Torres Strait Islander Land Account—Parliamentary Joint Committee—Reports—

Examination of Annual Reports 2004-2005, March 2006.

Operation of Native Title Representative Bodies, incorporating dissenting reports together with evidence received by the committee, March 2006.

Reports ordered to be made Parliamentary Papers.

6 DOCUMENTS

The following documents were presented:

Australian Competition and Consumer Commission—Telecommunications report—Telstra's compliance with price control arrangements for 2004-05.

Australian Meat and Live-stock Industry Act—Live-stock mortalities for exports by sea—Report for the period 1 July to 31 December 2005.

Department of Communications, Information Technology and the Arts—Report—Reviews of the digital television regulatory framework, February 2006.

Foreign Investment Review Board—Report for 2004-05.

Indigenous Business Australia—Corporate plan for 2006-2008.

Medical Indemnity Act—Report by the Australian Government Actuary on the costs of the Australian Government's run-off cover scheme for medical indemnity insurers for 2004-05.

National Occupational Health and Safety Commission—Report for the period 1 July to 31 December 2005 [Final report].

Queensland Fisheries Joint Authority—Report for 2003-04.

Surveillance Devices Act 2004—Report on the operation of the Act for the period 15 December 2004 to 30 June 2005.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—

Agreement between the Government of Australia and the Government of New Zealand in relation to mutual recognition of securities offerings (Melbourne, 22 February 2006).

Agreement between the Government of Australia and the Government of the Republic of Indonesia for cooperation in scientific research and technological development, done at Jakarta on 11 July 2005.

Exchange of Letters constituting an agreement between the Government of Australia and the Government of New Zealand to amend article 3 of the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) of 28 March 1983.

Multilateral—Text, together with national interest analysis and annexures—

Agreement establishing the Pacific Islands Forum, done at Port Moresby on 27 October 2005.

Agreement for establishment of the Global Crop Diversity Trust, done at Rome on 1 April 2004.

Amendments to Annexes VIII and IX of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992 (Geneva, 29 October 2004).

International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention).

Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, done at London on 16 May 2003.

7 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Mr Ruddock (Attorney-General) moved—That the House take note of the following documents:

Medical Indemnity Act—Report by the Australian Government Actuary on the costs of the Australian Government's run-off cover scheme for medical indemnity insurers for 2004-05.

National Occupational Health and Safety Commission—Report for the period 1 July to 31 December 2005 [Final report].

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

8 CYCLONE LARRY

Mr Ruddock (Attorney-General), by leave, moved—That this House acknowledge the terrible impact that Cyclone Larry has had on the residents of far north Queensland and recognise the efforts and contributions of those communities, and of governments, to restore normal life to the region.

Debate ensued.

Photograph: Mr Katter, by leave, presented a photograph of Karl and Jenny Hocke's home destroyed by Cyclone Larry.

Debate continued.

Debate adjourned (Mr Pearce—Parliamentary Secretary to the Treasurer), and the resumption of the debate made an order of the day for a later hour this day.

9 MATTER REFERRED TO MAIN COMMITTEE

Mr Bartlett (Chief Government Whip), by leave, moved—That the resumption of debate on the motion relating to Cyclone Larry be referred to the Main Committee.

Question—put and passed.

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS CHANGES

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 Government’s extreme industrial relations changes, which will threaten the working and living conditions of Australian workers and their families well into the future”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

11 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENT BY MEMBER

Mr B. P. O’Connor (Deputy Chair) presented the following documents:

Public Works—Parliamentary Standing Committee—Reports—

Sixty-ninth annual report, March 2006.

Fit-out of an extension to leased premises for IP Australia in Woden (4th report of 2006).

Redevelopment of post 1945 conflicts galleries and discovery room for the Australian War Memorial, Canberra, ACT (5th report of 2006).

Reports ordered to be made Parliamentary Papers.

Mr B. P. O’Connor, by leave, made a statement in connection with the reports.

12 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Dr Southcott (Chair) presented the following document:

Treaties—Joint Standing Committee—Report 72—Treaties tabled on 29 November 2005 (2)—Amendments to the Statute of the Hague Conference on Private International Law of 31 October 1951; Universal Postal Union: Seventh Additional Protocol to the Constitution of 10 July 1964, as amended; Convention, and Final Protocol; General Regulations; Annex G: Settlement of Disputes to the Stockholm Convention on Persistent Organic Pollutants; Agreement between the Government of Australia and the Government of the Republic of Turkey on the Reciprocal Promotion and Protection of Investments, February 2006.

Ordered to be made a Parliamentary Paper.

Dr Southcott and Mr Wilkie, by leave, made statements in connection with the report.

Dr Southcott, by leave, moved—That the House take note of the report.

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

13 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:

Jurisdiction of the Federal Magistrates Court Legislation Amendment 2005;

Jurisdiction of Courts (Family Law) 2005; and

OHS and SRC Legislation Amendment 2005.

Question—put and passed.

14 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:

23 March 2006—Message—

No. 147—

Census Information Legislation Amendment 2006.

Trade Practices Amendment (Personal Injuries and Death) 2006.

Future Fund 2006.

No. 148—

Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) 2006.

Statute Law Revision 2006.

15 MESSAGE FROM THE SENATE

Message No. 279, 27 March 2006, from the Senate was reported returning the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2006 without amendment.

16 PARLIAMENTARY ZONE—CONSTRUCTION OF THE NATIONAL PORTRAIT GALLERY—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 27 March 2006, namely: Construction of the National Portrait Gallery.

Question—put and passed.

17 TAX LAWS AMENDMENT (2006 MEASURES NO. 1) BILL 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—

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr Fitzgibbon, by leave, moved Opposition amendments (1) and (2) together.

Debate continued.

Question—That the amendments be agreed to—put.

The House divided (the Deputy Speaker, Mrs B. K. Bishop, in the Chair)—

AYES, 57

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

NOES, 80

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

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Dutton (Minister for Revenue and Assistant Treasurer), by leave, the bill was read a third time.

18 FAMILY ASSISTANCE, SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (2005 BUDGET AND OTHER MEASURES) BILL 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.

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

Message from the Governor-General

Message No. 149, 13 February 2006, 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.

Ms Plibersek, by leave, moved Opposition amendments (1) to (12) together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 53

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

NOES, 77

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

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Brough (Minister for Families, Community Services and Indigenous Affairs), by leave, the bill was read a third time.

19 ADJOURNMENT

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

Debate ensued.

The House continuing to sit until 9.30 p.m.—The Speaker adjourned the House until 9 a.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 28 March 2006:

Appropriation Act (No. 1) 2005-2006—Advance to the Finance Minister—Determination—2005-06 No. 6, 22 March 2006 [F2006L00916].

Christmas Island Act—List of Western Australian Acts for period 6 September 2005 to 21 March 2006.

Cocos (Keeling) Islands Act—List of Western Australian Acts for period 6 September 2005 to 21 March 2006.

Customs Act—Tariff Concession Orders—2006 17 (6) March [F2006L00899], [F2006L00900], [F2006L00901], [F2006L00902], [F2006L00904], [F2006L00906].

Defence Act—Determination under section 58H—2006 No. 1.

Financial Management and Accountability Act—Net Appropriation Agreements under section 31—2006 22 (2) February [F2006L00927], [F2006L00928].

National Health Act—Determination under subsections 73AAG (6) and (7)—2006 No. HIB 13 [F2006L00898].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Gibbons, Ms Hoare, Ms Livermore*, Mrs May and Mrs Moylan.

* On leave

I. C. HARRIS
Clerk of the House of Representatives

2004-05-06

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 91

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

TUESDAY, 28 MARCH 2006

1 The Main Committee met at 4 p.m.

2 MEMBERS' STATEMENTS

Members' statements were made and a petition was presented.

Documents

Mr Sercombe, by leave, presented the following documents:

Telstra logs on customers—copy of file cover and diary extract.

3 ADJOURNMENT NEGATIVED

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

Debate ensued.

Question put and negatived.

4 BANKRUPTCY LEGISLATION AMENDMENT (FEES AND CHARGES) BILL 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.

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.

5 MARITIME LEGISLATION AMENDMENT 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 Ripoll, 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 condemns the Government for:

- (a) failing to uphold Australia's national interest by adopting anti-Australian shipping policies that favour foreign vessels and crew despite the risk to national security, Australian jobs and the natural environment;
- (b) failing to ensure adequate security in relation to the shipping of dangerous goods and hazardous material, including explosives precursors such as ammonium nitrate; and
- (c) failing to ensure ships comply with the requirement to provide details of crew and cargo forty-eight hours before arrival”—

Debate resumed.

Suspension of meeting

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

Resumption of meeting

At 6.33 p.m., the proceedings were resumed.

Debate continued.

The debate having been closed by Mr Lloyd (Minister for Local Government, Territories and Roads) having spoken in reply—

Mr Bevis, by leave, addressed the Main Committee.

Mr Lloyd, by leave, again addressed the Main Committee.

Amendment negatived.

Question—That the bill be now read a second time—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.

6 ADJOURNMENT

On the motion of Mr C. P. Thompson, the Main Committee adjourned at 7.16 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