

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 99

WEDNESDAY, 24 MAY 2006



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

**2 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' NOTICE**

Mr Andrews (Minister for Employment and Workplace Relations), pursuant to notice, moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Perth's private Members' business notice relating to the disallowance of Workplace Relations Regulations 2006, as contained in Select Legislative Instrument 2006 No. 52 and made under the *Workplace Relations Act 1996* and the *Workplace Relations Amendment (Work Choices) Act 2005*, being called on immediately.

Question—put and passed.

**3 WORKPLACE RELATIONS REGULATIONS 2006, CONTAINED IN SELECT LEGISLATIVE INSTRUMENT 2006 NO. 52—MOTION FOR DISALLOWANCE**

Mr S. F. Smith, pursuant to notice, moved—That the Workplace Relations Regulations 2006, as contained in Select Legislative Instrument 2006 No. 52 and made under the *Workplace Relations Act 1996* and the *Workplace Relations Amendment (Work Choices) Act 2005*, be disallowed.

Debate ensued.

Mr Hayes rising to address the House—

*Closure*

Mr Andrews (Minister for Employment and Workplace Relations) moved—That the question be now put.

Question—That the question be now put—put.

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

## AYES, 78

Mr Anderson	Mr Entsch	Mrs Ley	Mr Scott
Mr Andrews	Mr Farmer	Mr Lindsay	Mr Secker
Mr Baird	Mr Fawcett	Mr Lloyd	Mr Slipper
Mr Baker	Mr M. D. Ferguson	Mr McArthur*	Mr A. D. H. Smith
Mr Baldwin	Mr Forrest*	Mr Macfarlane	Mr Somlyay
Mr Barresi	Mrs Gash	Mr McGauran	Dr Southcott
Mr Bartlett	Mr Georgiou	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	Mrs Hull	Mr Neville	Mr Tuckey
Mr Cadman	Mr Hunt	Ms Panopoulos	Mr Turnbull
Mr Causley	Dr Jensen	Mr Pearce	Mrs D. S. Vale
Mr Ciobo	Mr Johnson	Mr Prosser	Mr Vasta
Mr Cobb	Mr Jull	Mr Pyne	Mr Wakelin
Mr Downer	Mr Keenan	Mr Randall	Dr Washer
Mrs Draper	Mrs D. M. Kelly	Mr Richardson	Mr Wood
Mr Dutton	Jackie Kelly	Mr Robb	
Mrs Elson	Mr Laming	Mr Ruddock	

## NOES, 56

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

\* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

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

## AYES, 55

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

## NOES, 78

Mr Anderson	Mr Entsch	Mrs Ley	Mr Scott
Mr Andrews	Mr Farmer	Mr Lindsay	Mr Secker
Mr Baird	Mr Fawcett	Mr Lloyd	Mr Slipper
Mr Baker	Mr M. D. Ferguson	Mr McArthur*	Mr A. D. H. Smith
Mr Baldwin	Mr Forrest*	Mr Macfarlane	Mr Somlyay
Mr Barresi	Mrs Gash	Mr McGauran	Dr Southcott
Mr Bartlett	Mr Georgiou	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	Mrs Hull	Mr Neville	Mr Tuckey
Mr Cadman	Mr Hunt	Ms Panopoulos	Mr Turnbull
Mr Causley	Dr Jensen	Mr Pearce	Mrs D. S. Vale
Mr Ciobo	Mr Johnson	Mr Prosser	Mr Vasta
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Mr Downer	Mr Keenan	Mr Randall	Dr Washer
Mrs Draper	Mrs D. M. Kelly	Mr Richardson	Mr Wood
Mr Dutton	Jackie Kelly	Mr Robb	
Mrs Elson	Mr Laming	Mr Ruddock	

\* Tellers

And so it was negatived.

#### 4 NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL AMENDMENT BILL 2006

The order of the day having been read for the second reading—Mr Lloyd (Minister for Local Government, Territories and Roads) moved—That the bill be now read a second time.

##### *Document*

Mr Lloyd presented an explanatory memorandum to the bill.

Ms Gillard 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 condemns the Government for:

- (1) failing to make the substantial long-term investments in biomedical research needed to keep Australia at the forefront internationally and to keep Australian researchers in this country;
- (2) linking the increases in biomedical research in the Budget to the sale of Medibank Private;
- (3) failing to understand that Australians want to see more of the Budget surplus spent on research to improve health outcomes; and

- (4) failing to address the concerns raised in the Senate Community Affairs Legislation Committee report on the bill that go to:
- (a) the expertise represented in the membership of the Council;
  - (b) the requirement for full consultation on the appointment of the Chair of the Australian Health Ethics Committee;
  - (c) the need for the Minister to be advised if a member of the Council has disclosed an interest;
  - (d) the ability of the Council to provide expert advice directly to the Minister;
  - (e) the need to ensure that the Council has a continuing capacity to strategically respond to the problems of Indigenous health; and
  - (f) the importance of the role of the CEO and the need to ensure that this position is filled by an independent expert”.

Debate continued.

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 immediately.

On the motion of Mr Abbott (Minister for Health and Ageing), the bill was read a third time.

#### 5 CHILD SUPPORT LEGISLATION AMENDMENT (REFORM OF THE CHILD SUPPORT SCHEME—INITIAL 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 by Ms Plibersek 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 calls on the Government to provide protection against income reductions for low income households raising children”.

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.

#### 6 QUESTIONS

Questions without notice being asked—

*Member directed to leave*

At 2.43 p.m. the Member for Grayndler (Mr Albanese) was directed, under standing order 94, to leave the Chamber for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly left the Chamber.

Questions without notice continuing—

*Documents*

Mr McGauran (Minister for Agriculture, Fisheries and Forestry) presented the following documents:

Avian Influenza—

Bird flu danger: Labor’s plan—Copy of article by Mr Rudd, *Labor Herald*, 11 September 2005.

Fact sheet—World Health Organization, 15 January 2004.

Hong Kong’s position on avian influenza and the Mai Po nature reserve, Hong Kong—World Wildlife Fund Hong Kong website, accessed 24 May 2006.

Is Australia a sitting duck?—Research Note No. 40, Nigel Brew, Foreign Affairs, Defence and Trade Group, Parliamentary Library, 1 March 2004.

Pandemic influenza—Department of Health and Ageing website, accessed 24 May 2006.

Spread of avian influenza viruses among birds—Centre for Disease Control website, 14 October 2005.

Questions without notice continued.

#### 7 AUDITOR-GENERAL’S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 41 of 2005–2006—Performance audit—Administration of primary care funding agreements: Department of Health and Ageing.

Ordered to be made a Parliamentary Paper.

## 8 DOCUMENTS

The following documents were presented:

Australian Maritime College—Report for 2005.

Australian River Co. Limited and its controlled entities—Report for the period 1 December 2004 to 30 November 2005.

Northern Territory Fisheries Joint Authority—Report for 2003-04.

## 9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LIVING STANDARDS AND EMPLOYMENT SECURITY OF WORKING AUSTRALIANS

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 threat to the living standards and employment security of working Australians posed by the Government’s extreme industrial relations changes”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

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### *Absence of quorum*

Mr Danby called the attention of the Deputy Speaker to the fact that a quorum of Members was not present.

The bells having been rung, and a quorum not having been obtained within the prescribed time, the Deputy Speaker at 4.06 p.m., in accordance with standing order 55, announced that the Chair would be resumed in 10 minutes.

At 4.16 p.m., the Deputy Speaker resumed the Chair, and a quorum of Members was present.

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Discussion concluded.

## 10 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mrs Moylan (Chair) presented the following document:

Public Works—Parliamentary Standing Committee—Report relating to fit-out of new leased premises for Centrelink at Greenway, ACT (8th report of 2006).

Ordered to be made a Parliamentary Paper.

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

## 11 CHILD SUPPORT LEGISLATION AMENDMENT (REFORM OF THE CHILD SUPPORT SCHEME—INITIAL 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—*And on the amendment moved thereto by Ms Plibersek (see item No. 5, page 1122)*—

Debate resumed.

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. 167, 8 May 2006, 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 Brough (Minister for Families, Community Services and Indigenous Affairs), the bill was read a third time.

## 12 AUSTRALIAN BROADCASTING CORPORATION AMENDMENT BILL 2006

The order of the day having been read for the second reading—Mr Lloyd (Minister for Local Government, Territories and Roads) moved—That the bill be now read a second time.

### *Document*

Mr Lloyd presented an explanatory memorandum to the bill.

Debate ensued.

Mr Katter addressing the House—

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## 13 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.

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## DOCUMENTS

The following documents were deemed to have been presented on 24 May 2006:

AusLink (National Land Transport) Act—Variation under subsection 88(2)—2006 AusLink roads to recovery list No. 1 [F2006L01556].

Civil Aviation Act—

Civil Aviation Regulations—Exemption—2006 No. CASA EX19 [F2006L01561].

Civil Aviation Safety Regulations—Airworthiness Directives—Part 39-105—2006 16 May [F2006L01566].

Customs Act—Tariff Concession Order—2006 12 May [F2006L01531].

Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—Direction—2006 No. NPF 95 [F2006L01560].

Judiciary Act—Rules of Court—Select Legislative Instrument—2006 No. 105 [F2006L01555].

Parliamentary Entitlements Act—Advice under paragraph 18(a)—29 March 2006.

Therapeutic Goods Act—Order under subsection 3(1)—2006 Amendment to the definition of British Pharmacopoeia [F2006L01559].

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## ATTENDANCE

All Members attended (at some time during the sitting) except Ms Grierson, Mr Haase, Mr Howard, Ms Livermore\*, Mr Schultz, Mr Tanner and Mr M. A. J. Vaile.

\* On leave

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**I. C. HARRIS**

Clerk of the House of Representatives

2004-05-06

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 99

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**WEDNESDAY, 24 MAY 2006**

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1 The Main Committee met at 9.30 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made and a petition was presented.

*Document*

Ms Vamvakinou, by leave, presented the following document:

Calder Highway—Letter from Nola Hamilton to Ms Maria Vamvakinou MP.

Statements were continued, by indulgence.

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*Suspension of meeting*

At 10.07 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 10.23 a.m., the proceedings were resumed.

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Statements were continued.

**3 EXPORT MARKET DEVELOPMENT GRANTS LEGISLATION AMENDMENT 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—*And on the amendment moved thereto by Mr Rudd, 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) notes the Government's attempt to modify the Scheme's Australian origin rules will change the test of whether products under the scheme are made in Australia and give the Minister discretion to determine the definition of 'Australian origin'; and
- (2) calls on the Government:
  - (a) not to proceed with the provision to remove the export performance test for ongoing applicants as this will remove the performance criteria which applicants must meet to be eligible for multiple grants under the Scheme; and
  - (b) to implement the Senate Foreign Affairs, Defence and Trade Legislation Committee recommendation that the government request the Auditor General to conduct a performance audit of the scheme two years after the proposed legislation comes into effect”—

Debate resumed.

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*Suspension of meeting*

At 1 p.m., the Deputy Speaker left the Chair.

*Resumption of meeting*

At 4 p.m., the Deputy Speaker resumed the Chair.

Debate continued.

Amendment negatived.

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.

**4 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (WELFARE TO WORK AND OTHER MEASURES) (CONSEQUENTIAL AMENDMENTS) 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.

*Document*

Dr Stone (Minister for Workforce Participation) presented the following document:

Correction to the explanatory memorandum.

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

*Message from the Governor-General*

Message No. 161, 3 April 2006, 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.

**5 TAX LAWS AMENDMENT (2006 MEASURES NO. 2) 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.

*Document*

Mr Dutton (Minister for Revenue and Assistant Treasurer) presented the following document:

Corrections to the explanatory memorandum.

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.

**6 APPROPRIATION BILL (NO. 1) 2006-2007**

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 Swan, 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 is of the view that:

- (1) despite record high commodity prices and rising levels of taxation 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) provide national leadership in infrastructure including high speed broadband for the whole country;
  - (d) further reduce effective marginal tax rates to meet the intergenerational challenge of greater workforce participation;

- (e) provide accessible and affordable long-day childcare for working families;
  - (f) fundamentally reform our health system to equip it for a future focused on prevention, early intervention and an ageing population;
  - (g) expand and encourage research and development to move Australian industry and exports up the value-chain;
  - (h) provide for the economic, social and environmental sustainability of our region, and
  - (i) address falling levels of workplace productivity; and that
- (2) the Government's extreme industrial relations laws will lower wages and conditions for many workers and do nothing to enhance productivity, participation or economic growth; and that
- (3) the Government's Budget documents fail the test of transparency and accountability"—

Debate resumed.

Mr Emerson 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.

#### 7 ADJOURNMENT

On the motion of Mrs Gash, the Main Committee adjourned at 7.30 p.m.

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

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**B. C. WRIGHT**  
Clerk of the Main Committee