

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 124

TUESDAY, 12 SEPTEMBER 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 DEATH OF PETER BROCK—STATEMENTS

Mr Howard (Prime Minister), by indulgence, made a statement on the death of Peter Brock.

Mr Beazley (Leader of the Opposition), by indulgence, also made a statement on the matter.

3 QUESTIONS

Questions without notice being asked—

Member directed to leave

At 2.41 p.m. the Member for Hunter (Mr Fitzgibbon) was directed, under standing order 94, to leave the Chamber for one hour for continual interjection, and he accordingly left the Chamber.

Questions without notice continuing—

Document

Mr G. M. O'Connor, by leave, presented the following document:

Fruit and vegetable industry code of conduct—Copy of media release by Mr Anderson, Deputy Prime Minister and Minister for Transport and Regional Services, 1 October 2004.

Questions without notice continuing—

Member directed to leave

At 2.57 p.m. the Member for Wills (Mr K. J. Thomson) 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—

Member directed to leave

At 3.11 p.m. the Member for Swan (Mr Wilkie) 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—

Member directed to leave

At 3.12 p.m. the Member for Lingiari (Mr Snowdon) was directed, under standing order 94, to leave the Chamber for one hour for continual interjection, and he accordingly left the Chamber.

Questions without notice continued.

4 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 4 of 2006–2007—Performance audit—Tax agent and business portals: Australian Taxation Office.

Ordered to be made a Parliamentary Paper.

5 DOCUMENTS

The following documents were presented:

Australian Rail Track Corporation Limited—Statement of corporate intent 2006-2007.

Civil Aviation Safety Authority—Corporate plan—2006-07 to 2008-09.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Report for 2005-06—Australian Federal Police.

Defence Housing Authority—Statement of corporate intent 2006-2007.

Department of Immigration and Multicultural Affairs—Report from the Secretary to Senator the Hon Amanda Vanstone, Minister for Immigration and Multicultural Affairs—Implementation of the recommendations of the Palmer report of inquiry into the circumstances of the immigration detention of Cornelia Rau—12 month progress report, September 2006.

Migration Act 1958—

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2006.

Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 March to 30 June 2006.

Reserve Bank of Australia—Report for 2005-06.

National Witness Protection Program—Report on the operation of the *Witness Protection Act 1994* for 2005-06.

6 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Mr Abbott (Leader of the House) moved—That the House take note of the following documents:

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Report for 2005-06—Australian Federal Police.

Department of Immigration and Multicultural Affairs—Report from the Secretary to Senator the Hon Amanda Vanstone, Minister for Immigration and Multicultural Affairs—Implementation of the recommendations of the Palmer report of inquiry into the circumstances of the immigration detention of Cornelia Rau—12 month progress report, September 2006.

Migration Act 1958—

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2006.

Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 March to 30 June 2006.

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

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SALE OF MEDIBANK PRIVATE

The House was informed that Ms Gillard had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s decision to postpone the sale of Medibank Private until after the next election”.

The proposed discussion having received the necessary support—

Ms Gillard addressed the House.

Discussion ensued.

Discussion concluded.

8 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr G. M. O’Connor moved—That so much of the standing and sessional orders be suspended as would prevent the Deputy Prime Minister from coming into this place and providing a full and proper explanation as to why the Nationals:

- (1) deceived Australian fruit and vegetable growers in the lead up to the last federal election by promising them a re-elected Coalition Government would introduce a mandatory code of conduct for the horticulture industry;

- (2) falsely promised the horticulture industry that such a code would give producers a fair deal on their terms of trade and on resolving disputes with produce buyers;
- (3) falsely promised that the mandatory code would apply to large supermarket chains;
- (4) falsely promised that a mandatory code would be introduced within 100 days of the 2004 election;
- (5) falsely promised that the Australian Competition and Consumer Commission would be given the power to enforce the mandatory code;
- (6) allowed the Minister for Agriculture, Fisheries and Forestry to mislead this place on 10 November 2005 by stating that the Government would honour its election commitment to introduce a mandatory code for the horticulture industry;
- (7) wasted taxpayers' money by engaging consultants to develop the framework for a mandatory code it had no intention of implementing; and
- (8) has completely abandoned fruit and vegetable growers by allowing the Prime Minister to transfer responsibility for addressing the needs of these hard working Australians from the Nationals to a Liberal Minister.

Closure of Member

Ms Gambaro (Parliamentary Secretary—Foreign Affairs) moved—That the Member be no longer heard.

Question—put.

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

AYES, 75

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

NOES, 55

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

* Tellers

And so it was resolved in the affirmative.

Mr Murphy (seconder) addressing the House—

Closure of Member

Ms Gambaro moved—That the Member be no longer heard.

Question—put.

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

AYES, 76

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

NOES, 55

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

* 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, 56

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

NOES, 76

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

* Tellers

And so it was negatived.

9 SELECTION COMMITTEE—REPORT

Mr Causley (Chair) presented the following document:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 9 October 2006.

10 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:

Maritime Transport and Offshore Facilities Security Amendment (Maritime Security Guards and Other Measures) 2005;

National Cattle Disease Eradication Account Amendment 2006;

Trade Marks Amendment 2006; and

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment (No. 2) 2006.

Question—put and passed.

11 DEATH OF PETER BROCK—STATEMENTS—MOTION TO TAKE NOTE OF STATEMENTS—REFERENCE TO MAIN COMMITTEE

Ms Gambaro (Parliamentary Secretary—Foreign Affairs), by leave, moved—That:

- (1) the House take note of the statements of the Prime Minister and the Leader of the Opposition on the death of Peter Brock;
- (2) the debate be adjourned, and the resumption of the debate made an order of the day for the next sitting; and
- (3) the resumption of the debate on the motion be referred to the Main Committee.

Question—put and passed.

12 INDEPENDENT CONTRACTORS 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 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 notes that this bill:

- (1) follows on from the Government’s extreme industrial relations changes which are a massive attack on living standards and living conditions, by removing rights, entitlements and conditions of Australian employees;
- (2) also removes rights, entitlements, conditions and protections afforded to Australians in the workplace, whether employees or independent contractors;
- (3) does this by allowing employees to be treated as “*independent contractors*”, thereby removing employee protections and entitlements and placing superannuation, tax, and workers’ compensation burdens on them;
- (4) does this by removing protections from independent contractors who are in a dependent contract position and as a consequence in an unequal bargaining position;
- (5) effects this by:
 - (a) continuing to use the common law definition of independent contractor as the basis of law without the guidance of statutory criteria;
 - (b) allowing employees to be treated as independent contractors in a sham way by ineffective anti-sham provisions;
 - (c) overriding State laws with employee deeming provisions;
 - (d) overriding State unfair contracts provisions which provide protection to employees, contractors and small business;
 - (e) overriding any future State and Territory owner-driver transport laws and putting existing State owner-driver transport laws at risk; and
 - (f) failing to provide any genuine protections for outworkers through ineffective outworker provisions, significantly weakening outworker entitlements; and
- (6) introduces even more complexity and confusion into Australia’s workplace laws; and
- (7) treats the Senate Employment and Workplace Relations Committee reporting on these matters with contempt by dealing with the legislation prior to consideration of its report”—

Debate resumed.

Ms Plibersek addressing the House—

13 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 12 September 2006:

Defence Act—Determinations under section 58B—2006 Nos 47, 48, 49, 50.

Lands Acquisition Act—Statements under—

sub-section 40(3)—September 2006.

section 125(5)—September 2006.

Sydney Airport Curfew Act—Dispensation—2006 No. 6.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anderson, Mr Baird, Mr Billson, Mr Costello, Mr Crean, Mr Danby, Mr Entsch, Mr Griffin, Mr Kerr*, Mr Slipper and Mr Somlyay.

* On leave

I. C. HARRIS
Clerk of the House of Representatives