

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 128

TUESDAY, 10 OCTOBER 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 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr S. F. Smith having moved a motion to suspend standing and sessional orders—

*Closure of Member*

Mr McGauran (Deputy Leader of the House) moved—That the Member be no longer heard.

Question—put.

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

AYES, 81

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

## NOES, 56

Mr Adams	Mr Emerson	Ms Hoare	Ms Plibersek
Mr Albanese	Mr L. D. T. Ferguson	Mrs Irwin	Mr Price*
Mr Beazley	Mr M. J. Ferguson	Mr Jenkins	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 Sawford
Ms A. E. Burke	Ms George	Mr McClelland	Mr S. F. Smith
Mr A. S. Burke	Mr Gibbons	Ms Macklin	Mr Snowdon
Mr Byrne	Ms Gillard	Mr McMullan	Mr Swan
Ms Corcoran	Ms Grierson	Mr Melham	Mr Tanner
Mr Crean	Mr Griffin	Mr Murphy	Mr K. J. Thomson
Mrs Elliot	Ms Hall*	Mr B. P. O'Connor	Ms Vamvakinou
Ms A. L. Ellis	Mr Hatton	Mr G. M. O'Connor	Mr Wilkie
Ms K. M. Ellis	Mr Hayes	Ms Owens	Mr Windsor

\* Tellers

And so it was resolved in the affirmative.

Ms Gillard (seconder) addressing the House—

*Closure of Member*

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

Question—put.

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

## AYES, 81

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

## NOES, 56

Mr Adams	Mr Emerson	Ms Hoare	Ms Plibersek
Mr Albanese	Mr L. D. T. Ferguson	Mrs Irwin	Mr Price*
Mr Beazley	Mr M. J. Ferguson	Mr Jenkins	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 Sawford
Ms A. E. Burke	Ms George	Mr McClelland	Mr S. F. Smith
Mr A. S. Burke	Mr Gibbons	Ms Macklin	Mr Snowdon
Mr Byrne	Ms Gillard	Mr McMullan	Mr Swan
Ms Corcoran	Ms Grierson	Mr Melham	Mr Tanner
Mr Crean	Mr Griffin	Mr Murphy	Mr K. J. Thomson
Mrs Elliot	Ms Hall*	Mr B. P. O'Connor	Ms Vamvakinou
Ms A. L. Ellis	Mr Hatton	Mr G. M. O'Connor	Mr Wilkie
Ms K. M. Ellis	Mr Hayes	Ms Owens	Mr Windsor

\* Tellers

And so it was resolved in the affirmative.

*Speaker's ruling*

The Speaker ruled that the proposed motion was out of order because the written motion submitted differed substantially from the terms stated by the Member in seeking to move the motion.

**4 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 5 of 2006–2007—Performance audit—The Senate Order of the Departmental and Agency Contracts (Calendar Year 2005 Compliance).

Ordered to be made a Parliamentary Paper.

**5 SUSPENSION OF STANDING AND SESSIONAL ORDERS—RESOLUTION OF CONDEMNATION OF MEMBER**

Mr Andrews (Minister for Employment and Workplace Relations) moved—That so much of the standing and sessional orders be suspended as would prevent the House from condemning forthwith the Member for Perth.

Debate ensued.

The time allotted for the debate having expired—Question—That the motion for the suspension of standing and sessional orders be agreed to—put.

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

## AYES, 78

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

## NOES, 54

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

\* Tellers

And so it was resolved in the affirmative.

## 6 DOCUMENTS

The following documents were presented:

ASC Pty Ltd—Statement of corporate intent 2006-09.

Australian Bureau of Statistics—Report for 2005-06.

Australian Electoral Commission—Report for 2005-06.

Australian Film, Television and Radio School—Report for 2005-06.

Australian Sports Anti-Doping Authority—Report for 2005-06.

Australian Strategic Policy Institute—Report for 2005-06.

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities—Report for 2005-06—Australian Crime Commission.

CrimTrac Agency—Report for 2005-06.

Customs Act—Conduct of Customs officers—Report for 2005-06.

Federal Police Disciplinary Tribunal—Report for 2005-06.  
 Finance—Final budget outcome 2005-06.  
 Gene Technology Regulator—Report for 2005-06.  
 Health Services Australia—Statement of corporate intent 2006-09.  
 Indigenous Education and Training—National report to Parliament, 2004.  
 Medibank Private—  
 Report for 2005-06.  
 Statement of corporate intent 2007-09.  
 National Health and Medical Research Council—Review of the implementation of the strategic plan 2003-06.  
 National Industrial Chemicals Notification and Assessment Scheme—Report for 2005-06.  
 National Residue Survey—Report for 2005-06.  
 Reserve Bank of Australia—  
 Payments System Board—Report for 2005-06.  
 Equity and diversity—Report for 2005-06.  
 Superannuation (Government Co-contribution for Low Income Earners) Act—Quarterly report on the operation of the Act—1 April to 30 June 2006.

#### **7 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS**

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

Gene Technology Regulator—Report for 2005-06.  
 Indigenous Education and Training—National report to Parliament, 2004.  
 Medibank Private—  
 Report for 2005-06.  
 Statement of corporate intent 2007-09.

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

#### **8 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ORDER OF BUSINESS FOR WEDNESDAY, 11 OCTOBER 2006**

Mr Abbott (Leader of the House), by leave, moved—That, for the sitting on Wednesday, 11 October 2006, so much of the standing and sessional orders be suspended as would prevent questions without notice being called on at 2.15 p.m.

Question—put and passed.

#### **9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WORLD DAY AGAINST THE DEATH PENALTY**

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 importance, on the fourth annual World Day Against the Death Penalty, for Australia to continue to advocate strongly and consistently for the abolition of the death penalty, and for the promotion of human rights both at home and abroad”.

The proposed discussion having received the necessary support—

Ms Roxon addressed the House.

Discussion ensued.

Discussion concluded.

#### **10 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, 16 October 2006.

#### **11 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:

Medical Indemnity Legislation Amendment 2006;  
 Australian Participants in British Nuclear Tests (Treatment) 2006;  
 Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) 2006; and  
 Broadcasting Legislation Amendment (No. 1) 2006.  
 Question—put and passed.

**12 MESSAGE FROM THE SENATE**

Message No. 381, 9 October 2006, from the Senate was reported returning the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005 without amendment.

**13 COMMUNICATIONS LEGISLATION AMENDMENT (ENFORCEMENT POWERS) 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. 211, 14 September 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 Hunt (Parliamentary Secretary to the Minister for the Environment and Heritage), the bill was read a third time.

**14 TELEVISION LICENCE FEES 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—

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

Leave granted for third reading to be moved immediately.

On the motion of Mr Hunt (Parliamentary Secretary to the Minister for the Environment and Heritage), the bill was read a third time.

**15 HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF PRE-TRANSFER CONTRACTS) 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. 212, 14 September 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 Pearce (Parliamentary Secretary to the Treasurer), the bill was read a third time.

**16 HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF ASSETS AND ABOLITION) REPEAL 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.

*Message from the Governor-General*

Message No. 213, 14 September 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 Pearce (Parliamentary Secretary to the Treasurer), the bill was read a third time.

**17 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 2005**

The order of the day having been read for the second reading—Mr Hunt (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That the bill be now read a second time.

*Document*

Mr Hunt presented an explanatory memorandum to the bill.

Mr Albanese moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “while not declining to give the bill a second reading, the House:

- (1) notes that on 20 August 2003, then Leader of the Government in the Senate Senator Robert Hill stated in relation to Indigenous heritage protection that the Government recognised the shortcomings in the existing system, that reform was long overdue and that the government was anxious to have a new and better piece of legislation put in place as quickly as possible;
- (2) registers its concern that the Howard Government has failed to address the shortcomings in indigenous heritage protection;
- (3) expresses its concern that the Howard Government has failed to act on the recommendations of the 1996 Evatt Inquiry into the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984*;
- (4) notes that it is now 10 years since the Evatt Inquiry reported, and calls for a comprehensive review of Indigenous heritage protection; and
- (5) calls on the Government to support the inclusion of a sunset exemption provision in the bill”.

Debate continued.

Mr Wakelin addressing the House—

**18 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 10 October 2006:

Defence Act—Determinations under section 58B—2006 Nos 51, 52, 53, 54, 55, 56, 57.

Higher Education Support Act—Higher education provider—Notice of approval—2006 No. 14 [F2006L03336].

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Baird, Mr Danby, Mr Edwards, Mr Kerr\*, Mr Sercombe and Mr Somlyay.

\* On leave

**I. C. HARRIS**  
Clerk of the House of Representatives