

2004-05-06-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 151

TUESDAY, 13 FEBRUARY 2007

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 being asked—

*Document*

Mr Albanese, by leave, presented the following document:

Kyoto Protocol—Labor to put jobs at risk—Copy of media release—Mr Downer, Minister for Foreign Affairs, 22 January 1998.

Questions without notice continuing—

*Member directed to leave*

At 2.59 p.m. the Member for Melbourne (Mr Tanner) was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour, and he accordingly left the Chamber.

Questions without notice continuing—

*Member directed to leave*

At 3.04 p.m. the Member for Hunter (Mr Fitzgibbon) was directed, under standing order 94, to leave the Chamber for one hour for interjecting after a warning had been given by the Chair, and he accordingly left the Chamber.

Questions without notice continuing—

*Member directed to leave*

At 3.11 p.m. the Member for Lingiari (Mr Snowdon) was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour, and he accordingly left the Chamber.

Questions without notice continuing—

*Member directed to leave*

At 3.12 p.m. the Member for Adelaide (Ms K. M. Ellis) was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour, and she accordingly left the Chamber.

Questions without notice continuing—

*Member directed to leave*

At 3.14 p.m. the Member for Cunningham (Ms Bird) was directed, under standing order 94, to leave the Chamber for one hour for interjecting after a warning had been given by the Chair, and she accordingly left the Chamber.

Questions without notice continued.

**3 DOCUMENTS**

Dr Nelson (Minister for Defence), during a personal explanation, presented the following documents:

Iraq—Senator Barack Obama—Copies of transcripts—

Federal Labor Leader, Kevin Rudd MP—Interview with Marius Benson, News Radio, 13 February 2007.

The Hon Dr Brendan Nelson, Minister for Defence—Interview with Tony Jones, Lateline, 12 February 2007.

#### 4 DOCUMENTS

The following documents were presented:

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

Customs Act—Customs (Prohibited Exports) Regulations—Report to Parliament on the export of human embryos for the period 1 July to 31 December 2006.

Foreign Investment Review Board—Report for 2005-06.

#### 5 DOCUMENT—MOTION TO TAKE NOTE OF DOCUMENT

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

Customs Act—Customs (Prohibited Exports) Regulations—Report to Parliament on the export of human embryos for the period 1 July to 31 December 2006.

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

#### 6 AMENDMENTS TO STANDING ORDERS AND SESSIONAL ORDER

Mr Abbott (Leader of the House) asked leave to move Government business notices Nos 1 and 2 together.

Objection being raised, leave not granted.

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*Suspension of standing and sessional orders—Government business notices*

Mr Abbott moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the House moving government business notices 1 and 2 together.

Question—That the motion be agreed to—put and passed, with the concurrence of an absolute majority.

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Mr Abbott moved—

(1) That, unless otherwise ordered, standing orders Nos 2, 43, 98, 99 and 193 be as follows:

#### 2 Definitions

*Assistant Minister* see *Minister*.

*Minister* includes Parliamentary Secretary\*, except in standing order 98 (*questions seeking information*), and standing order 193 (*Members' three minute statements in the Main Committee*).

\*Including Assistant Ministers who are Parliamentary Secretaries

#### 43 Members' statements on Mondays

At 1.45 pm on Mondays the Speaker shall interrupt business and call on statements by Members. The Speaker may call a Member, but not a Minister (or Parliamentary Secretary\*), to make a statement for no longer than 90 seconds. The period allowed for these statements shall extend until 2 pm.

\*Including Assistant Ministers who are Parliamentary Secretaries

#### 98 Questions to Ministers

(a) A Member may ask a question in writing of a Minister (but not a Parliamentary Secretary\*), to be placed on the Notice Paper for written reply.

(b) During Question Time, a Member may orally ask a question of a Minister (but not a Parliamentary Secretary\*), without notice and for immediate response.

\*Including Assistant Ministers who are Parliamentary Secretaries

**99 Questions to other Members**

During Question Time, a Member may ask a question orally of another Member who is not a Minister (or Parliamentary Secretary\*). Questions must relate to a bill, motion, or other business of the House or of a committee, for which the Member asked is responsible.

\*Including Assistant Ministers who are Parliamentary Secretaries

**193 Members' three minute statements**

If the Main Committee meets before 10 am the first item of business shall be statements by Members. The Deputy Speaker may call a Member, including a Parliamentary Secretary\* but not another Minister, to make a statement for no longer than three minutes. The period for Members' statements may continue for 30 minutes, irrespective of suspensions for divisions in the House.

\*Including Assistant Ministers who are Parliamentary Secretaries.

(2) That, unless otherwise ordered, standing order No. 1 be as follows for the remainder of this session:

*time (max)*

**Matter of public importance**

Whole discussion	1 hour
Proposer	15 mins
Member next speaking	15 mins
Next 2 Members speaking	10 mins each
Any other Member	5 mins

Debate ensued.

*Closure*

Mr Abbott moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 81

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

## NOES, 60

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

\* 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 Causley, in the Chair)—

## AYES, 81

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

## NOES, 61

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

\* Tellers

And so it was resolved in the affirmative.

#### 7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION AND SKILLS

The House was informed that Mr Swan had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to recognise declining productivity growth in the Australian economy and the central role of education and skills in re-invigorating productivity growth to secure future prosperity”.

The proposed discussion having received the necessary support—

Mr Swan addressed the House.

Discussion ensued.

The time allotted under sessional order No. 1 having expired, the discussion was interrupted.

#### 8 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, 26 February 2007.

#### 9 TAX LAWS AMENDMENT (SIMPLIFIED SUPERANNUATION) 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 Mr Swan 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 notes that Labor governments laid the foundation for Australia’s modern superannuation system by introducing compulsory superannuation contributions; and further, the House—

- (1) in supporting the bills—notes the measures will:
  - (a) improve the retirement incomes of many Australians;
  - (b) enhance simplicity of the compulsory superannuation system; and
  - (c) give certainty and stability in the critical public policy area of savings for retirement;
- (2) notwithstanding support for the bills as a whole—notes the unanimous concern by the Senate Economics Committee in respect of:
  - (a) the tax increase from 15% to 46.5% of contributions where an employer fails to provide an employee or member tax file number;
  - (b) the treatment of Defence Force disability pensions;

- (c) the disparity in income tax treatment of non-superannuation income for members of 'untaxed' funds aged 60 and above compared to members of other funds; and
  - (d) the need for a subsequent amending bill before 30 June 2007 to address any issues that require further consultation;
- (3) notes that both the Government's own projections of new benefit lump sum and pension outcomes indicate a nil or very small improvement in retirement income for those with small retirement savings; and
- (4) notes the need to develop and implement further policy to improve the retirement savings of middle and low income Australians".

Debate continued.

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. 252, 12 December 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 Dutton (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**10 SUPERANNUATION (EXCESS CONCESSIONAL CONTRIBUTIONS TAX) 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 Dutton (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**11 SUPERANNUATION (EXCESS NON-CONCESSIONAL CONTRIBUTIONS TAX) 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 Dutton (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**12 SUPERANNUATION (EXCESS UNTAXED ROLL-OVER AMOUNTS TAX) 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 Dutton (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**13 SUPERANNUATION (DEPARTING AUSTRALIA SUPERANNUATION PAYMENTS TAX) 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 Dutton (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**14 SUPERANNUATION (SELF MANAGED SUPERANNUATION FUNDS) SUPERVISORY LEVY 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 Dutton (Minister for Revenue and Assistant Treasurer), the bill was read a third time.

**15 SUPERANNUATION LEGISLATION AMENDMENT (SIMPLIFICATION) BILL 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—

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

Leave granted for third reading to be moved immediately.

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

**16 INCOME TAX AMENDMENT BILL 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—

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

Leave granted for third reading to be moved immediately.

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

**17 INCOME TAX (FORMER COMPLYING SUPERANNUATION FUNDS) AMENDMENT BILL 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—

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

Leave granted for third reading to be moved immediately.

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

**18 INCOME TAX (FORMER NON-RESIDENT SUPERANNUATION FUNDS) AMENDMENT BILL 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—

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

Leave granted for third reading to be moved immediately.

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

**19 INCOME TAX RATES AMENDMENT (SUPERANNUATION) BILL 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—

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

Leave granted for third reading to be moved immediately.

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

**20 NATIVE TITLE 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—

Debate resumed by Mr K. J. Thomson 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 acknowledges:

- (1) that the native title system is currently mired in bureaucracy, and urgently needs a considered and practical approach from the Government:
  - (a) to resolve native title claims effectively, expeditiously and fairly; and
  - (b) to ensure Indigenous Australians are able to take full advantage of their legal rights;
- (2) the recent findings of a Griffith University study which found that ‘federal policy and legislative and budgetary initiatives during the last decade have substantially weakened the negotiating position of Aboriginal people’; and
- (3) that the amendments proposed by the Government:
  - (a) represent a missed opportunity to remedy the real causes of delay and bottlenecks in the native title system;
  - (b) overlook calls from the Minerals Council of Australia and successive ATSI Social Justice Commissioners to properly resource Native Title Representative Bodies and Prescribed Bodies Corporate;
  - (c) contain changes which, despite being intended to improve the performance of Native Title Representative Bodies, will adversely effect their capacity to represent and pursue Indigenous interests; and
  - (d) run the risk of making the claims resolution process slower and more bureaucratic”.

Debate continued.

Dr Lawrence addressing the House—

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## 21 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 9.30 p.m., adjourned until 9 a.m. tomorrow.

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## ATTENDANCE

All Members attended (at some time during the sitting) except Mr Cobb, Mr Downer, Mr Edwards and Mr Macfarlane.

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**I. C. HARRIS**

Clerk of the House of Representatives