

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 47

THURSDAY, 11 AUGUST 2005



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 MOVED

Mr S. F. Smith moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Employment and Workplace Relations from immediately explaining to the House the full consequences for the long service leave entitlements of 60,000 Victorian nurses arising from the Government's extreme industrial relations changes, something he failed to do yesterday in Question Time, in that:

- (1) the Government proposes to remove long service leave entitlements as an allowable matter from awards;
- (2) the Government's rationale for removing long service leave is that long service leave is covered by State legislation;
- (3) 60,000 Victorian nurses currently benefit as a result of award provisions from 26 weeks of long service leave for 15 years service;
- (4) Victorian legislation provides 13 weeks long service leave entitlements for 15 years service;
- (5) the removal of long service leave entitlement as an allowable matter halves the long service leave entitlement of Victorian nurses; and
- (6) this is well known to the Minister, who has previously admitted just that on Melbourne radio, something he failed or refused to detail to the House in Question Time yesterday.

Closure of Member

Fran Bailey (Minister for Small Business and Tourism) moved—That the Member be no longer heard. Question—put.

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

AYES, 77

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

NOES, 59

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

* Tellers

And so it was resolved in the affirmative.

Ms Gillard (seconder) addressing the House—

Closure of Member

Fran Bailey moved—That the Member be no longer heard.

Question—put and passed.

Question—That the motion for the suspension of standing and sessional orders be agreed to—put and negatived.

3 AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005

Mr Andrews (Minister for Employment and Workplace Relations), pursuant to notice, presented a bill for an Act to provide for the making of occupational health and safety standards, and for related purposes.

Bill read a first time.

Mr Andrews moved—That the bill be now read a second time.

Document

Mr Andrews presented an explanatory memorandum to the bill.

Debate adjourned (Mr G. M. O'Connor), and the resumption of the debate made an order of the day for the next sitting.

4 NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

Mr Andrews (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to repeal the *National Occupational Health and Safety Commission Act 1985*, to deal with consequential and transitional matters related to that repeal and to the enactment of the *Australian Workplace Safety Standards Act 2005*, and for related purposes.

Bill read a first time.

Mr Andrews moved—That the bill be now read a second time.

Document

Mr Andrews presented an explanatory memorandum to the bill.

Debate adjourned (Mr G. M. O'Connor), and the resumption of the debate made an order of the day for the next sitting.

5 COMMITTEES—MEMBERSHIP

The House was informed that the Government Whip had nominated Members to be members of certain committees.

Fran Bailey (Minister for Small Business and Tourism), by leave, moved—That:

- (1) Jackie Kelly be discharged from the Joint Parliamentary Committee on Corporations and Financial Services and that, in her place, Mr Baker be appointed a member of the committee; and
- (2) Mr Turnbull be discharged from the Joint Standing Committee on Treaties and that, in his place, Mr Keenan be appointed a member of the committee.

Question—put and passed.

6 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT 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—

Debate resumed.

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

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

AYES, 78

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

NOES, 57

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

* Tellers

And so it was resolved in the affirmative—bill read a second time.

Message from the Governor-General

Message No. 91, 8 August 2005, 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.

Document

Mr Andrews (Minister for Employment and Workplace Relations) presented a supplementary explanatory memorandum to the bill.

Mr Andrews, by leave, moved Government amendments (1) to (36) together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 77

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

NOES, 55

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

* Tellers

And so it was resolved in the affirmative.

Bill, as amended, agreed to.

Consideration in detail concluded.

Leave granted for third reading to be moved immediately.

On the motion of Mr Andrews, the bill was read a third time.

7 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT (CONSEQUENTIAL AND TRANSITIONAL) 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—

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

Consideration in detail

Bill, by leave, taken as a whole.

Document

Mr Andrews (Minister for Employment and Workplace Relations) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Andrews, by leave, Government amendments (1) to (19) were made together. Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Andrews, by leave, the bill was read a third time.

8 CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 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—

Debate resumed by Mr Fitzgibbon 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 condemns the Government for its mal-administration of Australia’s wine tax system”.

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 Ruddock (Attorney-General), the bill was read a third time.

9 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) 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—

Debate resumed.

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.

10 VP DAY—60TH ANNIVERSARY

Mr Howard (Prime Minister), by leave, moved—that this House:

- (1) notes that 15 August 2005 (VP Day) marks 60 years since the Japanese surrender which ended World War II;
- (2) recalls with profound gratitude the heroic achievements and sacrifices of those Australians who served in the defence forces during the war, as well as those who contributed on the civilian front;
- (3) particularly remembers the thousands of Australians who lost their lives or were wounded in the conflict, and especially recalls the suffering of so many Australians taken as prisoners of war;
- (4) whilst never forgetting those who suffered during World War II, acknowledges the strength and importance of the post World War II relationship between Australia and Japan; and
- (5) resolves that Australia’s efforts should always be directed to ensuring that a conflict of that magnitude never occurs again.

Suspension of standing and sessional orders—Time for speech

Mr Abbott (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Beazley (Leader of the Opposition) speaking for a period not exceeding 11 minutes.

Question—put and passed.

Mr Beazley addressed the House.

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

11 MATTER REFERRED TO MAIN COMMITTEE

Mr Abbott (Leader of the House), by leave, moved—That the following order of the day be referred to the Main Committee for debate:

60th Anniversary of VP Day—Motion moved by the Prime Minister: Resumption of debate.

Question—put and passed.

12 QUESTIONS

Questions without notice were asked.

13 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 5 of 2005–2006—Performance audit—A financial management framework to support managers in the Department of Health and Ageing.

Ordered to be made a Parliamentary Paper.

14 DOCUMENTS

The following documents were presented:

Civil Aviation Safety Authority—Corporate plan—2005-06 to 2007-08.

Department of Communications, Information Technology and the Arts—Report—Indigenous Television Review—Review into the viability of establishing an Indigenous television service and the regulatory arrangements that should apply to the digital transmission of such a service using spectrum in the broadcasting services bands, August 2005.

Sydney Airport Demand Management Act—Quarterly report on movement cap for Sydney airport—1 January to 31 March 2005.

15 SPECIAL ADJOURNMENT

Mr Abbott (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 16 August 2005, at 2 p.m., unless the Speaker fixes an alternative day or hour of meeting.

Question—put and passed.

16 ASIA-PACIFIC PARTNERSHIP OF CLEAN DEVELOPMENT AND CLIMATE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF DOCUMENT

Mr Downer (Minister for Foreign Affairs), by leave, made a ministerial statement on the Asia-Pacific partnership on clean development and climate and presented the following document:

Ministerial statement, 11 August 2005.

Mr Nairn (Parliamentary Secretary to the Prime Minister) moved—That the House take note of the document.

Suspension of standing and sessional orders—Time for speech

Mr Nairn, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Albanese speaking for a period not exceeding 10 minutes.

Question—put and passed.

Mr Albanese addressed the House.

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

17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—COUNTRY OF ORIGIN LABELLING

The House was informed that Mr G. M. O'Connor had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to introduce effective country of origin labelling".

The proposed discussion having received the necessary support—

Mr G. M. O'Connor addressed the House.

Discussion ensued.

Member directed to leave

At 4.01 p.m. the Member for Charlton (Ms Hoare) was directed, under standing order 94, to leave the Chamber for one hour, and she accordingly left the Chamber.

Discussion continued.

Mr Adams addressing the House—

18 ADJOURNMENT

It being 4.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 5 p.m.—The Speaker adjourned the House until Tuesday, 16 August 2005 at 2 p.m., in accordance with the resolution agreed to this sitting.

DOCUMENTS

The following documents were deemed to have been presented on 11 August 2005:

Aged Care (Consequential Provisions) Act—Additional payment—Residential care services [F2005L02240].

Civil Aviation Act—Civil Aviation Safety Regulations—Exemptions—2005 No. CASA EX25 [F2005L02248].

Currency Act—Determination—2005—Currency (Royal Australian Mint) 2005 (No. 1) Amendment (No. 1) [F2005L02201].

Environment Protection and Biodiversity Conservation Act—Instrument under subsection 303DC(1)—7 July 2005 [F2005L02227].

Federal Court of Australia Act—Rules of Court—Select Legislative Instruments—2005 No. 183 [F2005L02250].

Financial Sector (Collection of Data) Act—Determination of reporting standards under paragraph 13(1)—2005—Nos 80, 81, 87, 89, 91, 93, 94, 95, 98, 101, 102, 103, 104 [F2005L02151], [F2005L02153], [F2005L02164], [F2005L02172], [F2005L02177], [F2005L02180], [F2005L02181], [F2005L02182], [F2005L02185], [F2005L02188], [F2005L02189], [F2005L02190], [F2005L02300].

Fisheries Management Act—Southern Squid Jig Fishery Management Plan 2005—Determination—2005 No. SSJF 01 [F2005L02244].

Higher Education Support Act—Higher education provider—Notice of approval—2005 No. 7 [F2005L02247].

Insurance Act—Determination—2005—Insurance Exemption No. 1 [F2005L02193].

Migration Act—Direction under section 499—2003 No. 36 [F2005L02034].

Parliamentary Entitlements Act—Parliamentary Entitlement Regulations—Statement under paragraph 18(b)—9 August 2005.

Petroleum (Submerged Lands) Act—Regulations—Select Legislative Instruments—2005 Nos 179, 180 [F2005L02194], [F2005L02195].

Radiocommunications Act—Regulations—Select Legislative Instrument—2005 No. 175.

Seas and Submerged Lands Act—Proclamations—2005—

Seas and Submerged Lands (Limits Continental Shelf in the Tasman Sea and South Pacific Ocean) [F2005L01990].

Seas and Submerged Lands Amendment (No. 1) [F2005L01989].

Taxation Administration Act—Regulations—Select Legislative Instrument—2005 No. 182 [F2005L02119].

Telecommunications Act 1997—Regulations—2005—Selective Legislative Instrument No. 176 [F2005L02192].

Therapeutic Goods Act—Notice—2005—Therapeutic Goods (Listing) (No.5) [F2005L02171].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Hockey, Mr Jull* and Mr Melham.

* On leave



I. C. HARRIS
Clerk of the House of Representatives

2004-05

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 47

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 11 AUGUST 2005

1 The Main Committee met at 9.30 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **NATIONAL RESIDUE SURVEY (EXCISE) LEVY 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—

Debate resumed.

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

Message from the Governor-General

Message No. 89, 14 June 2005, 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.

4 **NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY 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—

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

Message from the Governor-General

Message No 90, 14 June 2005, 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 **ADJOURNMENT**

Mrs Gash moved—That the Main Committee do now adjourn.

Debate ensued.

Document

Mr Byrne, by leave, presented the following document:

Childcare fees—Speaking notes.

Debate continued.

Suspension of sitting

At 10.47 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 10.59 a.m., the proceedings were resumed.

Debate continued.

Suspension of sitting

At 11.40 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 11.53 a.m., the proceedings were resumed.

Debate continued.

Document

Mr Snowdon, by leave, presented the following document:

Nuclear waste storage sites—Shortlist with NSAC comments—Final.

Debate continued.

Question—put and passed.

At 12.25 p.m. the Deputy Speaker adjourned the Main Committee until 9.30 a.m. on Wednesday, 17 August 2005.

B. C. WRIGHT
Clerk of the Main Committee