

2004-05-06

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 103

WEDNESDAY, 31 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 **HEALTH LEGISLATION AMENDMENT (PRIVATE HEALTH INSURANCE) BILL 2006**

Mr Abbott (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend legislation relating to health, and for related purposes.

*Document*

Mr Abbott presented an explanatory memorandum to the bill.

Bill read a first time.

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

Ms Gillard having moved closure of Member containing unparliamentary terms and having refused to withdraw unconditionally—

*Member named and suspended*

The Speaker named the Member for Lalor (Ms Gillard) for defying the Chair.

Mr Abbott moved—That the Member for Lalor be suspended from the service of the House.

Question—put.

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

AYES, 79

Mr Abbott	Mr Dutton	Jackie Kelly	Mr Schultz
Mr Anderson	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 M. D. Ferguson	Mr Lloyd	Mr A. D. H. Smith
Mr Baker	Mr Forrest*	Mr McArthur*	Dr Southcott
Mr Baldwin	Ms Gambaro	Mr Macfarlane	Dr Stone
Mr Barresi	Mrs Gash	Mr McGauran	Mr C. P. Thompson
Mr Bartlett	Mr Georgiou	Mrs Markus	Mr Ticehurst
Mr Billson	Mr Haase	Mrs May	Mr Tollner
Mr B. K. Bishop	Mr Hardgrave	Mrs Moylan	Mr Truss
Ms J. Bishop	Mr Hartsuyker	Mr Nairn	Mr Tuckey
Mr Broadbent	Mr Henry	Dr Nelson	Mr Turnbull
Mr Brough	Mr Hockey	Mr Neville	Mr M. A. J. Vaile
Mr Cadman	Mrs Hull	Mr Pearce	Mrs D. S. Vale
Mr Causley	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 Jull	Mr Robb	Mr Wood
Mrs Draper	Mr Keenan	Mr Ruddock	

## NOES, 53

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

\* Tellers

And so it was resolved in the affirmative.

The Member was, therefore, suspended at 9.14 a.m. for 24 hours under standing order 94, and she accordingly left the Chamber.

Mr Abbott continued his speech.

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

### 3 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 2006

Mr Brough (Minister for Families, Community Services and Indigenous Affairs), pursuant to notice, presented a Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, and for other purposes.

#### *Document*

Mr Brough presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

### 4 EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (2006 MEASURES NO. 1) BILL 2006

Ms J. Bishop (Minister for Education, Science and Training), pursuant to notice, presented a Bill for an Act to amend the law relating to education services for overseas students, and for related purposes.

#### *Document*

Ms J. Bishop presented an explanatory memorandum to the bill.

Bill read a first time.

Ms J. Bishop moved—That the bill be now read a second time.

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

### 5 DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 2006

Mr Billson (Minister Assisting the Minister for Defence), pursuant to notice, presented a Bill for an Act to amend the *Defence Force (Home Loans Assistance) Act 1990*, and for related purposes.

#### *Document*

Mr Billson presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

#### 6 ROYAL COMMISSIONS 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 Ms Roxon, 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:

- (1) that the Opposition demanded action to prevent the abuse of legal professional privilege in the Inquiry into certain Australian companies in relation to the UN Oil-for-Food Program (the Cole Commission) in March;
- (2) that the Attorney-General arrogantly rejected that demand at the time and incompetently waited almost three months, after a Federal Court case, before taking action with this Bill;
- (3) that, while this Bill proposes a sensible, albeit late, change to the law, it will not solve the broader problem that the Cole Commission’s Terms of Reference are limited;
- (4) that the current Terms of Reference do not allow the Cole Commission to make findings on whether or not Ministers, their offices and departments have discharged their duties under Australian administrative law and under international law (in particular UN Security Council Resolution 661);
- (5) that the Cole Commission has provided written advice that a change to the current Terms of Reference which would allow the Cole Commission to make such determinations is a matter that would be ‘significantly different to the existing Terms of Reference’ and is therefore a matter for the Executive; and
- (6) that if the Howard Government had nothing to hide in the \$300 million wheat-for-weapons scandal, it would expand the Cole Commission’s Terms of Reference to allow Commissioner Cole to make such determinations”—

Debate resumed.

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 Turnbull (Parliamentary Secretary to the Prime Minister), the bill was read a third time.

#### 7 TAX LAWS AMENDMENT (PERSONAL TAX REDUCTION AND IMPROVED DEPRECIATION ARRANGEMENTS) 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 is of the view that:

- (1) the Government’s failure to incorporate the enhanced Low Income Tax Offset into PAYG withholding schedules will significantly diminish its potential impact on workforce participation rates; and
- (2) in view of the declining rate of workforce participation associated with the ageing of the population the Government has, despite the improvements contained in the Bill, failed to systematically address the punishing effective marginal tax rates faced by:
  - (a) second earners, most particularly women;
  - (b) individuals moving from welfare into work; and
  - (c) middle and low income families with dependent children”.

Debate continued.

Amendment negatived.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Dutton (Minister for Revenue and Assistant Treasurer) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Dutton, by leave, Government amendments (1) and (2) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

**8 FISHERIES LEGISLATION AMENDMENT (FOREIGN FISHING OFFENCES) 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.

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.

**9 QUESTIONS**

Questions without notice being asked—

*Member directed to leave*

At 2.34 p.m. the Member for Ballarat (Ms King) 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 she accordingly left the Chamber.

Questions without notice continuing—

*Member directed to leave*

At 2.39 p.m. the Member for Sturt (Mr Pyne) 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—

*Document*

Mr Howard (Prime Minister) presented the following document:

Cowra Abattoir Pty Ltd restructure—Copy of letter from Ray Petterson, Manager, Cowra Abattoir, to all employees, 16 February 2006.

Questions without notice continued.

**10 DOCUMENT**

Ms Plibersek, by leave, during a personal explanation, presented the following document:

Business visa—Copy of fax letter from Ms Plibersek, to Senator the Hon. Amanda Vanstone, Minister for Immigration and Multicultural Affairs, 19 April 2006.

**11 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED**

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would allow the Leader of the Opposition to move that:

- (1) this Parliament recognises the responsibility we have to the people we are elected to represent, to improve parliamentary standards through the consistent application and enforcement of standing orders and use of language which is appropriate for the National Parliament;
- (2) this House reaffirms its support for standing order 89, concerning that “a Member must not use offensive words against . . . a Member of Parliament”, standing order 90, that “all personal reflections on other Members shall be considered highly disorderly”, standing order 91, concerning the withdrawal of “objectionable words”, and that House of Representatives Practice on page 294 makes it clear that “a motion may not be brought forward which . . . contains offensive or disorderly words”; and

- (3) this House therefore notes that the resolution moved by the Leader of the House on Thursday 25 May 2006, shown at page 33 of Hansard, that “that snivelling grub over there be not further heard” was not altered by the statement that “if I have offended grubs, I withdraw unconditionally”, was therefore subsequently put to the House and carried at page 34 of Hansard, and is an out of order resolution and therefore must be rescinded.

Debate ensued.

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, 58

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

#### NOES, 80

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

\* Tellers

And so it was negatived.

## 12 DOCUMENT

The following document was presented:

Department of Transport and Regional Services—Local government national report—Report on the operation of the *Local Government (Financial Assistance) Act 1995* for 2004-05.

**13 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 43 of 2005–2006—Performance audit—Assuring Centrelink Payments—The Role of the Random Sample Survey Programme: Department of Families, Community Services and Indigenous Affairs; Department of Employment and Workplace Relations; Department of Education, Science and Training; Centrelink.

Ordered to be made a Parliamentary Paper.

**14 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIA'S NATIONAL REPUTATION AND EXPORT PERFORMANCE**

The House was informed that Mr Rudd had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The effect of political instability within the Government on Australia's national reputation and export performance”.

The proposed discussion having received the necessary support—

Mr Rudd addressed the House.

Discussion ensued.

Discussion concluded.

**15 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILL**

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following bill:

29 May 2006—Message No. 168—Superannuation Legislation Amendment Bill (No. 1) 2006.

**16 FISHERIES LEGISLATION AMENDMENT (FOREIGN FISHING OFFENCES) 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.

Mr G. M. O'Connor 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 failure to properly police Australia's northern coastline and its failure to deter foreign fishers from illegally plundering fish stocks in the Australian fishing zone”.

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

**17 PLANT HEALTH AUSTRALIA (PLANT INDUSTRIES) FUNDING 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.

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**18 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 31 May 2006:

Air Services Act—Air Services Regulations—Instruments—  
 Class A Airspace—No. AERU-06-019 [F2006L01639].  
 Class C Airspace—No. AERU-06-020 [F2006L01640].  
 Class C Control Zones—No. AERU-06-021 [F2006L01641].  
 Class D Control Zones—No. AERU-06-023 [F2006L01643].  
 Class E Airspace—No. AERU-06-024 [F2006L01644].  
 Class G Airspace—No. AERU-06-025 [F2006L01645].  
 Controlled Aerodromes—No. AERU-06-030 [F2006L01647].  
 Flight information regions—Nos AERU-06-017, AERU-06-018 [F2006L01622], [F2006L01638].  
 Australian Prudential Regulation Authority Act—Instrument fixing charges to be paid to APRA—2006 No. 2 [F2006L01620].  
 Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 39-107—2006 25 May [F2006L01625].  
 Corporations Act—Variations under—  
 paragraph 601QA(1)(a)—Australian Securities and Investments Commission—Class Order CO 06/264 [F2006L01651].  
 subsections 741(1) and 1020F(1)—Australian Securities and Investments Commission—Class Order CO 06/267 [F2006L01613].  
 Customs Act—Instrument of approval—2006 No CEO 6 [F2006L01607].  
 Environment Protection and Biodiversity Conservation Act—Instrument under subsection 303DC(1)—30 May 2006 [F2006L01661].  
 Financial Management and Accountability Act—Net appropriation agreement cancellation under subsection 31 (4)—2006 2 May [F2006L01609].  
 Radiocommunications Act—Determination—2006 Radiocommunications (Foreign space objects) Amendment (No. 1) [F2006L01629].  
 Stevedoring Levy (Collection) Act—Notice—2006 Stevedoring levy notice of final levy month—11 May [F2006L01654].  
*Telecommunications Act 1997*—Variation—2006 Telecommunications Numbering Plan (No. 1) [F2006L01628].

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Fawcett, Mrs D. M. Kelly, Ms Livermore\*, Ms Panopoulos, Mr Quick and Mr Somlyay.

\* On leave

**I. C. HARRIS**

Clerk of the House of Representatives

2004-05-06

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

No. 103

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 31 MAY 2006

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1 The Main Committee met at 9.33 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 APPROPRIATION BILL (NO. 1) 2006-2007—BUDGET DEBATE**

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.

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*Suspension of meeting*

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

*Resumption of meeting*

At 4.03 p.m., the Deputy Speaker resumed the Chair.

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Debate continued.

Debate adjourned, by leave, and the resumption of the debate made an order of the day for the next sitting.

**4 ADJOURNMENT**

On the motion of Mr Ciobo, the Main Committee adjourned at 7.33 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