

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 110

WEDNESDAY, 21 JUNE 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 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Ms Gillard moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Lalor from moving—That the House notes that the Government has already restricted the rights of Members and the work of the Parliament:

- (1) by gagging debate on 14 bills in this sitting fortnight;
- (2) by destroying the Senate Committee system with its ability to investigate Government scandals like children overboard and to allow members of the public to participate in legislative processes; and
- (3) by doctoring Hansard to cover up mistakes by the Prime Minister;

and rejects this fourth heavy handed attempt described in order of the day No. 1 by the Government to restrict the rights of all Members to take part in debate on legislation and scrutinise the work of the Government.

*Closure of Member*

Dr Stone (Minister for Workforce Participation) moved—That the Member be no longer heard.

Question—put.

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

AYES, 76

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

## NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

Mr Albanese (seconder) addressing the House—

*Closure of Member*

Dr Stone moved—That the Member be no longer heard.

Question—put.

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

## AYES, 76

Mr Abbott	Mr Farmer	Mr Lindsay	Mr Scott
Mr Anderson	Mr Fawcett	Mr Lloyd	Mr Secker
Mr Andrews	Mr M. D. Ferguson	Mr McArthur*	Mr Slipper
Fran Bailey	Mr Forrest*	Mr Macfarlane	Mr A. D. H. Smith
Mr Baird	Mrs Gash	Mr McGauran	Mr Somlyay
Mr Baker	Mr Georgiou	Mrs Markus	Dr Southcott
Mr Baldwin	Mr Haase	Mrs May	Dr Stone
Mr Barresi	Mr Hardgrave	Mrs Mirabella	Mr C. P. Thompson
Mr Bartlett	Mr Hartsuyker	Mrs Moylan	Mr Ticehurst
Mr Billson	Mr Henry	Mr Nairn	Mr Tollner
Mrs B. K. Bishop	Mr Hockey	Dr Nelson	Mr Truss
Mr Broadbent	Mrs Hull	Mr Neville	Mr Tuckey
Mr Cadman	Dr Jensen	Mr Pearce	Mr Turnbull
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Mr Cobb	Mr Jull	Mr Pyne	Mrs D. S. Vale
Mr Costello	Mr Keenan	Mr Randall	Mr Vasta
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Mr Albanese	Ms K. M. Ellis	Ms Hoare	Mr Price
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Mr Beazley	Mr L. D. T. Ferguson	Mr Jenkins	Ms Roxon
Mr Bevis	Mr M. J. Ferguson	Mr Kerr	Mr Sawford
Ms Bird	Mr Fitzgibbon	Ms King	Mr S. F. Smith
Mr Bowen	Mr Garrett	Dr Lawrence	Mr Snowdon
Ms A. E. Burke	Mr Georganas	Mr McClelland	Mr Tanner
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Mr Crean	Ms Grierson	Mr Murphy	Mr Windsor
Mr Danby*	Mr Griffin	Mr B. P. O'Connor	
Mr Edwards	Ms Hall*	Mr G. M. O'Connor	
Mrs Elliot	Mr Hatton	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 Speaker, Mr Hawker, in the Chair)—

## AYES, 57

Mr Adams	Ms A. L. Ellis	Mr Hayes	Ms Plibersek
Mr Albanese	Ms K. M. Ellis	Ms Hoare	Mr Price
Mr Andren	Mr Emerson	Mrs Irwin	Mr Ripoll
Mr Beazley	Mr L. D. T. Ferguson	Mr Jenkins	Ms Roxon
Mr Bevis	Mr M. J. Ferguson	Mr Kerr	Mr Sawford
Ms Bird	Mr Fitzgibbon	Ms King	Mr S. F. Smith
Mr Bowen	Mr Garrett	Dr Lawrence	Mr Snowdon
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Mr Crean	Ms Grierson	Mr Murphy	Mr Windsor
Mr Danby*	Mr Griffin	Mr B. P. O'Connor	
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Mr Baird	Mrs Gash	Mr McGauran	Mr Somlyay
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Mrs Draper	Jackie Kelly	Mr Richardson	Mr Wakelin
Mrs Elson	Mr Laming	Mr Ruddock	Dr Washer
Mr Entsch	Mrs Ley	Mr Schultz	Mr Wood

\* Tellers

And so it was negatived.

### 3 POSTPONEMENT OF NOTICE

Ordered—That notice No. 1, government business, be postponed until a later hour this day.

### 4 NATIONAL HEALTH AMENDMENT (IMMUNISATION) BILL 2006

Mr Abbott (Leader of the House), pursuant to notice, presented a Bill for an Act to amend the *National Health Act 1953*, 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.

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

### 5 EXCISE LAWS AMENDMENT (FUEL TAX REFORM AND OTHER MEASURES) BILL 2006—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate—

On the motion of Mr Pearce (Parliamentary Secretary to the Treasurer), the amendments were agreed to, after debate.

### 6 LAW ENFORCEMENT INTEGRITY COMMISSIONER 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 Ms Roxon 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:

- (1) notes that it took the Howard Government almost seven years to commit to a policy of establishing a Law Enforcement Integrity Commissioner since the November 1996 Report 82 of the Australian Law Reform Commission entitled “*Integrity: but not by trust alone. AFP & NCA complaints and disciplinary systems*” first recommended a Federal independent anti-corruption commissioner;

- (2) notes that it has taken the Howard Government since June 2004 to bring actual legislation before the Parliament, creating a delay of almost ten long years in total;
- (3) notes that, despite the fact that the Australian Customs Service officers have:
- (a) use of weapons including pistols and maritime deck mounted guns;
  - (b) powers of arrest and detention;
  - (c) powers of search and seizure;
  - (d) ability to conduct controlled operations;
  - (e) responsibility for collection of large amounts of border-related revenue;
  - (f) responsibility for storage of large amounts of contraband and dutiable goods like drugs, alcohol, tobacco, knives, guns and ammunition;
- the Howard Government may have effectively exempted Customs from the oversight of the Law Enforcement Integrity Commission, by not specifically including it in the legislation;
- (4) notes that there are a range of other Commonwealth agencies with law enforcement style powers that should also receive oversight, such as the Department of Immigration, which under the Howard Government's maladministration wrongly held 26 Australians in Immigration detention; and
- (5) is opposed to the Government's proposed system of adding and subtracting agencies other than the AFP and ACC by regulation, noting such a system would effectively allow the Minister a veto over corruption investigations".

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.

Ms Roxon moved the Opposition amendment.

Debate continued.

Amendment negatived.

*Document*

Mr Ruddock (Attorney-General) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Ruddock, by leave, Government amendments (1) to (27) were made together, after debate.

Opposition amendment moved by Ms Roxon, by leave, reconsidered.

Question—That the amendment be agreed to—put and passed.

Bill, as amended, agreed to.

Consideration in detail concluded.

Leave granted for third reading to be moved immediately.

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

## 7 QUESTIONS

Questions without notice were asked.

## 8 PRIVILEGE—COMPLAINT OF BREACH

Mr Randall raised, as a matter of privilege, certain statements by Mr K. Fitzpatrick of the Australian Taxation Office in a letter to a parliamentary joint committee.

*Documents*

Mr Randall presented the following documents:

Taxation issues within Australia—Inquiry by Joint Committee of Public Accounts and Audit—

Copy of submission from Mr Randall, 28 March 2006.

Copies of letters from Mr K. Fitzpatrick, Acting Second Commissioner, Australian Taxation Office, to—

Mr Randall, 31 May 2006.

Mr A. D. H. Smith, Chair, Joint Committee of Public Accounts and Audit, 31 May 2006.

The Speaker stated that he would consider the matter and report to the House at a later time.

#### 9 DOCUMENTS

Mr Albanese, by leave, presented the following documents:

ABC News (Sydney), 20 June 2006—Extract from Electronic Media Monitoring Service (EMMS)—Transcript/Captions details.

Extract from Hansard, 20 June 2006.

#### 10 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 47 of 2005–2006—Performance audit—Funding for Communities and Community Organisations: Department of Families, Community Services and Indigenous Affairs.

Ordered to be made a Parliamentary Paper.

#### 11 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Mr Abbott (Leader of the House) presented the following documents:

Air Passenger Ticket Levy (Collection) Act—Report to the Commonwealth made under section 24 for the period 1 April 2005 to 31 March 2006.

Australian Institute of Health and Welfare—Report—Australia's health 2006.

Department of Education, Science and Training—Skilling Australia: 2005–08 Commonwealth-State Agreement for skilling Australia's workforce.

Research Involving Human Embryos Act—NHMRC Embryo Research Licensing Committee—Report for the period 1 October 2005 to 31 March 2006.

Stevedoring Industry Finance Committee—Report for 2005–06.

and moved—That the House take note of the documents.

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

#### 12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—NATIONAL INTEREST

The House was informed that Mr Beazley (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's arrogant approach to the Parliament, and the Australian people, with its own political self interest now being given absolute priority over the national interest".

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

#### 13 AVIATION TRANSPORT SECURITY AMENDMENT BILL 2006—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the bill.

Bill agreed to.

On the motion of Mr Billson (Minister for Veterans' Affairs), by leave, the bill was read a third time.

#### 14 MESSAGE FROM THE SENATE

Message No. 332, 21 June 2006, from the Senate was reported returning the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 without amendment.

#### 15 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following bills:

19 June 2006—Message No. 180—

ASIO Legislation Amendment 2006.

Tax Laws Amendment (Personal Tax Reduction and Improved Depreciation Arrangements) 2006.

21 June 2006—Message No. 181—

Australian Trade Commission Legislation Amendment 2006.

Export Market Development Grants Legislation Amendment 2006.

**16 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER**

Mrs Moylan (Chair) presented the following document:

Public Works—Parliamentary Standing Committee—Proposed fit-out of new leased premises for the Australian Securities and Investments Commission at 120 Collins Street, Melbourne, Victoria (11th report of 2006).

Ordered to be made a Parliamentary Paper.

Mrs Moylan, by leave, made a statement in connection with the report.

**17 CORPORATIONS AND FINANCIAL SERVICES—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF DOCUMENT**

Ms A. E. Burke presented the following documents:

Corporations and Financial Services—Parliamentary Joint Committee—Corporate responsibility: Managing risk and creating value—

Report, June 2006.

Evidence received by the committee.

Report ordered to be made a Parliamentary Paper.

Ms A. E. Burke, by leave, made a statement in connection with the report.

Ms A. E. Burke, by leave, moved—That the House take note of the report.

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

**18 MATTERS REFERRED TO MAIN COMMITTEE**

Mr Bartlett (Chief Government Whip), by leave, moved—That:

(1) the Intellectual Property Laws Amendment 2006 be referred to the Main Committee for further consideration; and

(2) the following order of the day, committee and delegation report, be referred to the Main Committee for debate:

Parliamentary Joint Committee on Corporations and Financial Services—Report—Corporate responsibility: Managing risk and creating value—Motion to take note of document: Resumption of debate.

Question—put and passed.

**19 LAW ENFORCEMENT INTEGRITY COMMISSIONER (CONSEQUENTIAL AMENDMENTS) 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

On the motion of Ms Roxon Opposition amendment (1) was agreed to.

Ms Roxon moved Opposition amendment (2).

Debate continued.

Amendment negatived.

*Document*

Mr Ruddock (Attorney-General) presented a supplementary explanatory memorandum to the bill.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

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

## 20 LAW ENFORCEMENT (AFP PROFESSIONAL STANDARDS AND RELATED MEASURES) 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Ruddock (Attorney-General) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Ruddock, by leave, Government amendments (1) to (12) were made together, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

## 21 AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA'S SKILLS NEEDS) 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 Macklin (Deputy Leader of the Opposition), 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 condemns the Government for:*

- (1) creating a skills crisis through during their ten long years in office;
- (2) its continued failure to provide the necessary opportunities for Australians to get the training they need to get a decent job and meet the skills needs of the economy;
- (3) reducing the overall percentage of the Federal Budget spent on vocational education and training, and allowing this percentage of spending to further decline over the forward estimate period;
- (4) its incompetent handling of the Australian Technical Colleges initiative as evidenced by only four out of twenty five colleges being open for business, enrolling fewer than 300 students;
- (5) failing to be open and accountable about the operations of the Australian Technical Colleges, including details of extra student enrolments, funding levels for the individual colleges, course structures and programs;
- (6) denying local communities their promised Australian Technical College because of their ideological industrial relations requirements; and
- (7) failing to provide enough extra skills training so that Australia can meet the expected shortfall of 100,000 skilled workers by 2010”—

Debate resumed.

Ms George addressing the House—

## 22 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

*Document*

Ms Hall, by leave, presented the following document:



NSW War Widows Association Incorporated—Copy of Certificate of Incorporation as an Association, 29 March 2006.

Debate continued.

*Document*

Mr M. D. Ferguson, by leave, presented the following document:

Workplace laws—Your rights at work—Out of order petition.

Debate continued.

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 21 June 2006:

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 39-105—2006—16 June [F2006L01869].

Customs Act—Infringement notice guidelines—15 June 2006 [F2006L01860].

Health Insurance Act—Determination—2006—Health Insurance (Diabetes Testing in Aboriginal and Torres Strait Islander Primary Health Care Sites) HS/01 [F2006L01822].

Lands Acquisition Act—Statements under—  
sub-section 40(3)—June 2006.  
section 125(5)—June 2006.

Migration Act—Regulations—Select Legislative Instrument—2006 No. 133 [F2006L01781].

Motor Vehicle Standards Act—Determination—2006—Vehicle Standard (Australian design rule—Definitions and vehicle categories) 2005 Amendment 1 [F2006L01833].

National Health Act—

Arrangements under subparagraph 100(1)(b)(i)—2006 Nos PB 28, PB 29 [F2006L01875], [F2006L01874].

Determinations under—

paragraph 98C(1)(b)—2006 No. PB 26 [F2006L01843].

subsection 85B(1)—2006 No. PB 27 [F2006L01871].

Navigation Act—Marine Orders—2006 No. 6 [F2006L01887].

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Ms J. Bishop, Mr Downer, Mr Dutton, Ms Gambaro, Mr Hunt, Mrs D. M. Kelly, \*Ms Livermore, Mr Quick, Mr Robb, Mr Rudd and Mr Sercombe.

\* On leave

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

2004-05-06

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

No. 110

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 21 JUNE 2006

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1 The Main Committee met at 9.30 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made and a petition was presented.

**3 AVIATION TRANSPORT SECURITY 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 Bevis 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 Howard Government for its failure to provide necessary air-security and protect Australians, including its:

- (1) mismanagement of the Aviation Security Identification Card (ASIC) system;
- (2) failure to ensure all baggage is screened;
- (3) failure to properly upgrade security at regional airports; and
- (4) failure to establish adequate security measures for charter flights”.

Debate continued.

Amendment negatived.

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

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 COMMITMENT OF TROOPS TO EAST TIMOR—STATEMENTS BY THE PRIME MINISTER AND LEADER OF THE OPPOSITION—MOTION TO TAKE NOTE OF STATEMENTS—RESUMPTION OF DEBATE**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the Opposition)—That the House take note of the statements—

Debate resumed.

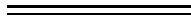
Mr Price was granted leave to continue his speech when the debate is resumed.

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

**5 ADJOURNMENT**

On the motion of Dr Southcott, the Main Committee adjourned at 1.01 p.m.

The Deputy Speaker fixed 9.30 a.m. tomorrow for the next meeting of the Main Committee.



**B. C. WRIGHT**  
Clerk of the Main Committee