

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 87

TUESDAY, 28 FEBRUARY 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 being asked—

*Documents*

Mr Andrews (Minister for Employment and Workplace Relations) presented the following documents:

Victorian ALP—Stacks, slush funds and factions—

Flow chart.

Key players.

Questions without notice continued.

**3 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 prevent the Leader of the Opposition moving forthwith: That this House censure the Prime Minister and Foreign Minister for:

- (1) turning a blind eye to stark warnings that the AWB was doing illicit business with Saddam Hussein behind the United Nations' back;
- (2) ignoring cables that told the Government in no uncertain terms that this was going on; and
- (3) treating this Parliament and the Australian people with contempt, by refusing to come clean in this place about the Government's role in this Wheat for Weapons scandal.

Debate ensued.

The time allowed by standing order 1 for debate on the motion having expired—

Question—put.

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

## AYES, 58

Mr Adams	Mr Emerson	Mrs Irwin	Mr Quick
Mr Albanese	Mr L. D. T. Ferguson	Mr Kerr	Mr Ripoll
Mr Beazley	Mr M. J. Ferguson	Ms King	Ms Roxon
Mr Bevis	Mr Fitzgibbon	Dr Lawrence	Mr Rudd
Ms Bird	Mr Garrett	Ms Livermore	Mr Sawford
Mr Bowen	Mr Georganas	Mr McClelland	Mr Sercombe
Ms A. E. Burke	Ms George	Ms Macklin	Mr S. F. Smith
Mr A. S. Burke	Mr Gibbons	Mr McMullan	Mr Snowdon
Mr Byrne	Ms Gillard	Mr Melham	Mr Swan
Ms Corcoran	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	
Ms K. M. Ellis	Ms Hoare	Mr Price	

## NOES, 82

Mr Abbott	Mr Entsch	Jackie Kelly	Mr Schultz
Mr Andrews	Mr Farmer	Mr Laming	Mr Scott
Fran Bailey	Mr Fawcett	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	Mr Somlyay
Mr Barresi	Mrs Gash	Mr McGauran	Dr Southcott
Mr Bartlett	Mr Georgiou	Mrs Markus	Dr Stone
Mr Billson	Mr Haase	Mrs May	Mr C. P. Thompson
Mrs B. K. Bishop	Mr Hardgrave	Mrs Moylan	Mr Ticehurst
Ms J. Bishop	Mr Hartsuyker	Mr Nairn	Mr Tollner
Mr Broadbent	Mr Henry	Dr Nelson	Mr Truss
Mr Brough	Mr Hockey	Mr Neville	Mr Tuckey
Mr Cadman	Mr Howard	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 Pyne	Mr Wakelin
Mr Costello	Mr Johnson	Mr Randall	Dr Washer
Mr Downer	Mr Jull	Mr Richardson	Mr Wood
Mr Dutton	Mr Keenan	Mr Robb	
Mrs Elson	Mrs D. M. Kelly	Mr Ruddock	

\* Tellers

And so it was negatived.

#### 4 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY—ILLEGAL FOREIGN FISHING INCURSIONS IN NORTHERN AUSTRALIA

The Speaker informed the House that he had received the following resolution passed by the Legislative Assembly of the Northern Territory on 16 February 2006 relating to foreign fishing incursions in northern Australia: That this Assembly—

- (a) express its serious concern about increasing illegal foreign fishing incursions in our waters and foreign nationals establishing camps throughout northern Australia;
- (b) note that these increasing incursions threaten not only the sustainability of our shark and other fisheries, but place our bio-security and national sovereignty at great risk;
- (c) call upon the Commonwealth government to agree to fund the expansion of the indigenous Marine Ranger program throughout northern Australia as a matter of urgency;

- (d) call upon the Prime Minister to personally convene an urgent summit of all relevant Ministers and stakeholders to develop a National Strategy to combat foreign fishing vessel incursions throughout northern Australia, noting that actions by a raft of federal agencies have thus far failed to deter illegal incursions; and
- (e) through the office of the Speaker, forward the terms of this motion and associated debate to the President of the Senate, the Speaker of the House of Representatives, the Prime Minister and the Leader of the Opposition in the Commonwealth Parliament.

## 5 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 30 of 2005–2006—Performance audit—The ATO's strategies to address the cash economy: Australian Taxation Office.

Ordered to be made a Parliamentary Paper.

## 6 DOCUMENTS

The following documents were presented:

Customs Act—Customs (Prohibited Exports) Regulations—Permissions granted under regulation 7—2005—1 July to 31 December.

Dairy Australia Limited—Report for 2004-05.

Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2005.

Pooled Development Funds Registration Board—Report for 2004-05.

Telstra Instalment Receipt Trustee—Report for 2004-05.

*Tobacco Advertising Prohibition Act 1992*—Report under section 34A, 2005.

Treaties—*Bilateral—Text, together with national interest analysis and annexures*—Exchange of notes constituting a treaty between the Government of Australia and the Government of the Republic of Singapore to amend the Singapore-Australia Free Trade Agreement (SAFTA) of 17 February 2003 [Second Set].

## 7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—UNITED NATIONS IRAQI AID PROGRAMS

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 failure of the Government to properly account for its role in the continued abuse of United Nations Iraqi aid programs following the downfall of Saddam Hussein”.

The proposed discussion having received the necessary support—

Mr Rudd addressed the House.

Discussion ensued.

Discussion concluded.

## 8 COMMITTEES—MEMBERSHIP

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

Mr Cobb (Minister for Community Services), by leave, moved—That:

- (1) Mr Robb be discharged from the Standing Committee on Aboriginal and Torres Strait Islander Affairs and that, in his place, Mr Laming be appointed a member of the committee;
- (2) Mr Baldwin be discharged from the Standing Committee on Publications and that, in his place, Mr Johnson be appointed a member of the committee;
- (3) Mr Baldwin be discharged from the Joint Committee on the Broadcasting of Parliamentary Proceedings and that, in his place, Mr Cadman be appointed a member of the committee; and
- (4) Mr Broadbent, Mr Georgiou, Mr Wakelin and Mr Anderson be appointed to the Joint Committee on the Parliamentary Library.

Question—put and passed.

## 9 DISCHARGE OF ORDERS OF THE DAY

Mr Cobb (Minister for Community Services), by leave, moved—That the following government business orders of the day, including certain tariff proposals comprising part of order of the day No. 105, be discharged:

Department of Health And Ageing—Private Health Insurance—Report on Premium Increases Notified to the Department in the Quarter ending 31 March 2005—Motion to take note of document: Resumption of debate (*from 21 June 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly Report of the Chief Executive Officer for the Period 1 January 2005 to 31 March 2005—Motion to Take Note of Document: Resumption of debate (*from 21 June 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

National Health and Medical Research Council—Report for 2004—Motion to take note of document: Resumption of debate (*from 21 June 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Quarterly Report on Movement Cap for Sydney Airport—1 October 2004 to 31 December 2004—Document—Motion to take note of document: Resumption of debate (*from 16 June 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Asbestos-Related Claims (Management Of Commonwealth Liabilities) Bill 2005—Correction to Explanatory Memorandum—Motion to take note of document: Resumption of debate (*from 16 June 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Gene Technology Regulator—Quarterly Report for the Period 1 October to 31 December 2004—Motion to take note of document: Resumption of debate (*from 14 June 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Workplace Relations—Ministerial Statement—Motion to take note of document: Resumption of debate (*from 26 May 2005—Mr Andrews*) on the motion of Mr Abbott—That the House take note of the document.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly Report of the Chief Executive Officer for the Period 1 October To 31 December 2004—Motion to take note of document: Resumption of debate (*from 11 May 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Review of the National Competition Policy Reforms—Inquiry Report—Motion to take note of document: Resumption of debate (*from 10 May 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Foreign Investment Review Board—Report for 2003-2004—Corrigendum—Motion to take note of document: Resumption of debate (*from 10 May 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

*Tobacco Advertising Prohibition Act 1992*—Report for the Period 1 January to 31 December 2004—Motion to take note of document: Resumption of debate (*from 16 March 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Department of the Treasury—Mid-Year Economic and Fiscal Outlook 2004-2005—Motion to take note of document: Resumption of debate (*from 15 March 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Department of Immigration And Multicultural and Indigenous Affairs—2004 Access and Equity Annual Report—Motion to take note of document: Resumption of debate (*from 15 March 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Australian Technology Group Limited—2004 Financial Statements—Motion to take note of document: Resumption of debate (*from 15 March 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Singapore-Australia Free Trade Agreement Amendments—Treaty—Motion to take note of document: Resumption of debate (*from 15 March 2005—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Australia's Aid: An Integrated Approach—Ministerial Statement—Motion to take note of document: Resumption of debate (*from 10 March 2005—Mr Downer*) on the motion of Mr Downer—That the House take note of the document.

Migration Agents Registration Authority—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 9 March 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

International Covenant on Civil and Political Rights—Views—Communication No. 1011/2001—Motion to take note of document: Resumption of debate (*from 9 March 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Corrigenda to Industry Research and Development Board Report for 2003-2004—Document—Motion to take note of document: Resumption of debate (*from 8 March 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Pooled Development Funds Registration Board—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 8 March 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Air Passenger Ticket Levy Collection Act—Report for 1 April 2003 To 31 March 2004—Motion to take note of document: Resumption of debate (*from 9 February 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Roads To Recovery Program—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 9 February 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Standing Committee on Transport and Regional Services—Report: Moving On Intelligent Transport Systems—Government Response—Motion to take note of document: Resumption of debate (*from 9 February 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Civil Aviation Safety Authority—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 8 February 2005—Ms Gillard*) on the motion of Mr Pearce—That the House take note of the document.

Foreign Investment Review Board—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 8 February 2005—Ms Gillard*) on the motion of Mr Pearce—That the House take note of the document.

Industry Research and Development Board—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 8 February 2005—Ms Gillard*) on the motion of Mr Pearce—That the House take note of the document.

National Occupational Health and Safety Commission—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 8 February 2005—Ms Gillard*) on the motion of Mr Pearce—That the House take note of the document.

Report of the Royal Commission into the Centenary House Lease—Motion to take note of document: Resumption of debate (*from 9 December 2004—Mr Pyne*) on the motion of Mr Abbott—That the House take note of the document.

Australian Rail Track Corporation—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 9 December 2004—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Australian Rail Track Corporation—Statement of Corporate Intent 2004-2005—Motion to take note of document: Resumption of debate (*from 9 December 2004—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Australia-Japan Foundation—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 8 December 2004—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Department of Transport and Regional Services—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 8 December 2004—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Attorney-General's Department—Freedom of Information Act 1982—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 7 December 2004—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Quarterly Report on Movement Cap for Sydney Airport—1 July 2004 to 30 September 2004—Document—Motion to take note of document: Resumption of debate (*from 7 December 2004—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

National Transport Commission—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 7 December 2004—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Airservices Australia—Corporate Plan July 2004-June 2009—Motion to take note of document: Resumption of debate (*from 2 December 2004—Ms Gillard*) on the motion of Mr McGauran—That the House take note of the document.

Alcohol Education and Rehabilitation Foundation Ltd—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 1 December 2004—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the paper.

Auslink White Paper—Document—Motion to take note of document: Resumption of debate (*from 17 November 2004*) on the motion of Mr Abbott—That the House take note of the document.

Quarterly Report on Movement Cap for Sydney Airport—1 April 2004 to 30 June 2004—Document—Motion to take note of document: Resumption of debate (*from 17 November 2004*) on the motion of Mr Abbott—That the House take note of the document.

National Standards Commission—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 17 November 2004*) on the motion of Mr Abbott—That the House take note of the document.

Civil Aviation Safety Authority—Corporate Plan 2004-2005 To 2006-2007—Motion to take note of document: Resumption of debate (*from 17 November 2004*) on the motion of Mr Abbott—That the House take note of the document.

Stevedoring Industry Finance Committee—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 17 November 2004*) on the motion of Mr Abbott—That the House take note of the document.

Australian Maritime Safety Authority—Report for 2003-2004—Motion to take note of document: Resumption of debate (*from 17 November 2004*) on the motion of Mr Abbott—That the House take note of the document.

Workplace Relations Amendment (Fair Dismissal Reform) Bill 2004 (*Minister for Employment and Workplace Relations*): Second reading—Resumption of debate (*from 14 February 2005—Ms Bird, in continuation*) on the motion of Mr Andrews—That the Bill be now read a second time—*And on the amendment moved thereto by Mr S. F. Smith, 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:*

- (1) confirms that the protection from being unfairly dismissed is a fundamental issue for Australian workers and their families irrespective of the size of the business in which they are employed; and
- (2) calls on the Government to work with small business, employees and peak bodies to make unfair dismissal laws more effective by addressing procedural complexities and costs”.

Higher Education Support Amendment (Melbourne University Private) Bill 2005 (*Minister for Education, Science and Training*): Second reading—Resumption of debate (*from 16 March 2005—Mr G. M. O'Connor*).

Customs Tariff Proposal No. 1 (2004)—*moved 1 December 2004*—Resumption of debate (*Mr Edwards*).

Customs Tariff Proposal No. 1 (2005)—*moved 16 February 2005*—Resumption of debate (*Mr Bevis*).

Customs Tariff Proposal No. 2 (2005)—*moved 10 May 2005*—Resumption of debate (*Mr Sercombe*).

Customs Tariff Proposal No. 3 (2005)—*moved 23 June 2005*—Resumption of debate (*Mr Edwards*).

Question—put and passed.

**10 ORDERS OF THE DAY RETURNED TO THE HOUSE**

On the motion of Mr Cobb (Minister for Community Services), by leave, Main Committee orders of the day Nos 5 to 11, government business, were returned to the House.

Question—put and passed.

**11 DISCHARGE OF ORDERS OF THE DAY—MAIN COMMITTEE**

Mr Cobb (Minister for Community Services), by leave, moved—That the following orders of the day returned to the House in accordance with the resolution agreed to earlier be discharged:

Standing Committee on Transport and Regional Services—Report—National Road Safety—Eyes on the Road Ahead—Government Response—Motion to take note of document: Resumption of debate (*from 8 February 2006—Mr Georgiou*) on the motion of Mr Abbott—That the House take note of the document.

Standing Committee on Transport and Regional Services—Report—Train Illumination: Inquiry into some measures proposed to improve train visibility and reduce level crossing accidents—Government Response—Motion to take note of document: Resumption of debate (*from 7 December 2005—Ms Gillard*) on the motion of Mr Abbott—That the House take note of the document.

Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund—Second interim report for the Section 206(D) Inquiry: Indigenous Land Use Agreements—Government Response—Motion to take note of document: Resumption of debate (*from 7 December 2005—Mr Barresi*) on the motion of Mr Abbott—That the House take note of the document.

60th Anniversary Of VP Day: Resumption of debate (*from 12 October 2005*) on the motion of Mr Howard—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.

60th Anniversary of VE Day—Copy of the motion of thanks moved by the Prime Minister—Motion to take note of document: Resumption of debate (*from 12 May 2005—Ms J. Bishop*) on the motion of Mr Abbott—That the House take note of the document.

Iraq: Australian Task Group Deployment—Ministerial Statement—Motion to take note of document: Resumption of debate (*from 17 March 2005—Mr Ticehurst*) on the motion of Mr Abbott—That the House take note of the document.

Indian Ocean Tsunami—Copy of Motion by the Prime Minister—Motion to take note of document: Resumption of debate (*from 10 March 2005—Mr Baldwin*) on the motion of Mr Pearce—That the House take note of the document.

Question—put and passed.

**12 MESSAGE FROM THE SENATE—ENERGY EFFICIENCY OPPORTUNITIES BILL 2005**

Message No. 262, 27 February 2006, from the Senate was reported returning the Energy Efficiency Opportunities Bill 2005 with amendments.

Ordered—That the amendments be considered at the next sitting.

**13 MESSAGES FROM THE SENATE**

Messages from the Senate, 27 February 2006, were reported:

- (a) returning the following bills without amendment:
  - No. 263—Census Information Legislation Amendment 2005; and
  - No. 264—Trade Practices Amendment (Personal Injuries and Death) 2004; and

- (b) informing the House that Senator the Hon. Ian Macdonald had been appointed to the Parliamentary Joint Committee on the Australian Crime Commission—Message No. 265.

#### 14 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, 27 March 2006.

#### 15 FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) 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 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 the first priority of family law should be to promote and secure the best interests of children and that this requires a focus on:
  - (a) the responsibility of parents to care for, love and provide security to children;
  - (b) the need to prevent children from being victims of, or exposed to, violence, abuse or neglect; and
  - (c) without compromising the above, the benefit to children of knowing and spending time with their parents;
- (2) notes that, despite this bill, the Howard Government has made shared parenting before and after separation more difficult through its constant attacks on Australian families, such as the recent industrial relations changes and its failure to meet the chronic child care shortage;
- (3) notes the risk that the Government is creating false expectations that this bill will create a right for parents spending equal time with their children, when the bill does not do this, in many cases this would not be appropriate and it shouldn't automatically be the starting point for negotiations;
- (4) notes that the Government has improved its bill by adopting Labor's ideas that:
  - (a) for parents intent on demanding parental 'rights', the Court will consider the extent to which parents have exercised their responsibilities as parents - recognising that parenting is a two-way street; and
  - (b) strengthened compliance measures should be coupled with costs for nuisance complainants, so that the right to seek a remedy cannot be used irresponsibly;
- (5) notes that the effectiveness of these reforms will fundamentally depend on the implementation of the Family Relationship Centres program, so that these centres can provide appropriate advice, counselling and referral as well as dispute resolution services and calls on the Government to commit to:
  - (a) providing adequate resources to Family Relationship Services and Centres;
  - (b) regular reappraisal of needs and funding to ensure free services;
  - (c) requiring that Family Relationship Centres focus on quality advice, not simply quantity of parenting plans;
  - (d) equipping staff to detect the signs of family violence and child abuse and manage violent clients;
  - (e) ensuring that Family Relationship Centres do not discriminate on the basis of race, religion, age, disability, gender or socio-economic disadvantage and are not used to advocate or encourage any particular political or religious agenda; and
  - (f) instituting a well-resourced and effective complaints process for people who have grievances with Family Relationship Centres or their staff;
- (6) demands that the Government immediately release accreditation and quality standards for Family Relationship Centres prior to mediation becoming compulsory;

- (7) notes that, while separating parents should be encouraged to settle their disputes without recourse to the Courts, litigation needs to be recognised and supported as a vital pathway for those cases involving family violence or abuse, entrenched conflict or intractable disputes;
- (8) notes that the Government needs to invest in and make public thorough, longitudinal research on:
  - (a) the consequences of family law reform;
  - (b) interaction between violence and family law; and
  - (c) the need for a broad ranging parliamentary inquiry on violence in the community;
- (9) notes that the Government should, in the near future, conduct a review of how these changes work in practice, with particular consideration of the following issues:
  - (a) the operation of the requirement to consult on ‘major long-term issues’ (compared to the original recommendation from the Every Picture Tells a Story report limited to location);
  - (b) the interaction of parenting plans and court orders; and
  - (c) the need to review Schedule 3 as soon as the assessment report of the Family Court’s pilot of the Children’s Cases Program is available, given that these changes are being made before that pilot is completed and evaluated; and
- (10) notes the Government’s failure to consider a National Commissioner for Children and Young People, who could provide a role developing expertise in supporting children in family law matters”.

Debate continued.

Debate adjourned (Mr Ripoll), and the resumption of the debate made an order of the day for a later hour this day.

#### 16 BILL REFERRED TO MAIN COMMITTEE

Mr Bartlett (Chief Government Whip), by leave, moved—That the Family Law Amendment (Shared Parental Responsibility) Bill 2005 be referred to the Main Committee for further consideration.

Question—put and passed.

#### 17 MINISTERS OF STATE 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—*And on the amendment moved thereto by Mr K. J. Thomson, 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 condemn the Government for allowing Ministerial standards and accountability to decline at the same time as Ministerial salaries are increasing”—

Debate resumed.

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. 141, 1 December 2005, 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 Nairn (Special Minister of State), the bill was read a third time.

#### 18 MESSAGE FROM THE SENATE

Message No. 266, 28 February 2006, from the Senate was reported returning the Future Fund Bill 2005 without amendment.

#### 19 TELECOMMUNICATIONS (INTERCEPTION) 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.

Mr Wood addressing the House—

**20 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.

**DOCUMENTS**

The following documents were deemed to have been presented on 28 February 2006:

Defence Act—Determinations under section 58B—2006 Nos 6, 7, 8.

National Health Act—Determination under subsections 73AAG (6) and (7)—2006 No. HIB 5 [F2006L00608].

Veterans' Entitlements Act and Military Rehabilitation and Compensation Act—Instruments under subsection 196B—2006 Nos 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 [F2006L00614], [F2006L00615], [F2006L00616], [F2006L00617], [F2006L00619], [F2006L00620], [F2006L00621], [F2006L00623], [F2006L00626], [F2006L00625].

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mrs Draper, Mr Jenkins and Mr M. A. J. Vaile.



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

2004-05-06

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

No. 87

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

TUESDAY, 28 FEBRUARY 2006

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1 The Main Committee met at 4 p.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made and a petition was presented.

**3 FISHERIES LEGISLATION AMENDMENT (COOPERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005**

The order of the day having been read for the second reading—Mrs Ley (Parliamentary Secretary—Agriculture, Fisheries and Forestry) moved—That the bill be now read a second time.

*Document*

Mrs Ley presented an explanatory memorandum to the bill.

Debate ensued.

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 STATUTE LAW REVISION BILL (NO. 2) 2005**

The order of the day having been read for the second reading—Mr Ruddock (Attorney-General) moved—That the bill be now read a second time.

*Document*

Mr Ruddock presented an explanatory memorandum to the bill.

Debate ensued.

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.

**5 BANKRUPTCY LEGISLATION AMENDMENT (ANTI-AVOIDANCE) 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Ruddock presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Ruddock (Attorney-General), by leave, Government amendments (1) to (5) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the bill be reported to the House with amendments.

#### 6 FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) 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—*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:

- (1) notes that the first priority of family law should be to promote and secure the best interests of children and that this requires a focus on:
  - (a) the responsibility of parents to care for, love and provide security to children;
  - (b) the need to prevent children from being victims of, or exposed to, violence, abuse or neglect; and
  - (c) without compromising the above, the benefit to children of knowing and spending time with their parents;
- (2) notes that, despite this bill, the Howard Government has made shared parenting before and after separation more difficult through its constant attacks on Australian families, such as the recent industrial relations changes and its failure to meet the chronic child care shortage;
- (3) notes the risk that the Government is creating false expectations that this bill will create a right for parents spending equal time with their children, when the bill does not do this, in many cases this would not be appropriate and it shouldn’t automatically be the starting point for negotiations;
- (4) notes that the Government has improved its bill by adopting Labor’s ideas that:
  - (a) for parents intent on demanding parental ‘rights’, the Court will consider the extent to which parents have exercised their responsibilities as parents - recognising that parenting is a two-way street; and
  - (b) strengthened compliance measures should be coupled with costs for nuisance complainants, so that the right to seek a remedy cannot be used irresponsibly;
- (5) notes that the effectiveness of these reforms will fundamentally depend on the implementation of the Family Relationship Centres program, so that these centres can provide appropriate advice, counselling and referral as well as dispute resolution services and calls on the Government to commit to:
  - (a) providing adequate resources to Family Relationship Services and Centres;
  - (b) regular reappraisal of needs and funding to ensure free services;
  - (c) requiring that Family Relationship Centres focus on quality advice, not simply quantity of parenting plans;
  - (d) equipping staff to detect the signs of family violence and child abuse and manage violent clients;
  - (e) ensuring that Family Relationship Centres do not discriminate on the basis of race, religion, age, disability, gender or socio-economic disadvantage and are not used to advocate or encourage any particular political or religious agenda; and
  - (f) instituting a well-resourced and effective complaints process for people who have grievances with Family Relationship Centres or their staff;
- (6) demands that the Government immediately release accreditation and quality standards for Family Relationship Centres prior to mediation becoming compulsory;
- (7) notes that, while separating parents should be encouraged to settle their disputes without recourse to the Courts, litigation needs to be recognised and supported as a vital pathway for those cases involving family violence or abuse, entrenched conflict or intractable disputes;
- (8) notes that the Government needs to invest in and make public thorough, longitudinal research on:
  - (a) the consequences of family law reform;
  - (b) interaction between violence and family law; and

- (c) the need for a broad ranging parliamentary inquiry on violence in the community;
- (9) notes that the Government should, in the near future, conduct a review of how these changes work in practice, with particular consideration of the following issues:
  - (a) the operation of the requirement to consult on ‘major long-term issues’ (compared to the original recommendation from the Every Picture Tells a Story report limited to location);
  - (b) the interaction of parenting plans and court orders; and
  - (c) the need to review Schedule 3 as soon as the assessment report of the Family Court’s pilot of the Children’s Cases Program is available, given that these changes are being made before that pilot is completed and evaluated; and
- (10) notes the Government’s failure to consider a National Commissioner for Children and Young People, who could provide a role developing expertise in supporting children in family law matters” —

Debate resumed.

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

#### 7 ADJOURNMENT

On the motion of Mr C. P. Thompson, the Main Committee adjourned at 9.01 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