

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 125

WEDNESDAY, 13 SEPTEMBER 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

Mr G. M. O'Connor moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Industry, Tourism and Resources from coming into this place and providing a full and proper explanation as to why the Government:

- (1) misled farmers in a letter to the National Farmers Federation before the 2004 federal election promising that a re-elected Coalition Government would introduce a mandatory code of conduct for the horticulture industry;
- (2) falsely promised fruit and vegetable growers that the Government would introduce a mandatory code that would deliver a fairer deal on their terms of trade and on resolving disputes with produce buyers;
- (3) falsely promised that supermarket chains would be included in a mandatory code;
- (4) falsely promised that legislation for a mandatory code would be brought into Parliament within 100 days of the election;
- (5) falsely promised that the code would be overseen by the Australian Competition and Consumer Commission;
- (6) compromised the former Deputy Prime Minister, the Member for Gwydir, by dumping his promise to deliver a mandatory fruit and vegetable code;
- (7) wasted taxpayers' money by employing public servants and consultants to develop a draft mandatory code that will never see the light of day; and
- (8) falsely claimed that the code now being forced on the industry will be enforceable when in fact it will be voluntary.

Closure of Member

Mr Abbott (Leader of the House) moved—That the Member be no longer heard.

Question—put.

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

AYES, 77

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

NOES, 56

Mr Andren	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 Quick
Ms Bird	Mr Fitzgibbon	Ms King	Mr Ripoll
Mr Bowen	Mr Garrett	Dr Lawrence	Ms Roxon
Ms A. E. Burke	Mr Georganas	Ms Livermore	Mr Sawford
Mr A. S. Burke	Ms George	Mr McClelland	Mr Sercombe
Mr Byrne	Mr Gibbons	Ms Macklin	Mr S. F. Smith
Ms Corcoran	Ms Gillard	Mr McMullan	Mr Snowdon
Mr Crean	Ms Grierson	Mr Melham	Mr Tanner
Mr Edwards	Mr Griffin	Mr Murphy	Mr K. J. Thomson
Mrs Elliot	Ms Hall*	Mr B. P. O'Connor	Ms Vamvakinou
Ms A. L. Ellis	Mr Hatton	Mr G. M. O'Connor	Mr Wilkie
Ms K. M. Ellis	Mr Hayes	Ms Owens	Mr Windsor

* Tellers

And so it was resolved in the affirmative.

Ms Livermore (seconder) addressing the House—

Closure of Member

Mr Abbott moved—That the Member be no longer heard.

Question—put.

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

AYES, 77

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

NOES, 58

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

* 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, 58

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

NOES, 76

Mr Abbott	Mr Fawcett	Ms Ley	Mr Ruddock
Mr Andrews	Mr M. D. Ferguson	Mr Lindsay	Mr Schultz
Fran Bailey	Mr Forrest	Mr Lloyd	Mr Scott
Mr Baker	Ms Gambaro	Mr McArthur*	Mr A. D. H. Smith
Mr Baldwin	Mrs Gash	Mr Macfarlane	Mr Somlyay
Mr Barresi	Mr Georgiou	Mr McGauran	Dr Southcott
Mr Bartlett	Mr Haase	Mrs Markus	Dr Stone
Mrs B. K. Bishop	Mr Hardgrave	Mrs May	Mr C. P. Thompson
Ms J. Bishop	Mr Hartsuyker	Mrs Mirabella	Mr Ticehurst
Mr Broadbent	Mr Henry	Mrs Moylan	Mr Tollner
Mr Cadman	Mr Hockey	Mr Nairn	Mr Truss
Mr Causley	Mrs Hull*	Dr Nelson	Mr Tuckey
Mr Ciobo	Mr Hunt	Mr Neville	Mr Turnbull
Mr Cobb	Dr Jensen	Mr Pearce	Mr M. A. J. Vaile
Mr Downer	Mr Johnson	Mr Prosser	Mrs D. S. Vale
Mr Dutton	Mr Jull	Mr Pyne	Mr Vasta
Mrs Elson	Mr Keenan	Mr Randall	Mr Wakelin
Mr Entsch	Jackie Kelly	Mr Richardson	Dr Washer
Mr Farmer	Mr Laming	Mr Robb	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 HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF PRE-TRANSFER CONTRACTS) BILL 2006

Mr Pearce (Parliamentary Secretary to the Treasurer), pursuant to notice, presented a Bill for an Act to transfer pre-transfer contracts, associated documents and certain related rights and liabilities of the Commonwealth, and for related purposes.

Document

Mr Pearce presented an explanatory memorandum to the bill and to the Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006.

Bill read a first time.

Mr Pearce 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 HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF ASSETS AND ABOLITION) REPEAL BILL 2006

Mr Pearce (Parliamentary Secretary to the Treasurer), pursuant to notice, presented a Bill for an Act to repeal the *Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1996*, and for related purposes.

Bill read a first time.

Mr Pearce 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.

6 MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2006

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

7 INDEPENDENT CONTRACTORS 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 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 notes that this bill:

- (1) follows on from the Government’s extreme industrial relations changes which are a massive attack on living standards and living conditions, by removing rights, entitlements and conditions of Australian employees;
- (2) also removes rights, entitlements, conditions and protections afforded to Australians in the workplace, whether employees or independent contractors;
- (3) does this by allowing employees to be treated as “*independent contractors*”, thereby removing employee protections and entitlements and placing superannuation, tax, and workers’ compensation burdens on them;
- (4) does this by removing protections from independent contractors who are in a dependent contract position and as a consequence in an unequal bargaining position;
- (5) effects this by:
 - (a) continuing to use the common law definition of independent contractor as the basis of law without the guidance of statutory criteria;
 - (b) allowing employees to be treated as independent contractors in a sham way by ineffective anti-sham provisions;
 - (c) overriding State laws with employee deeming provisions;
 - (d) overriding State unfair contracts provisions which provide protection to employees, contractors and small business;
 - (e) overriding any future State and Territory owner-driver transport laws and putting existing State owner-driver transport laws at risk; and
 - (f) failing to provide any genuine protections for outworkers through ineffective outworker provisions, significantly weakening outworker entitlements; and
- (6) introduces even more complexity and confusion into Australia’s workplace laws; and

(7) treats the Senate Employment and Workplace Relations Committee reporting on these matters with contempt by dealing with the legislation prior to consideration of its report”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 77

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

NOES, 60

Mr Adams	Ms K. M. Ellis	Ms Hoare	Mr Price
Mr Albanese	Mr Emerson	Mrs Irwin	Mr Quick
Mr Andren	Mr L. D. T. Ferguson	Mr Katter	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 Crean	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	Mr Windsor

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 77

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

NOES, 60

Mr Adams	Ms K. M. Ellis	Ms Hoare	Mr Price
Mr Albanese	Mr Emerson	Mrs Irwin	Mr Quick
Mr Andren	Mr L. D. T. Ferguson	Mr Katter	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 Crean	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	Mr Windsor

* Tellers

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

Leave granted for third reading to be moved immediately.

Mr Andrews (Minister for Employment and Workplace Relations) moved—That the bill be now read a third time.

Question—put.

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

AYES, 76

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

NOES, 60

Mr Adams	Ms K. M. Ellis	Ms Hoare	Mr Price
Mr Albanese	Mr Emerson	Mrs Irwin	Mr Quick
Mr Andren	Mr L. D. T. Ferguson	Mr Katter	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 Crean	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	Mr Windsor

* Tellers

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

8 WORKPLACE RELATIONS LEGISLATION AMENDMENT (INDEPENDENT CONTRACTORS) BILL 2006

The order of the day having been read for the resumption of the debate on the question—That the bill be now read a second time—

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

Leave granted for third reading to be moved immediately.

On the motion of Mr Andrews (Minister for Employment and Workplace Relations), the bill was read a third time.

9 TAX LAWS AMENDMENT (2006 MEASURES NO. 5) 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 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 failing to adequately deal with major unresolved taxation issues including the:

- (1) failure to provide certainty to the former employees of James Hardie and their families by providing tax exempt status to the James Hardie Asbestos Victims Compensation Fund; and
- (2) creation of great uncertainty in the Australian business community by its failure to bring forward its review of loss recoupment rules”.

Debate continued.

Amendment negatived.

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

Message from the Governor-General

Message No. 203, 17 August 2006, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Leave granted for third reading to be moved immediately.

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

10 EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (2006 MEASURES NO. 1) 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.

11 QUESTIONS

Questions without notice being asked—

Document

Mr Hayes, by leave, presented the following document:

Workplace relations—LIPA Pharmaceuticals—Copies of—

Australian Workplace Agreement.

Certified Agreement, 2004.

Questions without notice continuing—

Member directed to leave

At 2.59 p.m. the Member for Fowler (Mrs Irwin) 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 continued.

12 DOCUMENT

Ms Gillard, by leave, during a personal explanation, presented the following documents:

Australia's health system—Copies of—

From Earle Page to turning the page—Australia's next health system—Speech by Ms Gillard, 22 August 2006.

Privatise Medicare and public hospitals—Media release by Mr Tuckey, 30 May 2006.

13 DOCUMENTS

The following documents were presented:

Australian Law Reform Commission—Report No. 104—Fighting words: A review of sedition laws in Australia, July 2006.

Migration Act 1958—Section 486O—Assessment of detention arrangements—
Government response to the Commonwealth Ombudsman’s statements—Personal identifiers 070/06 to 071/06.

Reports by the Commonwealth Ombudsman—Personal identifiers 070/06 to 071/06.

14 DOCUMENT—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE

Mr Abbott (Leader of the House), by leave, moved—That:

(1) the House take note of the following document:

Australian Law Reform Commission—Report No. 104—Fighting words: A review of sedition laws in Australia, July 2006;

(2) the debate be adjourned, and the resumption of the debate be made an order of the day for the next sitting; and

(3) the resumption of the debate on the motion be referred to the Main Committee.

Question—put and passed.

15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—CLIMATE CHANGE

The House was informed that Mr Albanese had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The need for strong Government action to address the threat posed to Australia’s environment and economy by dangerous climate change”.

The proposed discussion having received the necessary support—

Mr Albanese addressed the House.

Discussion ensued.

Discussion concluded.

16 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS

Mrs Moylan (Chair) presented the following documents:

Public Works—Parliamentary Standing Committee—Reports—

Facilities upgrade to the Shoalwater Bay training area, Rockhampton, Qld (Fourteenth report of 2006).

Facilities for troop lift helicopter, RAAF Base Townsville, Qld (Fifteenth report of 2006).

Reports ordered to be made Parliamentary Papers.

Mrs Moylan and Mr B. P. O’Connor, by leave, made statements in connection with the reports.

17 NATIONAL CATTLE DISEASE ERADICATION ACCOUNT AMENDMENT BILL 2006—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee, a Governor-General’s message recommending an appropriation had been reported, and the bill had been agreed to without amendment, and presented a certified copy of the bill.

Bill agreed to.

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

18 MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY AMENDMENT (MARITIME SECURITY GUARDS AND OTHER MEASURES) BILL 2005—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 Dutton (Minister for Revenue and Assistant Treasurer), by leave, the bill was read a third time.

19 MESSAGE FROM THE SENATE—PETROLEUM RETAIL LEGISLATION REPEAL BILL 2006

A message from the Senate was reported returning the following bill with an amendment:

13 September 2006—Message No. 369—Petroleum Retail Legislation Repeal 2006.

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

20 EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (2006 MEASURES NO. 1) 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.

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

Consideration in detail

Bill, by leave, taken as a whole.

Ms Livermore moved the Opposition amendment.

Debate continued.

Amendment negatived.

Bill agreed to.

Consideration in detail concluded.

Leave granted for third reading to be moved immediately.

On the motion of Ms J. Bishop (Minister for Education, Science and Training), the bill was read a third time.

21 EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (2006 MEASURES NO. 2) BILL 2006

The order of the day having been read for the resumption of the debate on the question—That the bill be now read a second time—

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

Leave granted for third reading to be moved immediately.

On the motion of Ms J. Bishop (Minister for Education, Science and Training), the bill was read a third time.

22 HIGHER EDUCATION LEGISLATION AMENDMENT (2006 BUDGET AND OTHER 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—

Debate resumed by Ms Macklin (Deputy Leader of the Opposition) 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:

- (1) jeopardising Australia’s future prosperity by reducing public investment in tertiary education, as the rest of the world increases their investment;
- (2) failing to invest in education, training, distribution and retention measures to ensure that all of Australia has enough doctors, nurses and other health care professionals to meet current and future health care needs;
- (3) massively increasing the cost of HECS, forcing students to pay up to \$30,000 more for their degree;
- (4) creating an American style higher education system, where students pay more and more, with some full fee degrees costing more than \$200,000 and nearly 100 full fee degrees costing more than \$100,000;
- (5) massively increasing the debt burden on students with total HELP debt now over \$13 billion and projected to rise to \$18.8 billion in 2009;
- (6) failing to address serious concerns about standards and quality in the higher education system, putting at risk Australia’s high educational reputation and fourth largest export industry; and
- (7) an inadequate and incoherent policy response to the needs of the university system to diversify, innovate and meet Australia’s higher education needs”.

Debate continued.

Mr Emerson addressing the House—

23 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 9 a.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 13 September 2006:

AusLink (National Land Transport) Act—Variation under subsection 88(1)—2006 AusLink roads to recovery list No. 2 [F2006L03043].

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order—2006 Civil Aviation Amendment Order 40.1.0 (No. 2) [F2006L03013].

Civil Aviation Safety Regulations—Airworthiness Directive—Part 39-106—2006, 11 September [F2006L03048].

Customs Act—Tariff Concession Orders—2006—
15 August [F2006L03016].

25 (4) August [F2006L03018], [F2006L03019], [F2006L03020], [F2006L03022].

1 (4) September [F2006L03017], [F2006L03026], [F2006L03030], [F2006L03031].

Customs Tariff Act—Notice—2006 Customs Tariff (Safeguard goods) (No. 2) [F2006L02958].

Financial Management and Accountability Act—Net Appropriation Agreements under section 31—
2006 24 August [F2006L03014].

Migration Act—

Migration Agents Regulations—Notices—2006—

Migration Agents (Continuing professional development—Attendance at a seminar, workshop, conference or lecture) [F2006L03010].

Migration Agents (Continuing professional development—Miscellaneous activities) [F2006L03011].

Migration Agents (Continuing professional development—Private study of audio, video or written material) [F2006L03009].

Migration Agents (Continuing professional development—*Pro bono* activities) [F2006L03012].

Regulations—Select Legislative Instrument—2006 No. 238 [F2006L02979].

Motor Vehicle Standards Act—Guidelines—2006 Motor Vehicle Standards (Approval to place used import plates) (No. 1) Amendment 1 [F2006L03046].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anderson, Mr Baird, Mr Costello, Mr Danby, Mr Kerr* and Mr Slipper.

* On leave

I. C. HARRIS

Clerk of the House of Representatives

2004-05-06

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 125

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 13 SEPTEMBER 2006

1 The Main Committee met at 9.30 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements being made—

Suspension of meeting

At 9.53 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of meeting

At 10.14 a.m., the proceedings were resumed.

Members' statements continued.

3 **NATIONAL CATTLE DISEASE ERADICATION ACCOUNT 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.

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

Message from the Governor-General

Message No. 202, 18 August 2006, 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 **MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY AMENDMENT (MARITIME SECURITY GUARDS AND OTHER 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—*And on the amendment moved thereto by Mr Bevis, 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 its failure to provide necessary maritime security and protect Australians, including:

- (1) its careless and widespread use of single and continuing voyage permits for foreign vessels with foreign crew who do not undergo appropriate security checks;
- (2) permitting foreign flag of convenience ships to carry dangerous goods on coastal shipping routes; and
- (3) failing to:
 - (a) ensure ships provide details of crew and cargo 48 hours before arrival;

- (b) x-ray or inspect 90 per cent of containers;
- (c) establish and properly fund an Australian coastguard; and
- (d) establish a Department of Homeland Security to better coordinate security in Australia”—

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 the question on the report to be put immediately.

Question—That the bill be reported to the House without amendment—put and passed.

5 LOCAL GOVERNMENT—MOTION BY MR LLOYD (MINISTER FOR LOCAL GOVERNMENT, TERRITORIES AND ROADS)—RESUMPTION OF DEBATE

The order of the day having been read for the resumption of the debate on the motion of Mr Lloyd (Minister for Local Government, Territories and Roads)—That this House:

- (1) recognises that local government is part of the governance of Australia, serving communities through locally elected councils;
- (2) values the rich diversity of councils around Australia, reflecting the varied communities they serve;
- (3) acknowledges the role of local government in governance, advocacy, the provision of infrastructure, service delivery, planning, community development and regulation;
- (4) acknowledges the importance of cooperating with and consulting with local government on the priorities of their local communities;
- (5) acknowledges the significant Australian Government funding that is provided to local government to spend on locally determined priorities, such as roads and other local government services; and
- (6) commends local government elected officials who give their time to serve their communities—

And on the amendment moved thereto by Mr Albanese, viz.—That paragraph (1) be omitted and the following paragraph substituted:

“(1) supports a referendum to extend constitutional recognition to local government in recognition of the essential role it plays in the governance of Australia”—

Debate resumed.

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

6 ADJOURNMENT

On the motion of Mr Hartsuyker, the Main Committee adjourned at 1.04 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