

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 67

MONDAY, 7 NOVEMBER 2005

1 The House met, at 12.30 p.m., pursuant to adjournment.

2 ABSENCE OF SPEAKER

The Clerk having informed the House that the Speaker (The Honourable David Hawker) was absent until later this day, the Deputy Speaker (The Honourable Ian Causley) took the Chair as Acting Speaker, and read Prayers.

3 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mr Baird presented the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Australia's free trade agreements with Singapore, Thailand and the United States: progress to date and lessons for the future—Report, November 2005.

Ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

The time allotted for making statements on the report having expired—

Mr Baird moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

4 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mr Baldwin (Chair) presented the following document:

Public Accounts and Audit—Joint Committee—Report 404—Review of Auditor-General's Reports 2003-04 3rd and 4th quarters; and 1st and 2nd quarters of 2004-05, October 2005.

Ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

The time allotted for making statements on the report having expired—

Mr Baldwin moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

5 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mrs May presented the following document:

Treaties—Joint Standing Committee—Report 68—Treaties tabled on 7 December 2004 (5) and 9 August 2005: International Treaty on Plant Genetic Resources for Food and Agriculture; Treaty of Amity and Cooperation in Southeast Asia as amended by the Protocol amending the Treaty of Amity and Cooperation in Southeast Asia and the Second Protocol amending the Treaty of Amity and Cooperation in Southeast Asia; Supplementary Agreement between the Government of the United

Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia concerning the Anglo-Australian Optical Telescope, at Siding Spring, New South Wales, October 2005.

Ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

The time allotted for making statements on the report having expired—

Mrs May moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

6 FUEL PRICES

Mr Byrne, pursuant to notice, moved—That this House:

- (1) notes the alarming and rapid increase in fuel prices in the South-eastern suburbs of Melbourne and across Australia;
- (2) recognises the severe implications of exorbitant fuel prices for local businesses and family budgets;
- (3) acknowledges residents' concerns about reported instances of possible price gouging practices within the petroleum refining and distribution industry; and
- (4) asks the Treasurer to direct the Australian Competition and Consumer Commission to formally monitor prices under Part VIIA of the *Trade Practices Act 1974*.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 43, Ms Corcoran was granted leave to continue her speech when the debate is resumed, and the resumption of the debate was made an order of the day for the next sitting.

7 MEMBERS' STATEMENTS

Members' statements were made and a petition was presented.

8 QUESTIONS

Questions without notice being asked—

Document

Mr Costello (Treasurer) presented the following document:

Labor plans to set out priorities: Roads, rail, communications top list—Copy of article in *Northern Star*, 11 June 2005.

Questions without notice continuing—

Member directed to leave

At 2.41 p.m. the Member for Oxley (Mr Ripoll) 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.

Member directed to leave

At 2.42 p.m. the Member for Grayndler (Mr Albanese) 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 continued.

9 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 Prime Minister from being required to provide this House with a full and proper explanation of his role in:

- (a) the expenditure of more than \$50 million of taxpayers' money on a Liberal Party political advertising campaign in a desperate attempt to sell his extreme industrial relations changes;

- (b) the fact that this expenditure includes taxpayers' money which has been wasted on the production of 6 million propaganda booklets, with some 5.8 million booklets sitting in warehouses around the country; and
- (c) the decision to pulp nearly half a million booklets because the word 'fairer' had to be inserted on the cover consistent with the advice of the Government's spin doctors despite the fact that the Government's bill expressly removes reference to a fair minimum wage.

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, 82

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

NOES, 58

Mr Adams	Mr Emerson	Mrs Irwin	Mr Price
Mr Beazley	Mr L. D. T. Ferguson	Mr Jenkins	Mr Quick
Mr Bevis	Mr M. J. Ferguson	Mr Kerr	Ms Roxon
Ms Bird	Mr Fitzgibbon	Ms C. King	Mr Rudd
Mr Bowen	Mr Garrett	Dr Lawrence	Mr Sercombe
Ms A. E. Burke	Mr Georganas	Ms Livermore	Mr S. F. Smith
Mr A. S. Burke	Ms George	Mr McClelland	Mr Snowdon
Mr Byrne	Mr Gibbons	Ms Macklin	Mr Swan
Ms Corcoran	Ms Gillard	Mr McMullan	Mr Tanner
Mr Crean	Ms Grierson	Mr Melham	Mr K. J. Thomson
Mr Danby*	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.

Mr S. F. Smith (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, 82

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

NOES, 58

Mr Adams	Mr Emerson	Mrs Irwin	Mr Price
Mr Beazley	Mr L. D. T. Ferguson	Mr Jenkins	Mr Quick
Mr Bevis	Mr M. J. Ferguson	Mr Kerr	Ms Roxon
Ms Bird	Mr Fitzgibbon	Ms C. King	Mr Rudd
Mr Bowen	Mr Garrett	Dr Lawrence	Mr Sercombe
Ms A. E. Burke	Mr Georganas	Ms Livermore	Mr S. F. Smith
Mr A. S. Burke	Ms George	Mr McClelland	Mr Snowdon
Mr Byrne	Mr Gibbons	Ms Macklin	Mr Swan
Ms Corcoran	Ms Gillard	Mr McMullan	Mr Tanner
Mr Crean	Ms Grierson	Mr Melham	Mr K. J. Thomson
Mr Danby*	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, 59

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

NOES, 81

Mr Abbott	Mr Fawcett	Mrs Ley	Mr Scott
Mr Andrews	Mr M. D. Ferguson	Mr Lindsay	Mr Secker
Mr Baird	Mr Forrest*	Mr Lloyd	Mr Slipper
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 Stone
Mr Bartlett	Mr Haase	Mrs Markus	Mr C. P. Thompson
Mr Billson	Mr Hardgrave	Mrs May	Mr Ticehurst
Mrs B. K. Bishop	Mr Hartsuyker	Mrs Moylan	Mr Tollner
Ms J. Bishop	Mr Henry	Mr Nairn	Mr Truss
Mr Broadbent	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Brough	Mr Howard	Mr Neville	Mr Turnbull
Mr Cadman	Mrs Hull	Ms Panopoulos	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 Costello	Mr Jull	Mr Randall	Dr Washer
Mrs Draper	Mr Keenan	Mr Richardson	Mr Wood
Mr Dutton	Mrs D. M. Kelly	Mr Robb	
Mrs Elson	Jackie Kelly	Mr Ruddock	
Mr Entsch	Mr Laming	Mr Schultz	

* Tellers

And so it was negatived.

10 PETITIONS

Petitions lodged for presentation were announced.

11 CLEMENCY FOR MR NGUYEN TUONG VAN

Mrs Moylan, pursuant to notice, moved—That this House:

- (1) acknowledges the shared history and strong relationship between Australia and Singapore;
- (2) strongly supports representations by the Prime Minister, the Hon. John Howard MP, to the Government of Singapore for clemency on behalf of Mr Nguyen Tuong Van, who was recently convicted and sentenced to death for drug trafficking by the Singapore Court;
- (3) supports the representation by the Minister for Foreign Affairs, the Hon. Alexander Downer MP, the Leader of the Opposition, the Hon. Kim Beazley MP, Mr Kevin Rudd MP, and Members and Senators of the Australian Parliament who have supported a plea for clemency as outlined above;

- (4) expresses profound regret that the Prime Minister of Singapore, HE Mr Lee Hsien Loong, and his Cabinet have rejected the pleas for clemency;
- (5) notes that although the Singapore Court has adhered to due process, there remains an option for the Prime Minister and Cabinet of Singapore to overturn the death sentence, replacing it with a prison sentence;
- (6) acknowledges the severe social impact that drug trafficking and drug use has on communities around the world and respects the strong stance by Singapore in its policies to combat this illegal trade and its worst effects;
- (7) re-affirms Australia's opposition to capital punishment;
- (8) believes that there are mitigating circumstances arising from this case that warrant consideration of clemency for Mr Nguyen;
- (9) respectfully calls on the Singapore Prime Minister and Cabinet to reconsider the plea by the Australian Government for clemency in the case of Mr Nguyen Tuong Van; and
- (10) asks the Singapore Government to overturn the death sentence imposed on Mr Nguyen and replace it with an appropriate prison term.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

12 NATIONAL DRIVER EDUCATION PROGRAM

Mrs May, pursuant to notice, moved—That this House:

- (1) recognises that:
 - (a) Australia-wide, over a quarter of all drivers killed and seriously injured each year are young adult drivers;
 - (b) road traffic injuries are a public health issue and road traffic crashes can be prevented;
 - (c) in addition to the burden of personal suffering, the monetary cost of crashes is in the order of \$15 billion per annum; and
 - (d) during the 2004 election, the Australian Government committed to work with the States and Territories to introduce a national compulsory driver education scheme for all new provisional licence holders by 2007;
- (2) calls on the Australian Government to deliver a National Education Program, that is both compulsory and intensive, through our schools involving a minimum of 120 hours of practical driver experience and nationally recognized credentials to be delivered as a Certificate II course; and
- (3) on a bipartisan level provides young adults with the skills and knowledge necessary to stay safe on Australian roads.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

13 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 44, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

14 MESSAGE FROM THE SENATE

Message No. 213, 3 November 2005, from the Senate was reported returning the Anti-Terrorism Bill 2005 without amendment.

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:

3 November 2005—Message No. 117—Anti-Terrorism 2005.

16 SUSPENSION OF STANDING ORDERS 31 AND 33

Mr Cobb (Minister for Citizenship and Multicultural Affairs), for Mr Abbott (Leader of the House), pursuant to notice, moved—That standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 9.30 p.m.) be suspended for the sittings on Monday, 7 November 2005 and Tuesday, 8 November 2005.

Debate ensued.

Question—put and passed.

17 WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) 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 S. F. Smith, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House declines to give the bill a second reading, because the House condemns the Government:

- (a) for failing to allow the House of Representatives and the Australian people proper scrutiny of the bill prior to the debate in the House;
- (b) for spending over \$55 million dollars of taxpayers’ money advertising Liberal Party policy proposals before the *WorkChoices* legislation has entered the Parliament;
- (c) for misleading the Australian people in those advertisements by making unsubstantiated assertions about the benefits of these changes and misrepresenting the extent to which employees will lose their rights under the *WorkChoices* legislation;
- (d) for creating an industrial relations system that is extreme, unfair and divisive;
- (e) for failing to put working families first in developing its plans to dramatically change Australia’s industrial relations laws;
- (f) specifically, for failing to commission and publish a Family Impact Statement as promised during the election for all family related legislation;
- (g) for failing to provide a guarantee that no individual Australian employee will be worse off under the extreme industrial relations changes;
- (h) for attacking the living standards of Australian employees and their families by removing the ‘no disadvantage test’ from collective and individual agreements;
- (i) by allowing employees to be forced onto unfair Australian Workplace Agreements as a condition of employment;
- (j) for abolishing annual wage increases made by the Australian Industrial Relations Commission for workers under Awards with the objective of reducing the Minimum Wage in real terms, and by removing the requirement that fairness be taken into account in the calculation of the Minimum Wage;
- (k) for delaying the next National Wage Case by a period of six months, so that at least 1.7 million workers under Awards will not receive a wage increase for a period of 18 months or longer;
- (l) for undermining family life by proposing to give employers the power to change employees’ work hours without reasonable notice;
- (m) for destroying rights achieved through the hard work of generations of Australian workers;
- (n) for undermining the principles of fairness that underpinned the Australian industrial relations system for the past hundred years;
- (o) for gutting the Australian Industrial Relations Commission and eliminating the role of an independent umpire to ensure fair wages and conditions and resolve disputes;
- (p) for developing proposals that will deliberately distort the workplace bargaining relationship in favour of employers and against employees;

- (q) for denying Australian employees the capacity to bargain collectively with their employer for decent wages and conditions;
- (r) for denying individuals the right to reject individual contracts which cut pay and conditions and undermine collective bargaining and union representation;
- (s) for allowing individual contracts to undermine the rights of Australian workers under collective agreements and Awards, for instance by eliminating penalty rates, shift loadings, overtime and holiday pay and other Award conditions;
- (t) for removing from almost 4 million employees any protection from unfair dismissal;
- (u) for refusing to consult with State Governments in developing a unitary industrial relations system resulting in an inadequate and incomplete national system;
- (v) for launching an unprovoked attack on responsible trade unions and asserting that those unions have no role in the economic and social future of Australia;
- (w) for proposing to jail union representatives or fine them up to \$33,000 if they negotiate to include health and safety, training and other clauses in agreements;
- (x) for ignoring the concerns of the Australian community and Churches of the adverse impact these changes will have on Australian employees and their families;
- (y) for failing to guarantee that wages will be sustained or increased in real terms under these changes; and
- (z) for seeking to justify these measures by asserting that slashing wages will somehow make Australia more competitive, more productive, and increase employment”—

Debate resumed.

Documents

Mr Edwards, by leave, presented the following documents:

Industrial relations and the role of unions—Form letters (446) to the Prime Minister.

Debate continued.

Mr Tuckey 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.

18 ADJOURNMENT

Mr Pyne (Parliamentary Secretary to the Minister for Health and Ageing) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11.01 p.m., adjourned until 2 p.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 7 November 2005:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal—2005 No. 10.

Customs Act—Tariff Concession Orders—2005 21 (20) October [F2005L03347], [F2005L03348], [F2005L03349], [F2005L03350], [F2005L03351], [F2005L03352], [F2005L03353], [F2005L03354], [F2005L03355], [F2005L03371], [F2005L03372], [F2005L03380], [F2005L03381], [F2005L03382], [F2005L03383], [F2005L03384], [F2005L03385], [F2005L03386], [F2005L03387], [F2005L03391].

Motor Vehicle Standards Act—Determinations—2005—

Vehicle Standard (Australian design rule 80/00—Emission control for heavy vehicles) [F2005L03375].

Vehicle Standard (Australian design rule 80/01—Emission control for heavy vehicles) [F2005L03392].

Parliamentary Entitlements Act—Advice under paragraph 18(a)—1 November 2005.

Sydney Airport Curfew Act—Dispensation Report—2005 No. 9.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anderson, Fran Bailey, Mr Farmer, Mr Sawford, and Dr Southcott*.

* On leave

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I. C. HARRIS

Clerk of the House of Representatives