

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 73

WEDNESDAY, 30 NOVEMBER 2005

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 Swan moved—That so much of the standing and sessional orders be suspended as would prevent the Treasurer from:

- (1) answering the following questions in the House:
 - (a) did the Treasurer say to Mr Gerard and I quote: “I know there is an issue with the Tax Office but I don’t have a problem with you on the Board”; and
 - (b) what communications were there between Mr Robert Gerard and the Attorney-General’s Office regarding his dispute with the Australian Taxation Office prior to Mr Gerard’s appointment to the Board of the Reserve Bank of Australia and what was the Treasurer’s knowledge of this exchange; and
- (2) tabling all documents held by all Ministers and their departments relating to Mr Gerard’s appointment to the Reserve Bank Board and his dispute with the Australian Taxation Office.

Closure of Member

Mr Pearce (Parliamentary Secretary to the Treasurer) moved—That the Member be no longer heard.

Question—put.

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

AYES, 81

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

Mrs Elson Jackie Kelly Mr Schultz

NOES, 57

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

* Tellers

And so it was resolved in the affirmative.

Ms Gillard (seconder) addressing the House—

Closure of Member

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

Question—put.

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

AYES, 81

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

NOES, 57

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

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

NOES, 82

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

* Tellers

And so it was negatived.

3 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (WELFARE TO WORK 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—

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: “the House declines to give the bill a second reading, because the House condemns the Government for:

- (1) failing to allow the parliament and the Australian people proper scrutiny of the bill;
- (2) ignoring the concerns raised in the Senate’s inquiry into this bill;
- (3) after nine long years, failing to implement real welfare reform that tackles the reason someone isn’t working and delivers practical solutions;
- (4) simply dumping people from one welfare payment to a lower welfare payment;
- (5) making extreme cuts to the household budgets of vulnerable Australian families;
- (6) decreasing the rewards from moving from welfare to work, to the extent that people may actually end up poorer from work than they would have been on welfare;
- (7) failing to provide any modelling to support their case for putting people on a lower welfare payment to help them gain work;
- (8) failing its own test of welfare reform by failing to address the growing number of people on welfare;
- (9) failing to provide adequate assistance for people moving from welfare to work, particularly for making insufficient investment in vocational education and training;
- (10) failing to guarantee in legislation that welfare recipients can meet their Newstart obligations by improving their job skills through training, and restricting access to the Pensioner Education Supplement;
- (11) implementing an unduly punitive compliance system;
- (12) failing to provide that parents can legitimately decline a job where the costs of child care would wipe out their income or worse; and

(13) providing insufficient protections for vulnerable Australians in legislation, and relying too much on guidelines”.

Debate continued.

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.

4 QUESTIONS

Questions without notice being asked—

Document

Mr Hockey (Minister for Human Services) presented the following document:

Centrelink voluntary referrals to the job network—Cumulative totals since November 2004—Graph.

Questions without notice continued.

5 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 18 of 2005–2006—Performance audit—Customs compliance assurance strategy for international cargo: Australian Customs Service.

Ordered to be made a Parliamentary Paper.

6 DOCUMENTS

The following documents were presented:

Australian Industry Development Corporation—Report for 2004-05.

Australian Institute of Health and Welfare—Report—Australia's welfare 2005.

Australian Public Service Commission—State of the service—Report for 2004-05.

Federal Court of Australia—Report for 2004-05.

Federal Magistrates Court of Australia—Report for 2004-05.

Fisheries Research and Development Corporation—Report for 2004-05.

Human Rights and Equal Opportunity Commission—Report for 2004-05.

International Labour Organisation—Submission report on ILO instruments adopted in June 2004.

National Capital Authority—Report for 2004-05.

7 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Mr Abbott (Leader of the House) moved—That the House take note of the following documents:

Australian Public Service Commission—State of the service—Report for 2004-05.

International Labour Organisation—Submission report on ILO instruments adopted in June 2004.

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

8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—RESERVE BANK BOARD

The House was informed that Mr Swan had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The need for the Treasurer to uphold the highest standards of probity in the selection of candidates for the Reserve Bank Board”.

The proposed discussion having received the necessary support—

Mr Swan addressed the House.

Discussion ensued.

Discussion concluded.

9 DOCUMENTS

Mr Costello (Treasurer), during a personal explanation, presented the following documents:

Democrats probe donation—Copy of article by Chris Griffith, *The Courier Mail*, 27 November 2000.

Swan denies paying for votes—Copy of article by Dennis Atkins, *The Courier Mail*, 29 November 2000.

10 MIGRATION AND OMBUDSMAN LEGISLATION AMENDMENT 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 Macfarlane (Minister for Industry, Tourism and Resources), by leave, the bill was read a third time.

11 EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT AMENDMENT BILL 2005—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 Macfarlane (Minister for Industry, Tourism and Resources), by leave, the bill was read a third time.

12 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

13 PARLIAMENTARY ZONE—RECONCILIATION PLACE STAGE 3—APPROVAL OF PROPOSAL

Mr Lloyd (Minister for Local Government, Territories and Roads), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 28 November 2005, namely: Reconciliation Place stage 3.

Question—put and passed.

14 PARLIAMENTARY ZONE—CONSTRUCTION OF KIOSK CONCESSION BUILDINGS ON THE SOUTHERN FORESHORE OF LAKE BURLEY GRIFFIN—APPROVAL OF PROPOSAL

Mr Lloyd (Minister for Local Government, Territories and Roads), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 28 November 2005, namely: Construction of kiosk concession buildings on the southern foreshore of Lake Burley Griffin.

Question—put and passed.

15 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (WELFARE TO WORK 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 Ms Macklin (Deputy Leader of the Opposition) (see item No. 3, page 814)—*

Debate resumed.

Mr Gibbons addressing the House—

16 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 Deputy Speaker adjourned the House until tomorrow at 9 a.m.

DOCUMENTS

The following documents were deemed to have been presented on 30 November 2005:

Banking Act—Banking (Foreign Exchange) Regulations—2005 Direction relating to foreign currency transactions and to Zimbabwe—Amendment to the annex [F2005L03697].

Broadcasting Services Act—Guidelines—Broadcasting Services (International Broadcasting) 2005 [F2005L03712].

Customs Act—

By-Laws—2005 Nos 0540005, 0540006 [F2005L03751], [F2005L03748].

Tariff Concession Revocation Orders—2005—

17 (2) November [F2005L03733], [F2005L03734].

21 November [F2005L03737].

23 (3) November [F2005L03731], [F2005L03732], [F2005L03735].

Defence Act, Naval Defence Act and Air Force Act—Regulations—Select Legislative Instrument—2005 No. 276 [F2005L03686].

Financial Management and Accountability Act—Directions under section 32—2005-2006 Nos 10, 11 [F2005L03709], [F2005L03715].

Food Standards Australia New Zealand Act—Direction under section 11—28 October 2005.

Higher Education Support Act—Guidelines—Commonwealth Grant Scheme—2005 Amendment No. 5 [F2005L03802].

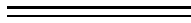
National Health Act—

Arrangements under subparagraph 100(1)(b)(i)—2005 No. PB 36 [F2005L03742].

Declaration under subsection 85(2)—2005 No. PB 30 [F2005L03723].

Determination under sections 85, 85A and 88—2005 No. PB 32 [F2005L03727].

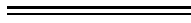
Private Health Insurance Complaints Levy Act—Regulations—Select Legislative Instrument—2005 No. 274 [F2005L03690].



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Albanese, Mrs Draper, Mr Dutton and Dr Southcott*.

* On leave



I. C. HARRIS
Clerk of the House of Representatives

2004-05

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 73

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 30 NOVEMBER 2005

1 The Main Committee met at 9.30 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 MIGRATION AND OMBUDSMAN LEGISLATION 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 A. S. Burke, 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, for the bill to be effective in delivering more humane treatment of detainees, it is essential that the culture within the Department of Immigration, Multicultural and Indigenous Affairs needs to change;
- (2) recognises that the independent reports produced by Mr Mick Palmer AO APM and by the Commonwealth Ombudsman, Prof. John McMillan, of an inquiry undertaken by Mr Neil Comrie AO APM, each conclude that the cultural problems became entrenched in the years leading up to 2001;
- (3) condemns the refusal by the then Minister for Immigration and current Attorney-General to take responsibility for that culture;
- (4) condemns the refusal by the current Minister for Immigration to take responsibility for the continuation of that culture;
- (5) agrees with the finding of Mr Palmer's report that “Reform must come from the top” and therefore calls on the Prime Minister to dismiss the Attorney General and the Minister for Immigration;
- (6) calls on the Government to take action to terminate the contracts which outsource the management of detention centres to Global Solutions Ltd; and
- (7) calls on the Government to return the management of detention centres to the Commonwealth and locate all detention centres on Commonwealth Territory”—

Debate resumed.

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 EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT 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—

Debate resumed.

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

Message from the Governor-General

Message No.124, 4 November 2005, 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.

5 DEFENCE LEGISLATION AMENDMENT BILL (NO. 2) 2005

The order of the day having been read for the second reading—Mrs D. M. Kelly (Minister Assisting the Minister for Defence) moved—That the bill be now read a second time.

Document

Mrs D. M. Kelly presented an explanatory memorandum to the bill.

Debate ensued.

Mr McClelland 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) condemns the Government for its failure to implement in full the recommendations of the Senate Foreign Affairs, Defence and Trade References Committee report on military justice 2005;
- (2) notes that the measures contained in this bill will not be sufficient to address the issues of bullying, harassment, victimisation, intimidation, bias and failure of natural justice which have been revealed so regularly in the last decade; and
- (3) notes that unless the Government properly deals with this matter in a determined fashion, the reputation of Australia’s armed forces will continue to be unfairly sullied and remain a deterrent for talented young Australians to join the ADF”.

Debate continued.

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

6 ADJOURNMENT

On the motion of Mr Barresi, the Main Committee adjourned at 1.01 p.m.

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



B. C. WRIGHT
Clerk of the Main Committee