

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 81

THURSDAY, 9 FEBRUARY 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 **TRADE PRACTICES AMENDMENT (NATIONAL ACCESS REGIME) 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 Fitzgibbon, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the bill a second reading, the House condemns the Government for:

- (1) delaying the introduction of this bill for almost 3 years since the Productivity Commission report was released;
- (2) failing to amend Part IIIA of the Trade Practices Act to include the pricing principles in the bill;
- (3) failing to properly indicate the relationship of this bill to report of the infrastructure Task Force;
- (4) failing to produce a single, clear and pro-competitive legislative framework for infrastructure regulation; and
- (5) adding to the complexities of the regime and posing further time delays by providing for a merit-based appeal against declaration arbitration outcomes”—

Debate resumed.

Amendment negatived.

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

Consideration in detail

Bill, by leave, taken as a whole.

Document

Mr Pearce (Parliamentary Secretary to the Treasurer) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Pearce, by leave, Government amendments (1) to (4) were made together.

Mr Fitzgibbon, by leave, moved the Opposition amendment.

Question—That the amendment be agreed to—put.

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

AYES, 58

Mr Albanese	Mr L. D. T. Ferguson	Mr Jenkins	Mr Quick
Mr Beazley	Mr M. J. Ferguson	Mr Kerr	Mr Ripoll
Ms Bird	Mr Fitzgibbon	Ms C. King	Ms Roxon
Mr Bowen	Mr Garrett	Dr Lawrence	Mr Rudd
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 Swan
Mr Danby*	Mr Griffin	Mr Murphy	Mr Tanner
Mr Edwards	Ms Hall*	Mr B. P. O'Connor	Mr K. J. Thomson
Mrs Elliot	Mr Hatton	Mr G. M. O'Connor	Ms Vamvakinou
Ms A. L. Ellis	Mr Hayes	Ms Owens	Mr Wilkie
Ms K. M. Ellis	Ms Hoare	Ms Plibersek	
Mr Emerson	Mrs Irwin	Mr Price	

NOES, 80

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

* Tellers

And so it was negatived.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

3 AMENDMENTS TO STANDING ORDERS

Mr Abbott (Leader of the House), pursuant to notice, moved—

(1) That standing orders 240 and 241 be amended to read:

240 Admission of visitors

- (a) A committee or a subcommittee may admit visitors when it is examining a witness or gathering information in other proceedings.
- (b) All visitors must leave if:
 - (i) the Chair asks them to;

- (ii) the committee or subcommittee resolves that they leave; or
- (iii) the committee or subcommittee is deliberating or hearing witnesses in private.

241 Admission of other Members

Other Members, who are not Members of the committee, may be admitted when a committee or subcommittee is examining a witness, or gathering information in other proceedings. Other Members must leave when the committee or subcommittee is deliberating, or hearing witnesses in private, or if the committee or subcommittee resolves that they leave.

- (2) That, unless otherwise ordered, the following amendments to the standing orders be adopted to operate for the remainder of 2006:
 - (A) In standing order 1, **Maximum speaking times**, the section of the table headed *Committee and delegation reports on Mondays* be amended to read:

<i>Committee and delegation reports on Mondays</i>	
<i>in the House</i>	
Each Member	10 mins maximum, as allotted by the Selection Committee
<i>in the Main Committee</i>	
Each Member	10 mins
<i>(standing orders 39, 40, 192(b))</i>	

- (B) In standing order 1, **Maximum speaking times**, after the section of the table headed *Condolence motion*, the following new section be inserted:

<i>Dissent motion</i>	
Whole debate	30 mins
Mover	10 mins
Seconder	5 mins
Member next speaking	10 mins
Any other Member	5 mins
<i>(standing order 87)</i>	

- (C) Standing order 39 be amended to read:

39 Presentation of reports

- (a) Members can present reports of committees or delegations:
 - (i) as agreed by the Selection Committee, following prayers on Mondays; or
 - (ii) at any time when other business is not before the House.
- (b) Members can make statements in relation to these reports:
 - (i) during the special set period on Mondays (*standing order 34*); the Selection Committee shall set time limits for statements, of not more than 10 minutes for each Member; or
 - (ii) at any other time, by leave of the House.
- (c) The Member presenting a report may move without notice, a specific motion in relation to the report. When a report has been presented on Monday under paragraph (a)(i) debate on the question shall be adjourned to a later hour and a motion may be moved that the report be referred to the Main Committee. In other cases debate shall be adjourned to a future day.

- (D) Standing order 40 be amended to read:

40 Resumption of debate on reports

- (a) After presentation of reports on Mondays proceedings may be resumed on motions in relation to committee and delegation reports moved on an earlier day.
- (b) For debate in accordance with paragraph (a) the Selection Committee shall set:
 - (i) the order in which motions are to be considered;

- (ii) time limits for the whole debate; and
- (iii) time limits for each Member speaking, of not more than 10 minutes.
- (c) During the period provided by *standing order 192* proceedings may be resumed in the Main Committee on motions in relation to committee and delegation reports referred that day or on an earlier day.

(E) Standing order 187 be amended to read:

187 Maintenance of order

- (a) In the Main Committee the Deputy Speaker has the same responsibility for the preservation of order as the Speaker has in the House.
- (b) If disorder occurs in the Committee, the Deputy Speaker:
 - (i) may direct the Member or Members concerned to leave the room for a period of 15 minutes [*standing order 94(e) (exclusion from Chamber, etc.) does not apply*]; or
 - (ii) may, or on motion moved without notice by any Member must, suspend or adjourn the sitting. If the sitting is adjourned, any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting.
- (c) Following a suspension or adjournment of the Committee or a refusal of a Member to leave when so directed under paragraph (b), the Deputy Speaker must report the disorder to the House.
- (d) The Deputy Speaker may report the conduct of a Member whether or not action has been taken under paragraph (b).
- (e) Any subsequent action against a Member under *standing order 94 (sanctions against disorderly conduct)* may only be taken in the House.
- (F) Standing order 190 be amended to read:

190 General rules for suspensions and adjournments of the Main Committee

The following general rules apply to meetings of the Main Committee:

- (a) The Deputy Speaker must suspend proceedings in the Committee to enable Members to attend divisions in the House.
- (b) If a quorum is not present the Deputy Speaker must immediately suspend proceedings until a stated time, or adjourn the Committee.
- (c) If the House adjourns, the Deputy Speaker must interrupt the business before the Committee and immediately adjourn the Committee.
- (d) The Committee need not adjourn between items of business, nor during a suspension of the House.
- (e) The Committee shall stand adjourned at 6 pm, unless otherwise ordered, when the committee meets on Mondays in accordance with *standing order 192(b)*, or on completion of all matters referred to it, or may be adjourned on motion moved without notice by any Member—

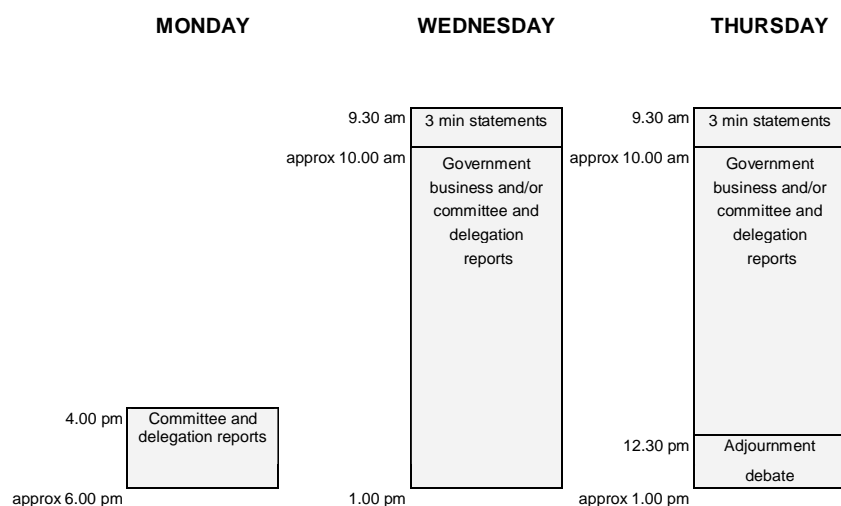
That the Committee do now adjourn.

(f) No amendment may be moved to the question.

(G) Standing order 192 be amended to read:

192 Main Committee's order of business

- (a) If the Committee meets on a Wednesday or Thursday the normal order of business is set out in figure 4.
- (b) On sitting Mondays the Committee shall meet from 4 pm to 6 pm if required to consider orders of the day relating to committee and delegation reports in accordance with *standing order 40 (resumption of debate on reports)*.

Figure 4 Main Committee order of business

The sitting times of the Main Committee are set by the Deputy Speaker and are subject to change. Additional sittings may be scheduled if required. Adjournment debates can occur on days other than Thursdays by agreement between the whips.

(H) Standing order 193 be amended to read:

193 Members' three minute statements

If the Main Committee meets before 10 am the first item of business shall be statements by Members. The Deputy Speaker may call a Member, including a Parliamentary Secretary but not a Minister, to make a statement for no longer than three minutes. The period for Members' statements may continue for 30 minutes, irrespective of suspensions for divisions in the House.

Debate ensued.

Question—put and passed.

4 STUDENT ASSISTANCE 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—

Debate resumed.

Document

Ms J. Bishop (Minister for Education, Science and Training) presented a replacement explanatory memorandum to the bill.

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

Message from the Governor-General

Message No. 140, 6 September 2005, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Consideration in detail

Bill, by leave, taken as a whole.

Ms Macklin (Deputy Leader of the Opposition) moved the Opposition amendment.

Debate continued.

Amendment negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Ms J. Bishop, by leave, the bill was read a third time.

5 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—

Mr K. J. Thomson addressing the House—

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.

6 QUESTIONS

Questions without notice being asked—

Member directed to leave

At 2.47 p.m. the Member for Melbourne (Mr Tanner) 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—

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 Deputy Prime Minister, the Minister for Agriculture, Fisheries and Forestry and the Minister for Transport and Regional Services for:

- (1) concealing from the Parliament the full extent of their knowledge of the breaches by AWB Limited of the United Nations Oil for Food Program; and
- (2) their failure to prevent AWB from making payments totalling \$300 million to the Saddam regime through that program for the purchase of weapons and the funding of suicide bombers.

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 Price
Mr Albanese	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
Ms A. E. Burke	Ms George	Mr McClelland	Mr Sercombe
Mr A. S. Burke	Mr Gibbons	Ms Macklin	Mr S. F. Smith
Mr Byrne	Ms Gillard	Mr McMullan	Mr Snowdon
Ms Corcoran	Ms Grierson	Mr Melham	Mr Swan
Mr Crean	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	

NOES, 80

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

* Tellers

And so it was negatived.

Questions without notice concluded.

7 DOCUMENTS

The following documents were presented:

Australian Crime Commission—Parliamentary Joint Committee—Report—Cybercrime—Government response.

Health Insurance Commission—Report for 2004-05.

Migration Act 1958—Section 486O—Assessment of detention arrangements—

Government response to the Commonwealth Ombudsman's statements tabled on 9 February 2006—7 February 2006.

Reports by the Commonwealth Ombudsman—

Personal identifier 003/05, 4 November 2005.

Personal identifier 004/05, 21 November 2005.

Personal identifier 005/05, 4 November 2005.

Personal identifier 006/05, 21 November 2005.

Personal identifier 007/05, 21 November 2005.

Personal identifier 008/05, 21 November 2005.

Personal identifier 009/05, 25 November 2005.

Personal identifier 010/05, 25 November 2005.

Personal identifier 011/05, 4 November 2005.

Personal identifier 012/05, 4 November 2005.

Personal identifier 013/05, 25 November 2005.

Personal identifier 015/05, 4 November 2005.

8 DOCUMENT—MOTION TO TAKE NOTE OF DOCUMENT

Mr Baldwin (Parliamentary Secretary to the Minister for Industry, Tourism and Resources) moved—That the House take note of the following document:

Health Insurance Commission—Report for 2004-05.

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

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AWB PAYMENTS

The House was informed that Mr G. M. O'Connor had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to investigate the AWB over payments to the Iraqi regime".

The proposed discussion having received the necessary support—

Mr G. M. O'Connor addressed the House.

Discussion ensued.

Discussion concluded.

10 COMMITTEES—MEMBERSHIP

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

Mr Baldwin (Parliamentary Secretary to the Minister for Industry, Tourism and Resources), by leave, moved—That:

- (1) Mr Robb and Mr Turnbull be discharged from the Standing Committee on Economics, Finance and Public Administration and that, in their places, Mr Keenan and Mr Secker be appointed members of the committee;
- (2) Mr Turnbull be discharged from the Standing Committee on Environment and Heritage and that, in his place, Mr Entsch be appointed a member of the committee;
- (3) Mr Turnbull be discharged from the Standing Committee on Health and Ageing and that, in his place, Mr Entsch be appointed a member of the committee;
- (4) Mr Baldwin be discharged from the House Committee and that, in his place, Mr Randall be appointed a member of the committee;
- (5) Mr Turnbull be discharged from the Standing Committee on Legal and Constitutional Affairs and that, in his place, Mr M. D. Ferguson be appointed a member of the committee;
- (6) Mr Baldwin be discharged from the Committee of Members' Interests and that, in his place, Mr Secker be appointed a member of the committee;
- (7) Mr Baldwin be discharged from the Committee of Privileges and that, in his place, Mr Randall be appointed a member of the committee; and
- (8) Mr Turnbull be discharged from the Joint Standing Committee on Foreign Affairs, Defence and Trade and that, in his place, Dr Southcott be appointed a member of the committee.

Question—put and passed.

11 FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 2) 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 Baldwin (Parliamentary Secretary to the Minister for Industry, Tourism and Resources), by leave, the bill was read a third time.

12 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—

Debate resumed by Mr K. J. Thomson 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 allowing Ministerial standards and accountability to decline at the same time as Ministerial salaries are increasing".

Debate continued.

Mr Johnson addressing the House—

13 ADJOURNMENT

It being 4.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 5 p.m.—The Speaker adjourned the House until 12.30 p.m. next Monday.

DOCUMENTS

The following documents were deemed to have been presented on 9 February 2006:

Social Security Act—

Determinations—2006—

Social Security (Activity agreement requirements) (DEST), 6 February [F2006L00390].

Social Security (Activity agreement requirements) (DEWR), 3 February [F2006L00338].

Social Security (Activity agreement requirements) (FaCSIA), 6 February [F2006L00348].

Social Security (Reasonable excuse) (DEST), 6 February [F2006L00397].

Social Security (Reasonable excuse) (DEWR), 3 February [F2006L00340].

Social Security (Reasonable excuse) (FaCSIA), 6 February [F2006L00350].

Social Security (Special circumstances relating to a person's family) (DEWR), 3 February [F2006L00339].

Social Security (Special circumstances relating to a person's family) (FaCSIA), 6 February [F2006L00349].

Social Security (Unsuitable work) (DEWR), 3 February [F2006L00341].

Social Security (Unsuitable work) (FaCSIA), 6 February [F2006L00347].

Guidelines—2006 Social Security (Prospective determinations for parenting payment recipients) (DEWR), 2 February [F2006L00336].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Billson, Mrs Elson, Mr Farmer, Mrs Gash and Ms Panopoulos.

I. C. HARRIS

Clerk of the House of Representatives

2004-05-06

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 81

MAIN COMMITTEE**MINUTES OF PROCEEDINGS**

THURSDAY, 9 FEBRUARY 2006

1 The Main Committee met at 9.30 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 2) 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. 139, 6 December 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.

4 ADJOURNMENT

Mr C. P. Thompson moved—That the Main Committee do now adjourn.

Debate ensued.

Suspension of meeting

At 11.07 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of meeting

At 11.22 a.m., the proceedings were resumed.

Debate continued.

Question—put and passed.

At 1.02 p.m., the Deputy Speaker adjourned the Main Committee until 4 p.m. next Monday.

B. C. WRIGHT
Clerk of the Main Committee