

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

# VOTES AND PROCEEDINGS

No. 113

WEDNESDAY, 9 AUGUST 2006

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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—PRIVATE MEMBERS' NOTICE**

Mr Andrews (Minister for Employment and Workplace Relations), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Perth's private Members' business notice relating to the disallowance of the Workplace Relations Amendment (Work Choices) (Consequential Amendments) Amendment Regulations 2006 (No 1), as contained in Select Legislative Instrument 2006 No. 50 and made under the *Workplace Relations Amendment (Work Choices) Act 2005*, the *Bankruptcy Act 1966*, the *Federal Magistrates Act 1999*, the *Public Service Act 1999*, and the *Public Employment (Consequential and Transitional) Amendment Act 1999*, being called on immediately.

Question—put and passed.

3 **WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) (CONSEQUENTIAL AMENDMENTS) AMENDMENT REGULATIONS 2006 (NO 1), AS CONTAINED IN SELECT LEGISLATIVE INSTRUMENT 2006 NO. 50 AND MADE UNDER THE WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) ACT 2005, THE BANKRUPTCY ACT 1966, THE FEDERAL MAGISTRATES ACT 1999, THE PUBLIC SERVICE ACT 1999, AND THE PUBLIC EMPLOYMENT (CONSEQUENTIAL AND TRANSITIONAL) AMENDMENT ACT 1999—MOTION FOR DISALLOWANCE**

Mr S. F. Smith, pursuant to notice, moved—That the Workplace Relations Amendment (Work Choices) (Consequential Amendments) Amendment Regulations 2006 (No 1), as contained in Select Legislative Instrument 2006 No. 50 and made under the *Workplace Relations Amendment (Work Choices) Act 2005*, the *Bankruptcy Act 1966*, the *Federal Magistrates Act 1999*, the *Public Service Act 1999*, and the *Public Employment (Consequential and Transitional) Amendment Act 1999*, be disallowed.

Debate ensued.

Mr B. P. O'Connor rising to address the House—

*Closure*

Mr Andrews (Minister for Employment and Workplace Relations) moved—That the question be now put.

Question—That the question be now put—put.

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

## AYES, 82

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

## NOES, 61

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

\* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

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

## AYES, 60

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

## NOES, 82

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

\* Tellers

And so it was negatived.

#### 4 MESSAGE FROM THE SENATE—ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 2005

Message No. 353, 8 August 2006, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend legislation relating to Aboriginal and Torres Strait Islander heritage protection, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

#### 5 MIGRATION AMENDMENT (DESIGNATED UNAUTHORISED ARRIVALS) 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.

## 6 QUESTIONS

Questions without notice being asked—

*Member directed to leave*

At 2.07 p.m. the Member for Corio (Mr G. M. O'Connor) was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour.

*Member named and suspended*

The Speaker named the Member for Corio for not withdrawing immediately and defying the Chair.

Mr Abbott (Leader of the House) moved—That the Member for Corio be suspended from the service of the House.

Question—put.

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

AYES, 87

|                 |                   |               |                   |
|-----------------|-------------------|---------------|-------------------|
| Mr Abbott       | Mrs Elson         | Jackie Kelly  | Mr Schultz        |
| Mr Anderson     | Mr Entsch         | Mr Laming     | Mr Scott          |
| Mr Andrews      | Mr Farmer         | Mrs Ley       | Mr Secker         |
| Fran Bailey     | Mr Fawcett        | Mr Lindsay    | Mr Slipper        |
| Mr Baird        | Mr M. D. Ferguson | Mr Lloyd      | Mr A. D. H. Smith |
| Mr Baker        | 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 Markus    | Mr C. P. Thompson |
| Mr Billson      | Mr Haase          | Mrs May       | Mr Ticehurst      |
| Mr 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       | Mr Howard         | Mr Neville*   | Mr M. A. J. Vaile |
| Mr Causley      | Mrs Hull          | Mr Pearce     | Mrs D. S. Vale    |
| Mr Ciobo        | Mr Hunt           | Mr Prosser    | Mr Vasta          |
| Mr Cobb         | Dr Jensen         | Mr Pyne       | Mr Wakelin        |
| Mr Costello     | Mr Johnson        | Mr Randall    | Dr Washer         |
| Mr Downer       | Mr Jull           | Mr Richardson | Mr Windsor        |
| Mrs Draper      | Mr Keenan         | Mr Robb       | Mr Wood           |
| Mr Dutton       | Mrs D. M. Kelly   | Mr Ruddock    |                   |

## NOES, 58

|                |                      |                   |                  |
|----------------|----------------------|-------------------|------------------|
| Mr Adams       | Mr Emerson           | Mrs Irwin         | Mr Quick         |
| Mr Albanese    | Mr L. D. T. Ferguson | Mr Jenkins        | Mr Ripoll        |
| Mr Beazley     | Mr M. J. Ferguson    | Mr Kerr           | Ms Roxon         |
| Mr Bevis       | Mr Fitzgibbon        | Ms King           | Mr Rudd          |
| Ms Bird        | Mr Garrett           | Dr Lawrence       | Mr Sawford       |
| Mr Bowen       | Mr Georganas         | Ms Livermore      | Mr Sercombe      |
| Ms A. E. Burke | Ms George            | Ms Macklin        | Mr S. F. Smith   |
| Mr A. S. Burke | Mr Gibbons           | Mr McMullan       | Mr Snowden       |
| 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 Danby*      | Ms Hall*             | Mr G. M. O'Connor | Ms Vamvakinou    |
| Mr Edwards     | Mr Hatton            | Ms Owens          | Mr Wilkie        |
| Ms A. L. Ellis | Mr Hayes             | Ms Plibersek      |                  |
| Ms K. M. Ellis | Ms Hoare             | Mr Price          |                  |

\* Tellers

And so it was resolved in the affirmative.

The Member was, therefore, suspended at 2.18 p.m. for 24 hours under standing order 94, and he accordingly left the Chamber.

*Member directed to leave*

At 2.20 p.m. the Member for Oxley (Mr Ripoll) was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour, and he accordingly left the Chamber.

Questions without notice continuing—

*Document*

Mr Fitzgibbon, by leave, presented the following document:

Fuel prices—Copy of proposed letter to Mr Graham Samuel, Chairman of the Australian Competition and Consumer Commission, 9 August 2006.

Questions without notice continued.

#### **7 AUSTRALIAN DEFENCE FORCE COMMITMENT TO AFGHANISTAN—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF DOCUMENT**

Mr Howard (Prime Minister), by leave, made a ministerial statement on the Australian Defence Force commitment to Afghanistan and presented the following document:

Australian Defence Force commitment to Afghanistan—Ministerial statement, 9 August 2006.

Mr Abbott (Leader of the House) moved—That the House take note of the document.

*Suspension of standing and sessional orders—Time for speech*

Mr Abbott, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Beazley (Leader of the Opposition) speaking for a period not exceeding 17 minutes.

Question—put and passed.

Mr Beazley addressed the House.

Debate adjourned (Dr Nelson—Minister for Defence), and the resumption of the debate made an order of the day for the next sitting.

#### **8 MATTER REFERRED TO MAIN COMMITTEE**

Dr Nelson (Minister for Defence), by leave, moved—That the following order of the day be referred to the Main Committee for debate:

Australian Defence Force commitment to Afghanistan—Ministerial statement—Motion to take note of document: Resumption of debate.

Question—put and passed.

**9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PETROL PRICES**

The House was informed that both Mr Fitzgibbon and Mr Windsor had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 46, the Speaker had given priority to the matter proposed by Mr Windsor, namely, “The worsening impact of increasing petrol prices and the Government’s reluctance to act”.

The proposed discussion having received the necessary support—

Mr Windsor addressed the House.

Discussion ensued.

*Document*

Mr Causley, by leave, presented the following document:

Petrol prices—Unleaded petrol prices: OECD-30, Second quarter 2006—Chart.

Discussion continued.

Discussion concluded.

**10 SELECTION COMMITTEE—REPORT**

Mr Causley (Chair) presented the following document:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 14 August 2006.

**11 AUSTRALIA-JAPAN FOUNDATION (REPEAL AND TRANSITIONAL PROVISIONS) 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 Ms Gambaro (Parliamentary Secretary—Foreign Affairs), by leave, the bill was read a third time.

**12 MIGRATION AMENDMENT (DESIGNATED UNAUTHORISED ARRIVALS) BILL 2006**

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

Debate resumed.

Mr C. P. Thompson addressing the House—

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**13 ADJOURNMENT**

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.59 p.m., adjourned until tomorrow at 9 a.m.

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**DOCUMENTS**

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

Banking Act—Determination—2006 Banking (prudential standard) No. 10 [F2006L02609].

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order—2006 Civil Aviation Amendment Order 95.8 (No. 2) [F2006L02504].

Civil Aviation Safety Regulations—Airworthiness Directive—Part 39-105—2006 3 August [F2006L02608].

Defence Act—Determinations under section 58H—2006 Nos 8, 10, 11, 12, 13, 14, 15.

Environment Protection and Biodiversity Conservation Act—Instrument under section 303EC—21 July 2006 [F2006L02535].

Export Control Act—Export Control (Orders) Regulations—2006 Export Control (Fees) Amendment Order (No. 1) [F2006L02614].

Export Market Development Grants Act—Guidelines—2006—

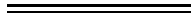
Export Market Development Grants (Change in ownership of business) [F2006L02474].

Export Market Development Grants (Made in Australia) [F2006L02435].

Export Market Development Grants (Significant net benefit) [F2006L02473].

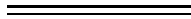
Food Standards Australia New Zealand Act—Variation to the Australia New Zealand Food Standards Code—2006 Amendment No. 87 [F2006L02539].

Navigation Act—Marine Order—2006 No. 10 [F2006L02604].



**ATTENDANCE**

All Members attended (at some time during the sitting).



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

2004-05-06

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

No. 113

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 9 AUGUST 2006

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1 The Main Committee met at 9.30 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **AUSTRALIA-JAPAN FOUNDATION (REPEAL AND TRANSITIONAL PROVISIONS) 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.

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*Suspension of meeting*

At 10.07 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 10.24 a.m., the proceedings were resumed.

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Debate continued.

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

*Message from the Governor-General*

Message No. 192, 16 May 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 **AUSTRALIAN DEFENCE FORCE COMMITMENT TO SOUTHERN IRAQ—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF DOCUMENT—RESUMPTION OF DEBATE**

The order of the day having been read for the resumption of the debate on the motion of Mr Abbott (Leader of the House)—That the House take note of the document (*presented on 22 June 2006*), viz.:

Australian Defence Force commitment to southern Iraq—Ministerial Statement—

Debate resumed.

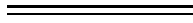
Debate adjourned (Mr Neville), and the resumption of the debate made an order of the day for the next sitting.



**5 ADJOURNMENT**

On the motion of Mr Neville, the Main Committee adjourned at 12.36 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