

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 123

MONDAY, 11 SEPTEMBER 2006

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable David Hawker) took the Chair, and read Prayers.

2 **AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER**

Mr Schultz presented the following document:

Australian Parliamentary Delegation to the Republic of Trinidad and Tobago and the United States of America (11 to 23 July 2006) and report on the official visit to Canada by the President of the Senate (23 to 28 July 2006)—Report, August 2006.

Mr Schultz made a statement in connection with the report.

3 **INTELLIGENCE AND SECURITY—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS**

Mr Jull (Chair) presented the following document:

Intelligence and Security—Parliamentary Joint Committee—Annual report of committee activities 2005-2006—Report, September 2006.

Ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

4 **MIGRATION—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Mr Randall (Chair) presented the following documents:

Migration—Joint Standing Committee—Negotiating the maze: Review of arrangements for overseas skills recognition, upgrading and licensing—

Report, September 2006.

Evidence received by the committee.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report being made—

Document

Mr Randall, by leave, presented the following document:

Migration—Joint Standing Committee—Report—Negotiating the maze: Review of arrangements for overseas skills recognition, upgrading and licensing—Tabling statement, 11 September 2006.

Statements continued.

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

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

In accordance with sessional order 39, the debate was adjourned, and the resumption of the debate made an order of the day for a later hour this day.

Mr Randall moved—That the order of the day be referred to the Main Committee for debate.

Question—put and passed.

5 HAWKESBURY-NEPEAN RIVER SYSTEM

Mr Bartlett, pursuant to notice, moved—That the House:

- (1) recognises the vital importance of the Hawkesbury-Nepean river system for Sydney's population and the New South Wales economy;
- (2) expresses its concern at the degradation of the Hawkesbury-Nepean catchment and the poor health of the river;
- (3) recognises that the Hawkesbury-Nepean bears the brunt of the State Government's failure to adequately plan for Sydney's water needs; and
- (4) calls on the New South Wales Government as a matter of urgency to address the issues facing the health of the Hawkesbury-Nepean river.

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.

6 INTERNATIONAL DAY OF PEACE

Dr Lawrence, pursuant to notice, moved—That this House:

- (1) notes that, on 7 September 2001, the United Nations General Assembly declared that the International Day of Peace should be observed annually on the fixed date of 21 September, as a day of global ceasefire and non-violence;
- (2) notes that United Nations Secretary-General, Kofi Annan, has repeatedly urged member states of the United Nations to support the observance of global ceasefire on the day, arguing that a global ceasefire would:
 - (a) provide a pause for reflection by the international community on the threats and challenges we face;
 - (b) offer mediators a building block towards a wider truce, as has been seen in nations such as Ghana and Zambia;
 - (c) encourage those involved in violent conflict to reconsider the wisdom of further violence;
 - (d) provide relief workers with a safe interlude for the provision of vital services and the supply of essential goods;
 - (e) allow freedom of movement and information, which is particularly beneficial to refugees and internally displaced persons; and
 - (f) relieve those embroiled in violent conflict of the daily burden of fear for one's own safety and the safety of others;
- (3) supports the Australian organisations that intend to hold vigils, concerts and walks on 21 September this year, in Melbourne, Sydney, Adelaide, Darwin and Brisbane;
- (4) calls on the Australian Government to actively support the observance of a ceasefire in Afghanistan, East Timor, Iraq and the Solomon Islands on 21 September of this year by ensuring that Australia's armed forces:
 - (a) do not engage in hostilities for the duration of 21 September, unless provoked to do so in self-defence;
 - (b) promote the observance of a global ceasefire for the duration of 21 September; and
 - (c) promote the practice of non-violence for the duration of 21 September; and
- (5) requests that the Australian Government encourage other nation-states to follow its lead.

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, Mr Scott was granted leave to continue his 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.

8 QUESTIONS

Questions without notice being asked—

Member directed to leave

At 3.07 p.m. the Member for Sydney (Ms Plibersek) 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 continuing—

Documents

Mr Macfarlane (Minister for Industry, Tourism and Resources) presented the following documents:

Anvil Hill mine proposal—

Trouble at the coalface for a Labor daughter—Copy of article by Alan Ramsey, *Sydney Morning Herald*, 2 September 2006.

Anvil mine could mean 450 jobs: Centennial—Copy of article by Frank Sullivan, *Sun Herald*, 3 September 2006.

Copy of letter from Ms Hoare to Senator the Hon I Campbell, Minister for the Environment and Heritage, 29 May 2006.

Questions without notice continued.

9 PETITIONS

Petitions lodged for presentation were announced.

10 HOUSING

Mr Cadman, pursuant to notice, moved—That the House acknowledges that:

- (1) the cost of housing in Australia is often more than double what it should be;
- (2) the high cost is mainly due to the huge increase in the price of land and, as a result, land affordability is a problem in Australia, and especially in Sydney;
- (3) Sydney is the most penalised city in the country, with affordability being worse than in London or New York;
- (4) the main causes are State and local government planning restrictions and taxes; and
- (5) State and local governments must play their part to reduce the cost of housing so the great Australian dream remains a reality, especially for future generations.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mr Hayes was granted leave to continue his speech when the debate is resumed.

11 ORGAN DONATION

Ms Livermore, pursuant to notice, moved—That the House:

- (1) notes with concern the low rate of organ donation in Australia;
- (2) acknowledges the plight of the more than 1,700 Australians currently on the organ transplant waiting list;
- (3) recognises the crucial role of public education in encouraging people to register as organ donors and discuss their choice with family members;
- (4) welcomes the announcement from the Australian Health Ministers' Conference of the National Reform Agenda on organ and tissue donation; and
- (5) calls on the Federal Government to investigate the experience of other countries that have adopted an 'opt-out' system of organ donor registration.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mrs Hull was granted leave to continue her speech when the debate is resumed.

12 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.

13 CIVIL AVIATION LEGISLATION AMENDMENT (MUTUAL RECOGNITION WITH NEW ZEALAND) 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 Fran Bailey (Minister for Small Business and Tourism), by leave, the bill was read a third time.

14 MESSAGES FROM THE SENATE

Messages from the Senate, 7 September 2006, were reported returning the following bills without amendment:

No. 366—International Tax Agreements Amendment (No. 1) 2006.

No. 367—Tax Laws Amendment (Repeal of Inoperative Provisions) 2006.

No. 368—Privacy Legislation Amendment 2006.

15 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.

Mr Murphy addressing the House—

16 ADJOURNMENT

It being 9 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 9.30 p.m.—The Speaker adjourned the House until 2 p.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 11 September 2006:

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment No. 55—Block 16 section 28 City (Australian National University) [F2006L03008].

Australian Research Council Act—Funding rules for funding commencing in 2006—Variation—Special research initiatives [F2006L02926].

Christmas Island Act—List of Western Australian Acts for period 22 March 2006 to 1 September 2006.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 39-105—2006—

28 July [F2006L02991].

14 August [F2006L02989].

16 August [F2006L02988].

17 August [F2006L02990].

6 September [F2006L03003].

Cocos (Keeling) Islands Act—List of Western Australian Acts for period 22 March 2006 to 1 September 2006.

Corporations Act—Variations and revocations under subsections 341(1), 741(1), 992B(1) and 1020F(1)—Australian Securities and Investments Commission—Class Order CO 06/709 [F2006L02985].

Customs Act—Tariff Concession Orders—2006—

25 (4) August [F2006L03021], [F2006L03023], [F2006L03024], [F2006L03025].

1 (3) September [F2006L03027], [F2006L03028], [F2006L03029].

Federal Court of Australia Act—Regulations—Select Legislative Instrument—2006 No. 234 [F2006L02968].

Federal Magistrates Act—Regulations—Select Legislative Instrument—2006 No. 235 [F2006L02967].

Fisheries Administration Act—Regulations—Select Legislative Instrument—2006 No. 233 [F2006L02996].

Higher Education Support Act—

Higher education provider—Notices of approval—2006 Nos 10, 11 [F2006L02997], [F2006L03002].

List of programmes and funding under division 41, 25 July 2006 [F2006L02978].

Ozone Protection and Synthetic Greenhouse Gas Management Act—Regulations—Select Legislative Instrument—2006 No. 237 [F2006L02998].

Payment Systems (Regulations) Act—Regulations—Select Legislative Instrument—2006 No. 239 [F2006L02980].

Renewable Energy (Electricity) Amendment Act—Proclamation under subsection 2 (1) fixing 11 September 2006 as the day on which Schedule 1 to that Act commences [F2006L02947].

Taxation Administration Act—

Determinations—

1993—No. TD 74 (Withdrawal).

2006—Nos TD 51, TD 52, TD 55.

Rulings—

1998—No. TR 20 (Withdrawal).

2005—No. PR 114 (Withdrawal).

2006—

Nos CR 86, CR 87.

Nos IT 2056 (Withdrawal), IT 2058 (Withdrawal), IT 2125 (Withdrawal), IT 2136 (Withdrawal), IT 2139 (Withdrawal), IT 2171 (Withdrawal), IT 2209 (Withdrawal), IT 2212 (Withdrawal), IT 2241 (Withdrawal), IT 2322 (Withdrawal), IT 2570 (Withdrawal).

Nos PR 32 (Withdrawal), PR 125, PR 126, PR 127, PR 128.

Telecommunications Act—Regulations—Select Legislative Instrument—2006 No. 236 [F2006L02964].

Trade Practices Amendment (National Access Regime) Act—Proclamation under subsection 2 (1) fixing 1 October 2006 as the day on which Schedule 1 to that Act commences [F2006L02999].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anderson, Mr Baird, Mr Costello, Mr Crean, Mr Entsch, Mr Farmer, Mr Griffin, 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. 123

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

MONDAY, 11 SEPTEMBER 2006

1 The Main Committee met at 4 p.m.

2 MIGRATION—JOINT STANDING COMMITTEE—MOTION TO TAKE NOTE OF DOCUMENT

The order of the day having been read for the resumption of the debate on the motion of Mr Randall—That the House take note of the document (*presented on 11 September 2006*), *viz.*—

Migration—Joint Standing Committee—Report—Negotiating the maze: Review of the arrangements for overseas skills recognition, upgrading and licensing—Report, September 2006—

Debate resumed.

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

3 ENERGY INITIATIVES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF DOCUMENT

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 14 August 2006*), *viz.*—

Energy Initiatives—Ministerial Statement—

Debate resumed.

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

4 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 (Ms Hall), and the resumption of the debate made an order of the day for the next sitting.

5 ADJOURNMENT

On the motion of Mrs Gash, the Main Committee adjourned at 6 p.m.

The Deputy Speaker fixed 9.30 a.m. on Wednesday, 13 September 2006 for the next meeting of the Main Committee.



B. C. WRIGHT
Clerk of the Main Committee