

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 134

THURSDAY, 19 OCTOBER 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 COPYRIGHT AMENDMENT BILL 2006

Mr Ruddock (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Copyright Act 1968*, and for related purposes.

Document

Mr Ruddock presented an explanatory memorandum to the bill.

Bill read a first time.

Mr Ruddock moved—That the bill be now read a second time.

Document

Mr Ruddock presented the following document:

Legal and Constitutional Affairs—Standing Committee—Report—Review of technological protection measures exceptions—Government response.

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

3 DOCUMENT

Mr Ruddock (Attorney-General) presented the following document:

Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006—Revised explanatory memorandum.

4 TELECOMMUNICATIONS AMENDMENT (INTEGRATED PUBLIC NUMBER DATABASE) BILL 2006

Mr McGauran (Minister representing the Minister for Communications, Information Technology and the Arts), pursuant to notice, presented a Bill for an Act to amend the *Telecommunications Act 1997*, and for related purposes.

Document

Mr McGauran presented an explanatory memorandum to the bill.

Bill read a first time.

Mr McGauran moved—That the bill be now read a second time.

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

5 PROPOSED FIT-OUT OF NEW LEASED PREMISES FOR THE DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS AT BRINDABELLA PARK, ACT—APPROVAL OF WORK

Mr McGauran (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Proposed fit-out of new leased premises for the Department of Employment and Workplace Relations at Brindabella Park, ACT.

Question—put and passed.

6 DEVELOPMENT OF CANINE KENNELLING AND TRAINING FACILITIES FOR THE AUSTRALIAN FEDERAL POLICE AT MAJURA, ACT—APPROVAL OF WORK

Mr McGauran (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Development of canine kennelling and training facilities for the Australian Federal Police at Majura, ACT.

Question—put and passed.

7 PROVISION OF FACILITIES FOR PROJECT SINGLE LIVING ENVIRONMENT AND ACCOMMODATION PRECINCT—PHASE ONE—APPROVAL OF WORK

Mr McGauran (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Provision of facilities for Project Single Living Environment and Accommodation Precinct—Phase One.

Question—put and passed.

8 PARLIAMENTARY ZONE—REFURBISHMENT WORKS TO THE PODIUM THAT SURROUNDS THE NATIONAL LIBRARY OF AUSTRALIA—APPROVAL OF PROPOSAL

Mr McGauran (Minister for Agriculture, Fisheries and Forestry), for 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 18 October 2006, namely: Refurbishment works to the podium that surrounds the National Library of Australia.

Question—put and passed.

9 PARLIAMENTARY ZONE—TEMPORARY CAR PARK REPLACEMENT, SECTION 55 PARKES—APPROVAL OF PROPOSAL

Mr McGauran (Minister for Agriculture, Fisheries and Forestry), for 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 18 October 2006, namely: Temporary car park replacement, section 55 Parkes.

Question—put and passed.

10 TREATIES—JOINT STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENTS

Dr Southcott (Chair) presented the following documents:

Treaties—Joint Standing Committee—

Report 79—Treaties tabled on 10 May (2), 5 and 6 September 2006—Report, October 2006.

Report 80—Treaties tabled on 28 March (4) and 5 September (2) 2006—Report, incorporating a dissenting report, October 2006.

Ordered—That the reports be made Parliamentary Papers.

Dr Southcott and Mr Wilkie, by leave, made statements in connection with the reports.

Dr Southcott, by leave, moved—That the House take note of the reports.

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

11 PUBLICATIONS COMMITTEE—REPORT

Mrs Draper (Chair) presented the following document:

PUBLICATIONS COMMITTEE REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered documents presented to Parliament since 14 September 2006, recommends that the following be made Parliamentary Papers:

Aboriginals Benefit Account—Report for 2005-06.

Albury-Wodonga Development Corporation—Report for 2005-06.

Attorney-General's Department—Report for 2005-06.

Australia Council—Report for 2005-06.

Australia Post—Report for 2005-06.

Australian Bureau of Statistics—Report for 2005-06.

Australian Communications and Media Authority—Report for 2005-06.

Australian Competition and Consumer Commission—Report for 2005-06.

Australian Electoral Commission—Report for 2005-06.

Australian Film, Television and Radio School—Report for 2005-06.

Australian National Maritime Museum—Report for 2005-06.

Australian Safeguards and Non-Proliferation Office—Report for 2005-06.

Australian Security Intelligence Organisation—Report for 2005-06.

Australian Sports Anti-Doping Authority—Report for 2005-06.

Australian Trade Commission (Austrade)—Report for 2005-06.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2005-06.

Australian War Memorial—Report for 2005-06.

Australian Wine and Brandy Corporation—Report for 2005-06.

Commissioner for Complaints (Aged care)—Report for 2005-06.

Commissioner for Superannuation—Report for 2005-06.

Commissioner of Taxation—Report for 2005-06.

Commonwealth Director of Public Prosecutions—Report for 2005-06.

Commonwealth Grants Commission—Report for 2005-06.

Crimes Act 1914—Controlled operations—Report for 2005-06.

CrimTrac Agency—Report for 2005-06.

Department of Immigration and Multicultural Affairs—Report for 2005-06.

Department of Transport and Regional Services—Report for 2005-06.

Export Finance and Insurance Corporation—Report for 2005-06.

Federal Police Disciplinary Tribunal—Report for 2005-06.

Film Australia Limited—Report for 2005-06.

Gene Technology Regulator—Report for 2005-06.

Great Barrier Reef Marine Park Authority—Report for 2005-06.

Human Rights and Equal Opportunity Commission—Report No. 36—Report of an inquiry into a complaint of a breach of Ms CD's human rights at the Curtin Immigration Processing and Reception Centre.

Industrial Relations Court of Australia—Report for 2005-06.

Inspector-General of Intelligence and Security—Report for 2005-06.

International Air Services Commission—Report for 2005-06.

Medibank Private—Report for 2005-06.

Members of Parliament (Staff) Act 1984—Report on consultants engaged under section 4—2005-06.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2005-06.

Military Rehabilitation and Compensation Commission—Report for 2005-06.

National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2005-06.

National Competition Council—Report for 2005-06.

National Industrial Chemicals Notification and Assessment Scheme—Report for 2005-06.
 National Museum of Australia—Report for 2005-06.
 National Residue Survey—Report for 2005-06.
 National Water Commission—Report for 2005-06.
 Office of Parliamentary Counsel—Report for 2005-06.
 Office of the Renewable Energy Regulator—Financial report for 2004-05.
 Office of the Renewable Energy Regulator—Financial report for 2005-06.
 Public Service Commissioner—Report, incorporating the report of the Merit Protection Commissioner, for 2005-06.
 Repatriation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Report for 2005-06.
 Repatriation Medical Authority—Report for 2005-06.
 Telstra Corporation Limited—Report for 2005-06.
 Western Australian Fisheries Joint Authority—Report for 2003-04.

TRISH DRAPER

Chair

19 October 2006

On the motion of Mrs Draper, by leave, the report was agreed to.

12 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 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 Albanese, 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, and expresses strong concern that:

- (1) the bill is being rushed through the Parliament without proper consideration or consultation;
- (2) the Howard Government has failed to halt the decline in Australia's natural environment and best agricultural land;
- (3) the bill contains no measures to cut Australia's spiralling greenhouse pollution or protect Australia from dangerous climate change;
- (4) the bill will increase the Howard Government's politicisation of environment and heritage protection; and
- (5) many of the proposed changes in the bill will reduce Ministerial accountability and opportunities for genuine public consultation;

and therefore calls on the Howard Government to:

- (6) ensure climate change is properly factored into environmental decision making under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act);
- (7) establish a climate change trigger in the Act to ensure large scale greenhouse polluting projects are assessed by the Federal Government; and
- (8) allow greater time for public consultation and debate on the bill”—

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.

13 QUESTIONS

Questions without notice being asked—

Prime Minister—Motion of censure

Mr Beazley (Leader of the Opposition), by leave, moved—That this House:

- (1) censures the Prime Minister for being guilty:

- (a) guilty of taking Australia into the wrong war in Iraq;
 - (b) guilty of refusing to change strategy and bring Australian troops home;
 - (c) guilty of changing his story on Iraq to suit his own interests; and
 - (d) guilty of making Australia a bigger target for terrorists; and
- (2) demands that he admit he has failed in Iraq and adopt Labor's strategy in the Australian national interest.

Debate ensued.

Question—put.

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

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

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Mr Abbott	Mr Farmer	Ms Ley	Mr Secker
Mr Anderson	Mr Fawcett	Mr Lindsay	Mr Slipper
Mr Andrews	Mr M. D. Ferguson	Mr Lloyd	Mr A. D. H. Smith
Fran Bailey	Mr Forrest	Mr McArthur*	Mr Somlyay
Mr Baker	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
Mrs B. K. Bishop	Mr Hardgrave	Mrs Mirabella	Mr Tollner
Ms J. Bishop	Mr Hartsuyker	Mr Nairn	Mr Truss
Mr Broadbent	Mr Henry	Dr Nelson	Mr Tuckey
Mr Brough	Mr Howard	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 Katter	Mr Richardson	Dr Washer
Mrs Draper	Mr Keenan	Mr Robb	Mr Wood
Mr Dutton	Mrs D. M. Kelly	Mr Ruddock	
Mrs Elson	Jackie Kelly	Mr Schultz	
Mr Entsch	Mr Laming	Mr Scott	

* Tellers

And so it was negatived.

Questions without notice concluded.

14 SPECIAL ADJOURNMENT

Mr Abbott (Leader of the House) moved—That the House, at its rising, adjourn until Monday, 30 October 2006, at 12.30 p.m., unless the Speaker fixes an alternative day or hour of meeting.

Question—put and passed.

15 SUSPENSION OF STANDING AND SESSIONAL ORDERS—TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005—SENATE MESSAGE—CONSIDERATION OF AMENDMENTS

Mr Abbott (Leader of the House) moved—That so much of the standing and sessional orders be suspended as would prevent:

- (a) consideration immediately of the Senate's further amendments to the Trade Practices Legislation Amendment Bill (No. 1) 2005 with the amendments being taken together; and
- (b) a Minister then moving—That the Senate's further amendments be agreed to—with speech time limits as follows:
 - for the Minister—5 minutes
 - for the Member next speaking—5 minutes; and
- (c) the question to be then put immediately without further debate or amendment.

Question—put and passed.

16 MESSAGE FROM THE SENATE—TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005

Message No. 395, 19 October 2006, from the Senate was reported returning the Trade Practices Legislation Amendment Bill (No. 1) 2005 and acquainting the House that the Senate does not insist on its amendment No. 1 to which the House has disagreed, has agreed to the further amendments made by the House and has made further amendments in which it requests the concurrence of the House.

On the motion of Mr Costello (Treasurer), the further amendments were agreed to, after debate—Mr Katter dissenting.

17 DOCUMENT

Mr G. M. O'Connor, by leave, during a personal explanation, presented the following document:

Senate Rural and Regional Affairs and Transport Legislation Committee, Senate Estimates, May 2006, Agriculture, Fisheries and Forestry—Exceptional Circumstances (EC) Declarations (as at 23 May 2006)—Copy of table.

18 PRIVILEGE—COMPLAINT OF BREACH

Mr Wilkie raised, as a matter of privilege, the withdrawal of an invitation to attend the launch of a Green Corps project in his electorate, allegedly on the basis that he was not a Liberal Party Member of Parliament.

Documents

Mr Wilkie tabled the following documents:

Copies of emails (4) from Greening Australia, South Australia, to Mr Wilkie, dated 9 and 10 October 2006.

The Deputy Speaker stated that he would inform the Speaker of the matter.

19 DOCUMENTS

The following documents were presented:

Aboriginal Hostels Limited—Report for 2005-06.

Australian Building and Construction Commissioner—Report for 2005-06.

Australian Federal Police—Report for 2005-06.

Australian Industrial Relations Commission and the Australian Industrial Registry—Reports for 2005-06.

Australian Institute of Family Studies—Report for 2005-06.

Australian Institute of Health and Welfare—Report for 2005-06.

Defence Force Retirement and Death Benefits Authority—Report for 2005-06.

Employment Advocate—Report for 2005-06.

Health Services Australia (HSA Group)—Report for 2005-06.

Military Superannuation and Benefits Board of Trustees—Report for 2005-06.

National Library of Australia—Report for 2005-06.

Telstra Instalment Receipt Trustee—Report for 2005-06.

20 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

Ms J. Bishop (Minister for Education, Science and Training) moved—That the House take note of the following documents:

Australian Industrial Relations Commission and the Australian Industrial Registry—Reports for 2005-06.

Defence Force Retirement and Death Benefits Authority—Report for 2005-06.

Employment Advocate—Report for 2005-06.

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

21 DOCUMENTS

Ms J. Bishop (Minister for Education, Science and Training) presented the following documents:

Petitions not in accord with standing and sessional orders of the House.

22 MATTERS REFERRED TO MAIN COMMITTEE

Mr Bartlett (Chief Government Whip), by leave, moved—That the orders of the day for the resumption of debate on the motion to take note of the following reports of the Joint Standing Committee on Treaties be referred to the Main Committee for debate:

Report 79—Treaties tabled on 10 May (2), 5 and 6 September 2006—Report, October 2006; and

Report 80—Treaties tabled on 28 March (4) and 5 September (2) 2006—Report, incorporating a dissenting report, October 2006.

Question—put and passed.

23 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—CLASS 457 VISAS

The House was informed that Mr A. S. Burke had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s use of the 457 temporary work visa to drive down wages and conditions”.

The proposed discussion having received the necessary support—

Mr A. S. Burke addressing the House—

24 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. on Monday, 30 October 2006, in accordance with the resolution agreed to this sitting.

DOCUMENTS

The following documents were deemed to have been presented on 19 October 2006:

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Order—2006 Civil Aviation Amendment Order 20.16.3 (No. 2) [F2006L03393].

Instrument—2006 No. CASA 354 [F2006L03394].

Civil Aviation Safety Regulations—Airworthiness Directives—

Part 39-105—2006—

13 (13) September [F2006L03399], [F2006L03401], [F2006L03402], [F2006L03404], [F2006L03405], [F2006L03407], [F2006L03408], [F2006L03409], [F2006L03411], [F2006L03412], [F2006L03413], [F2006L03414], [F2006L03415].

14 (8) September [F2006L03396], [F2006L03397], [F2006L03400], [F2006L03403], [F2006L03406], [F2006L03410], [F2006L03416], [F2006L03417].

15 (2) September [F2006L03395], [F2006L03428].

Part 39-106—2006—

15 September [F2006L03418].

16 October [F2006L03432].

17 October [F2006L03456].

Part 39-107—2006—14 September [F2006L03398].

Corporations Act—Auditing standards—

ASA 550—Related parties—October 2006 [F2006L03392].

Revocation of auditing standard ASA 500—Related parties (F2006LO1394)—October 2006 [F2006L03391].

Customs Act—Orders—

Tariff Concession—2006—

7 (2) October [F2006L03435], [F2006L03438].

13 (23) October [F2006L03419], [F2006L03421], [F2006L03422], [F2006L03423], [F2006L03424], [F2006L03426], [F2006L03427], [F2006L03429], [F2006L03430], [F2006L03431], [F2006L03433], [F2006L03434], [F2006L03443], [F2006L03444], [F2006L03445], [F2006L03446], [F2006L03447], [F2006L03448], [F2006L03449], [F2006L03450], [F2006L03451], [F2006L03452], [F2006L03453].

14 (2) October [F2006L03437], [F2006L03442].

16 October [F2006L03439].

Tariff Concession Revocation—7 October 2006 [F2006L03436].

Higher Education Funding Act—Declaration under subsection 4(2)—10 October 2006 [F2006L03457].

Radiocommunications Act—

Declaration—2006 Notification that the Australian Communications Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices Amendment [F2006L03389].

Determination—2006 Radiocommunications (Transmitter Licenses—Auction) [F2006L03388].

Telecommunications Act 1997—Variation—2006 Telecommunications Numbering Plan (No. 3) [F2006L03387].

Trade Practices Act—Consumer Product Safety Standard—2006 Consumer Protection Notice No. 4 [F2006L03455].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Baird, Mr Baldwin, Mr Cadman, Mr Edwards, Mrs Hull, Mr Kerr*, Dr Lawrence and Mrs Moylan.

* On leave

I. C. HARRIS
Clerk of the House of Representatives

2004-05-06

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 134

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 19 OCTOBER 2006

1 The Main Committee met at 9.30 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 MARITIME LEGISLATION AMENDMENT (PREVENTION OF POLLUTION FROM SHIPS) 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.

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 PUBLIC WORKS COMMITTEE AMENDMENT BILL 2006

The order of the day having been read for the second reading—Mr Nairn (Special Minister of State) moved—That the Bill be now read a second time.

Document

Mr Nairn presented an explanatory memorandum to the bill.

Debate ensued.

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.

5 SKILLS FOR THE FUTURE—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 12 October 2006*), viz.—

Skills for the future—Ministerial statement—

Debate resumed.

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

6 ADJOURNMENT

Mr Neville moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.

At 1.06 p.m., the Deputy Speaker adjourned the Main Committee until 4 p.m. on Monday, 30 October 2006.

B. C. WRIGHT
Clerk of the Main Committee