

2004-05-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 136

TUESDAY, 31 OCTOBER 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 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the matter of privilege raised by the Member for Swan on 19 October 2006, relating to the apparent cancellation of an invitation to him to attend the official launch of a Green Corps project in his electorate, which the Member considered amounted to a grave interference in the free performance of his duties as a Member.

The Speaker stated that, whilst the cancellation of the foreshadowed invitation was very regrettable for the honourable Member, he did not believe that it constituted an improper interference in the Member's performance of his duties as a Member, and that he did not propose to give precedence to a motion to refer the matter to the Committee of Privileges.

3 AUSTRALIAN CITIZENSHIP 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 A. S. Burke 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:

- (1) opposes the increase in residence requirement to 4 years;
- (2) notes that the Government consulted with the Council of Australian Governments (COAG) on increasing the period from 2 to 3 years on national security grounds but undertook no consultation on the increase to 4 years and has given no adequate reason for this measure;
- (3) opposes the discriminatory treatment of people who lost their Australian citizenship under section 17 of the old Act (acquisition of citizenship of another country) and those who lost citizenship under section 18 (renouncing of citizenship) given that it fails to provide equitable treatment for a number of groups, but particularly the Maltese community; and
- (4) notes that a stateless person would be denied citizenship if convicted for an offence of greater than 5 years even if it were a trumped up conviction under a brutal and oppressive foreign regime”.

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—

Member directed to leave

At 2.32 p.m. the Member for Charlton (Ms Hoare) was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour, and she accordingly left the Chamber.

Questions without notice continuing—

Member directed to leave

At 2.38 p.m. the Member for Hunter (Mr Fitzgibbon) 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—

Member directed to leave

At 2.43 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—

Prime Minister—Motion of censure

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

- (1) censures the Prime Minister for:
 - (a) refusing to acknowledge the reality of climate change;
 - (b) failing to join the international community in ratifying the Kyoto Protocol;
 - (c) ignoring the need to develop a long term comprehensive plan to combat climate change; and
 - (d) failing to act while Australia is exposed to the catastrophic economic and environmental impacts of climate change detailed in the Stern Report; and
- (2) demands that the Prime Minister adopts Labor's systematic climate change plan in the national interest.

Debate ensued.

Question—put.

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

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

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

* Tellers

And so it was negatived.

Questions without notice concluded.

5 DEPARTMENT OF PARLIAMENTARY SERVICES—REPORT AND REPORTS OF THE AUDITOR-GENERAL

The Speaker presented the following documents:

Department of Parliamentary Services—Report for 2005-06.

Auditor-General—Audit reports of 2006-07—Performance audits—

No. 9—Management of the acquisition of the Australian light armoured vehicle capability—Department of Defence, Defence Materiel Organisation.

No. 10—Management of the standard Defence supply system remediation programme—Department of Defence, Defence Materiel Organisation.

Reports ordered to be made Parliamentary Papers.

6 DOCUMENTS

The following documents were presented:

Aged Care Standards and Accreditation Agency—Report for 2005-06.

Airservices Australia—

Equity and diversity program 2004-07—Progress report for 2005-06.

Report for 2005-06.

Army and Air Force Canteen Service—Frontline Defence Services—Report, incorporating the annual report on the monitoring of the equal employment (EEO) management plan, for 2005-06.

Australian Centre for International Agricultural Research—Report for 2005-06.

Australian Competition and Consumer Commission—Telecommunications report—Telstra's compliance with price control arrangements—July-December 2005.

Australian Customs Service—Report for 2005-06.

Australian Fair Pay Commission—Report for 2005-06.

Australian Fair Pay Commission Secretariat—Report for 2005-06.
Australian Film Commission—Report for 2005-06.
Australian Government Solicitor—Report for 2005-06.
Australian Hearing—Report for 2005-06.
Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2005-06.
Australian Institute of Criminology and the Criminology Research Council—Reports for 2005-06.
Australian Institute of Marine Science—Report for 2005-06.
Australian Landcare Council—Report for 2005-06.
Australian Maritime Safety Authority—Report for 2005-06.
Australian Nuclear Science and Technology Organisation—Report for 2005-06.
Australian Office of Financial Management—Report for 2005-06.
Australian Prudential Regulation Authority—Report for 2005-06.
Australian Radiation Protection and Nuclear Safety Agency—Report for 2005-06.
Australian Reinsurance Pool Corporation—Report for 2005-06.
Australian Research Council—Report for 2005-06.
Australian Securities and Investments Commission—Report for 2005-06.
Bankruptcy Act—Inspector-General in Bankruptcy—Report for 2005-06.
Bureau of Meteorology—Report for 2005-06.
Centrelink—Report for 2005-06.
Comcare—Report for 2005-06.
Commissioner of Taxation—Report for 2005-06—Correction.
Commonwealth Grants Commission—Report on the financial capacity of Norfolk Island.
Commonwealth Ombudsman—Report for 2005-06.
Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2005-06.
Companies Auditors and Liquidators Disciplinary Board—Report for 2005-06.
Corporations and Markets Advisory Committee—Report for 2005-06.
Department of Agriculture, Fisheries and Forestry—Report for 2005-06.
Department of Communications, Information Technology and the Arts—Report for 2005-06.
Department of Defence—Report for 2005-06—
Volume 1—Department of Defence.
Volume 2—Defence Materiel Organisation.
Department of Education, Science and Training —Report for 2005-06.
Department of Employment and Workplace Relations—Report for 2005-06.
Department of Families, Community Services and Indigenous Affairs—Report for 2005-06.
Department of Finance and Administration—Report for 2005-06.
Department of Foreign Affairs and Trade—Report for 2005-06—
Volume 1—Foreign Affairs and Trade.
Volume 2—Australian Agency for International Development (AusAID).
Department of Health and Ageing—Report for 2005-06.
Department of Human Services—Report for 2005-06.
Department of Industry, Tourism and Resources—
Report for 2005-06.
Report for 2005-06—Corrections.
Department of the Environment and Heritage—Report for 2005-06—
Volume 1—Department of the Environment and Heritage.
Volume 2—Legislation reports.
Department of the Prime Minister and Cabinet—Report for 2005-06.

Department of the Treasury—Report for 2005-06.
Director of National Parks—Report for 2005-06.
Family Law Council—Report for 2005-06.
Federal Court of Australia—Report for 2005-06.
Financial Reporting Council—Report on auditor independence for 2005-06.
Financial Reporting Council, Australian Accounting Standards Board and Auditing and Assurance Standards Board—Reports for 2005-06.
Food Standards Australia New Zealand—Report for 2005-06.
Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2006.
Insolvency and Trustee Service Australia—Report for 2005-06.
Inspector-General of Taxation—Report for 2005-06.
Medicare Australia—Report for 1 October 2005 to 30 June 2006.
Murray-Darling Basin Commission—Report for 2005-06.
National Australia Day Council—Report for 2005-06.
National Gallery of Australia—Report for 2005-06.
National Native Title Tribunal—Report for 2005-06.
National Transport Commission—Report for 2005-06.
NetAlert Limited—Report for 2005-06.
Office of the Official Secretary to the Governor-General—Report for 2005-06.
Office of Workplace Services—Report for 2005-06.
Pharmaceutical Benefits Pricing Authority—Report for 2005-06.
Privacy Commissioner—Report for 2005-06.
Private Health Insurance Administration Council—Report for 2005-06.
Private Health Insurance Ombudsman—Report for 2005-06.
Productivity Commission—Report for 2005-06.
Professional Services Review—Report for 2005-06.
Public Lending Right Committee—Report for 2005-06.
Remuneration Tribunal—Report for 2005-06.
Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2005-06.
Royal Australian Mint—Report for 2005-06.
Safety, Rehabilitation and Compensation Commission—Report for 2005-06.
Seafarers Safety, Rehabilitation and Compensation Authority—Report for 2005-06.
Social Security Appeals Tribunal—Report for 2005-06.
Supervising Scientist—Report for 2005-06.
Sydney Harbour Federation Trust—Report for 2005-06.
Takeovers Panel—Report for 2005-06.

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 Fair Pay Commission—Report for 2005-06.
Australian Fair Pay Commission Secretariat—Report for 2005-06.
Australian Landcare Council—Report for 2005-06.
Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2006.
Remuneration Tribunal—Report for 2005-06.
Debate adjourned (Mr Albanese), and the resumption of each debate made an order of the day for the next sitting.

8 BILLS REFERRED TO MAIN COMMITTEE

Mr Bartlett (Chief Government Whip), by leave, moved—That the following bills be referred to the Main Committee for further consideration:

Australian Citizenship 2005;

Australian Citizenship (Transitionals and Consequentials) 2005;

Privacy Legislation Amendment (Emergencies and Disasters) 2006; and

Judiciary Legislation Amendment 2006.

Question—put and passed.

9 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—CLIMATE CHANGE

The House was informed that Mr Albanese had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The need for strong Government leadership to address the real and present threat posed to Australia’s economy and environment by dangerous climate change”.

The proposed discussion having received the necessary support—

Mr Albanese rising to address the House—

Mr Abbott (Leader of the House) moved—That the business of the day be called on.

Question—put and passed.

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, 27 November 2006.

11 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT

Mrs May (Chair) presented the following documents:

Procedure—Standing Committee—Maintenance of the standing and sessional orders—Second report: Review of sessional orders adopted on 17 March 2005 and 9 February 2006; and other matters—
Report, October 2006.

Minutes of proceedings.

Ordered—That the report be made a Parliamentary Paper.

Mrs May and Mr Melham, by leave, made statements in connection with the report.

Mrs May moved—That the House take note of the report.

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

12 AGED CARE AMENDMENT (RESIDENTIAL CARE) BILL 2006

The order of the day having been read for the second reading—Mr Cobb (Minister for Community Services) moved—That the bill be now read a second time.

Document

Mr Cobb presented an explanatory memorandum to the bill.

Ms Gillard 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:

- (1) failing to protect our vulnerable aged population by ensuring that all residential aged care facilities receive at least one unannounced spot check every year; and
- (2) rejecting amendments to this bill that would have ensured the promised annual unannounced spot checks were enshrined into legislation”.

Debate continued.

Amendment negatived.

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

Leave granted for third reading to be moved immediately.

On the motion of Dr Stone (Minister for Workforce Participation), the bill was read a third time.

13 INSPECTOR OF TRANSPORT SECURITY 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 by Mr Bevis 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:

- (1) notes the failure of the Howard Government to appoint a person as Inspector of Transport Security until one year after the announcement of the position;
- (2) notes that the Howard Government finally committed to underpin this important job with appropriate laws in May of 2005 but has only now introduced legislation into the House for that purpose;
- (3) condemns the slowness with which the Howard Government dealt with the important role of Inspector of Transport Security;
- (4) condemns the Howard Government’s dismissive use of the Inspector of Transport Security who has been engaged on an average of just one day a week in spite of repeated failures in security in the Australian transport sector at the same time as terrorists have targeted aviation and rail transport over years; and
- (5) condemns the Howard Government for its failure to engage the Inspector of the Transport Security in a full time capacity”.

Debate continued.

Mr Price addressing the House—

14 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 9 a.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 31 October 2006:

Aged Care Act—Principles under subsection 96-1 (1)—2006 Committee amendment principles (No. 1) [F2006L03559].

Australian Prudential Regulation Authority Act—Determination under section 57—(Confidentiality) No. 13, 20 October 2006 [F2006L03502].

Australian Prudential Regulation Authority Act and Acts Interpretation Act—Instrument fixing charges to be paid to APRA—2006 No. 9 [F2006L03555].

Australian Security Intelligence Organisation Act—Statement of procedures—Warrants issued under division 3 of part III, 16 October 2006 [F2006L03543].

Civil Aviation Act—

Civil Aviation Regulations—Exemption—2006 No. CASA EX55 [F2006L03544].

Civil Aviation Safety Regulations—Airworthiness Directives—

Part 39-105—2006—

25 October [F2006L03531].

30 (2) October [F2006L03552], [F2006L03553].

Part 39-107—2006—25 October [F2006L03532].

Financial Management and Accountability Act—Direction under section 32—No. 8, 2006-2007 [F2006L03537].

Fisheries Management Act—Southern Bluefin Tuna Fishery Management Plan 1995—Determination—2006/2007 SBT Australian national catch allocation [F2006L03548].

National Health Act—Determinations under—
paragraph (1)(bj) of Schedule 1—2006 No. HIB 31 [F2006L03539].
subsection 99(4)—27 October 2006 [F2006L03545].

Primary Industries (Excise) Levies Act—Regulations—Select Legislative Instrument—2006 No. 262 [F2006L03461].

Privacy Act—Determination under subparagraph 11B(1)(d)(ii)—2006 No. 5 [F2006L03534].

Safety, Rehabilitation and Compensation Act—Notice—2006 Safety, rehabilitation and compensation (Licence eligibility) (No. 3) [F2006L03546].

Superannuation Industry (Supervision) Act—Determination under paragraph 11E(1)(a)—2006 No. 1 [F2006L03540].

Taxation Administration Act—Rulings—2006—

Nos CR 86 (Addendum), CR 107.

Nos GSTR 9, GSTR 10.

No. MT 2025 (Addendum).

No. PR 82 (Withdrawal).

Telecommunications (Consumer Protection and Service Standards) Act—Standards—2006
Telecommunications (Customer Service Guarantee) Amendment (No. 1) [F2006L03547].

Telecommunications (Interception and Access) Act—Declarations of eligible authority as agency—
2006 —

Corruption and Crime Commission of Western Australia—26 October [F2006L03542].

Northern Territory Police—24 October [F2006L03517].



ATTENDANCE

All Members attended (at some time during the sitting) except Dr Lawrence, Mr Randall, Mr Somlyay and Mr Ticehurst.



I. C. HARRIS

Clerk of the House of Representatives

2004-05-06

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 136

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

TUESDAY, 31 OCTOBER 2006

1 The Main Committee met at 4 p.m.

2 **MEMBERS' STATEMENTS**

Members' statements being made—

Suspension of meeting

At 4.15 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of meeting

At 4.28 p.m., the proceedings were resumed.

Members' statements continued.

15 **AUSTRALIAN CITIZENSHIP 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) opposes the increase in residence requirement to 4 years;
- (2) notes that the Government consulted with the Council of Australian Governments (COAG) on increasing the period from 2 to 3 years on national security grounds but undertook no consultation on the increase to 4 years and has given no adequate reason for this measure;
- (3) opposes the discriminatory treatment of people who lost their Australian citizenship under section 17 of the old Act (acquisition of citizenship of another country) and those who lost citizenship under section 18 (renouncing of citizenship) given that it fails to provide equitable treatment for a number of groups, but particularly the Maltese community; and
- (4) notes that a stateless person would be denied citizenship if convicted for an offence of greater than 5 years even if it were a trumped up conviction under a brutal and oppressive foreign regime”—

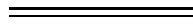
Debate resumed.

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

3 ADJOURNMENT

On the motion of Mr Wakelin, the Main Committee adjourned at 9 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