

2008-09

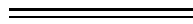
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 80

THURSDAY, 26 FEBRUARY 2009



1 The House met, at 9 a.m., pursuant to adjournment. The Speaker (Mr Jenkins) took the Chair, and read Prayers.

**2 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE AND APPROPRIATION FOR YEAR 2008-2009—APPROPRIATION BILL (NO. 5) 2008-2009**

Message No. 156, 25 February 2009, from Her Excellency the Governor-General was announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the purposes of Appropriation Bill (No. 5) 2008-2009.

Mr Bowen (Assistant Treasurer) presented a Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

*Document*

Mr Bowen presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**3 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE AND APPROPRIATION FOR YEAR 2008-2009—APPROPRIATION BILL (NO. 6) 2008-2009**

Message No. 157, 25 February 2009, from Her Excellency the Governor-General was announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the purposes of Appropriation Bill (No. 6) 2008-2009.

Mr Bowen (Assistant Treasurer) presented a Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

*Document*

Mr Bowen presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**4 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—RAAF BASE EDINBURGH REDEVELOPMENT STAGE 2, SA**

Mr McClelland (Attorney-General), for Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: RAAF Base Edinburgh redevelopment stage 2, South Australia.

Debate ensued.

Question—put and passed.

**5 PUBLICATIONS COMMITTEE—REPORT**

Mr Hayes (Chair) presented the following document:

**PUBLICATIONS COMMITTEE REPORT**

The Publications Committee reports that it has met and considered documents presented to the House of Representatives since 12 February 2009.

The Committee recommends that the following be made Parliamentary Papers:

Commonwealth Director of Public Prosecutions—Report for 2007-08.

Department of Resources, Energy and Tourism—Report for 2007-08—Addendum.

National Environment Protection Council—Report for 2007-08.

*Telecommunications (Interception and Access) Act 1979*—Report on the operation of the Act for 2007-08.

CHRIS HAYES MP

Chair

26 February 2009

On the motion of Mr Hayes, by leave, the report was agreed to.

**6 PRIVILEGE—STATEMENT BY SPEAKER**

The Speaker referred to the matter of privilege raised by Mr Pyne on 24 February 2009 concerning certain arrangements put in place by the Government for the participation of Members in school infrastructure programs.

The Speaker stated that an act of omission which obstructs or impedes Members in the discharge of their duties as Members can be regarded as contempt. It has been recognised that, as well as participating in proceedings in Parliament, Members' duties extend to electorate responsibilities, although the range of these duties to which parliamentary privilege would apply had not been fully defined.

Whilst acknowledging the importance of these matters to all Members, the Speaker stated that he had not seen evidence sufficient to support a view that a *prima facie* case of contempt had been made out by Mr Pyne in relation to the matters he had raised and, consequently, would not give precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests.

*Documents*

The Speaker presented the following documents:

Copy of correspondence from the Speaker to Mr Pyne, 24 February 2009.

Investing in Our Schools Program—Guidelines for recognition in relation to government and non-government schools—Department of Education, Employment and Workplace Relations website, accessed 24 February 2009.

**7 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED**

Mr Pyne, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Sturt from moving immediately—That the following matter be referred to the Committee of Privileges and Members' Interests: Whether the actions of the Deputy Prime Minister, by:

- (1) issuing Members of Parliament with a form requiring that they indicate whether they wish to be informed of, or participate in, launches and ceremonies at new buildings and redevelopment of their local schools, with the intention being that only through registration will Members be allowed to participate;
- (2) changing the guidelines for the launches and ceremonies associated with the former government's Investing in Our Schools Program:
  - (a) to prevent schools from inviting their local Members of Parliament; and
  - (b) so that they now require the officiating individual at any such launch or ceremony to be a member of the Australian Labor Party; and
- (3) instructing schools to disinvite their local Members of Parliament from attending programs and announcements at those schools, where the local Member of Parliament is a member of the Coalition,

amount to improper interference with the free performance by Members of their duties as Members.

Debate ensued.

Question—put.

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

AYES, 63

Mr Abbott	Mr Forrest	Mr Macfarlane	Mr Ruddock
Mr Andrews	Mrs Gash	Ms Marino	Mr Schultz
Fran Bailey	Mr Georgiou	Mrs Markus	Mr Scott
Mr Baldwin	Mr Haase	Mrs May	Mr Secker
Mr Billson	Mr Hartsuyker	Mrs Mirabella	Mr Simpkins
Mrs B. K. Bishop	Mr A. G. Hawke	Mr Morrison	Mr Slipper
Ms J. I. Bishop	Mr D. P. M. Hawker	Mrs Moylan	Mr A. D. H. Smith
Mr Briggs	Mr Hockey	Dr Nelson	Mr Somlyay
Mr Broadbent	Mrs Hull*	Mr Neville	Dr Southcott
Mr Chester	Mr Hunt	Mr Oakeshott	Dr Stone
Mr Ciobo	Mr Irons	Mr Pearce	Mr Truss
Mr Cobb	Mr Johnson*	Mr Pyne	Mr Tuckey
Mr Costello	Mr Keenan	Mr Ramsey	Mrs Vale
Mr Coulton	Mr Laming	Mr Randall	Dr Washer
Mr Dutton	Ms Ley	Mr Robb	Mr Wood
Mr Farmer	Mr Lindsay	Mr Robert	

NOES, 75

Mr Adams	Mrs D' Ath	Dr Kelly	Ms Rea
Mr Albanese	Mr Debus	Mr Kerr	Mr Ripoll
Mr Bevis	Mr Dreyfus	Ms King	Ms Rishworth
Mr Bidgood	Mrs Elliot	Ms Livermore	Ms Roxon
Ms Bird	Dr Emerson	Mr McClelland	Ms Saffin
Mr Bowen	Mr L. D. T. Ferguson	Ms Macklin	Mr Shorten
Mr Bradbury	Mr Fitzgibbon	Mr McMullan	Mr Sidebottom
Ms A. E. Burke	Mr Garrett	Mr Marles	Mr S. F. Smith
Mr A. S. Burke	Mr Georganas	Mr Melham	Mr Snowdon
Mr Butler	Ms George	Mr Murphy	Mr Sullivan
Mr Byrne	Mr Gibbons	Ms Neal	Mr Swan
Ms Campbell	Ms Gillard	Mr Neumann	Mr Symon
Mr Champion	Ms Grierson	Mr O'Connor	Mr C. R. Thomson
Mr Cheeseman	Mr Griffin	Ms Owens	Mr K. J. Thomson
Mr Clare	Mr Hale	Ms Parke	Mr Trevor
Ms Collins	Ms Hall*	Mr Perrett	Mr Turnour
Mr Combet	Mr Hayes*	Ms Plibersek	Ms Vamvakinou
Mr Crean	Mrs Irwin	Mr Price	Mr Zappia
Mr Danby	Ms Jackson	Mr Raguse	

\* Tellers

And so it was negatived.

#### 8 TELECOMMUNICATIONS AMENDMENT (INTEGRATED PUBLIC NUMBER DATABASE) BILL 2009

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 third reading to be moved immediately.

On the motion of Mr Albanese (Minister representing the Minister for Broadband, Communications and the Digital Economy), the bill was read a third time.

**9 HIGHER EDUCATION LEGISLATION AMENDMENT (STUDENT SERVICES AND AMENITIES, AND OTHER MEASURES) BILL 2009**

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 K. J. Thomson was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

**10 HIGHER EDUCATION LEGISLATION AMENDMENT (STUDENT SERVICES AND AMENITIES, AND OTHER MEASURES) BILL 2009**

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 having been resumed by Mr K. J. Thomson—

It being 2 p.m., the debate was interrupted in accordance with standing order 97, Mr K. J. Thomson was granted leave to continue his speech when the debate is resumed, and the resumption of the debate made an order of the day for a later hour this day.

**11 QUESTIONS**

Questions without notice being asked—

*Member directed to leave*

At 2.42 p.m. the Member for Herbert (Mr Lindsay) was directed, under standing order 94, to leave the Chamber for one hour for raising a frivolous point of order, and he accordingly left the Chamber.

Questions without notice continuing—

*Document*

Mr Fitzgibbon (Minister for Defence) presented the following document:

Action following the Minister for Defence's direction—Annotated copy of email correspondence within the Department of Defence, 24 to 27 October 2008.

Questions without notice continuing—

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*Suspension of standing and sessional orders moved*

Mr Turnbull (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 immediately—That this House censures the Prime Minister for his failure to:

- (1) hold the Minister for Defence to acceptable standards of accountability and responsibility;
- (2) take action to protect the welfare of SAS soldiers and their families;
- (3) dismiss the Minister for Defence:
  - (a) over his incompetent handling of the SAS pay scandal which has caused significant financial and emotional harm to SAS soldiers and their families; and
  - (b) for his contradictory statements to the House and the attempted cover-up of the Minister's personal knowledge of the harm the SAS pay scandal has inflicted on the families of SAS soldiers.

Debate ensuing—

*Member directed to leave*

At 3.34 p.m. the Member for Paterson (Mr Baldwin) 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.

Debate continued.

The time allowed by standing order 1 for debate on the motion having expired—

Question—put.

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

AYES, 59

Mr Abbott	Mr Georgiou	Ms Marino	Mr Scott
Mr Andrews	Mr Haase	Mrs Markus	Mr Secker
Fran Bailey	Mr Hartsuyker	Mrs May	Mr Simpkins
Mr Billson	Mr A. G. Hawke	Mrs Mirabella	Mr Slipper
Mrs B. K. Bishop	Mr D. P. M. Hawker	Mr Morrison	Mr A. D. H. Smith
Ms J. I. Bishop	Mr Hockey	Mrs Moylan	Mr Somlyay
Mr Broadbent	Mrs Hull*	Dr Nelson	Dr Southcott
Mr Chester	Mr Hunt	Mr Pearce	Dr Stone
Mr Ciobo	Mr Irons	Mr Pyne	Mr Truss
Mr Cobb	Mr Johnson*	Mr Ramsey	Mr Tuckey
Mr Costello	Mr Keenan	Mr Randall	Mr Turnbull
Mr Coulton	Mr Laming	Mr Robb	Mrs Vale
Mr Dutton	Ms Ley	Mr Robert	Dr Washer
Mr Forrest	Mr Lindsay	Mr Ruddock	Mr Wood
Mrs Gash	Mr Macfarlane	Mr Schultz	

NOES, 79

Mr Adams	Mr Dreyfus	Dr Kelly	Mr Raguse
Mr Albanese	Mrs Elliot	Mr Kerr	Ms Rea
Mr Bevis	Ms A. L. Ellis	Ms King	Mr Ripoll
Mr Bidgood	Ms K. M. Ellis	Ms Livermore	Ms Rishworth
Ms Bird	Dr Emerson	Mr McClelland	Ms Roxon
Mr Bowen	Mr L. D. T. Ferguson	Ms McKew	Mr Rudd
Mr Bradbury	Mr M. J. Ferguson	Ms Macklin	Ms Saffin
Ms A. E. Burke	Mr Fitzgibbon	Mr McMullan	Mr Sidebottom
Mr A. S. Burke	Mr Garrett	Mr Marles	Mr S. F. Smith
Mr Butler	Mr Georganas	Mr Melham	Mr Snowdon
Mr Byrne	Ms George	Mr Murphy	Mr Sullivan
Ms Campbell	Mr Gibbons	Ms Neal	Mr Swan
Mr Champion	Ms Gillard	Mr Neumann	Mr Symon
Mr Cheeseman	Ms Grierson	Mr Oakeshott	Mr Tanner
Mr Clare	Mr Griffin	Mr O'Connor	Mr C. R. Thomson
Ms Collins	Mr Hale	Ms Owens	Mr K. J. Thomson
Mr Combet	Ms Hall*	Ms Parke	Mr Turnour
Mr Danby	Mr Hayes*	Mr Perrett	Ms Vamvakinou
Mrs D' Ath	Mrs Irwin	Ms Plibersek	Mr Zappia
Mr Debus	Ms Jackson	Mr Price	

\* Tellers

And so it was negatived.

Questions without notice continuing—

*Document*

Mr Garrett (Minister for the Environment, Heritage and the Arts) presented the following document:

Flawed carbon trading scheme—Electronic petition sponsored by Dr Jensen—Listen To Us Petitions website, accessed 26 February 2009.

12 **MINISTRY—DOCUMENT**

Mr Rudd (Prime Minister) presented the following document:

Rudd Ministry, 25 February 2009.

**13 INDIGENOUS DISADVANTAGE—MINISTERIAL STATEMENT**

Mr Rudd (Prime Minister), by leave, making a ministerial statement relating to closing the gap on Indigenous disadvantage—

*Adjournment negatived*

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

Question—put and negatived.

Mr Rudd continued his speech and presented the following document:

Closing the gap on Indigenous disadvantage: The challenge for Australia—Report, February 2009.

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

Mr Albanese (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Turnbull (Leader of the Opposition) speaking in reply to the ministerial statement for a period not exceeding 40 minutes.

Question—put and passed.

Mr Turnbull addressed the House.

**14 DOCUMENT**

The following document was presented:

Australian Competition and Consumer Commission—Report—Telecommunications—Telstra's compliance with price control arrangements for 2007-08.

**15 ADJOURNMENT**

Mr Albanese (Leader of the House) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 5.01 p.m., adjourned until 2 p.m. on Tuesday, 10 March 2009.

**DOCUMENTS**

The following documents were deemed to have been presented on 26 February 2009:

ACIS Administration Act—Determination—2009 Commonwealth financial assistance (No. 2) [F2009L00684].

*Appropriation Act (No. 2) 2008-2009—Advance to the Finance Minister—Determination—2008-09 No. 4* [F2009L00712].

Australian Prudential Regulation Authority Act—Determination under section 57—2009 Confidentiality (No. 3) [F2009L00682].

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives under Part 39-105—AD/A109—No. 62 [F2009L00691].

AD/AS 355—

No. 84—Amendment (No. 2)—Cancellation [F2009L00672].

No. 91—Amendment (No. 2)—Cancellation [F2009L00673].

AD/DHC-8—No. 133—Amendment (No. 2) [F2009L00690].

Customs Act—Orders—Tariff Concession—2008—Nos 0826500, 0827892, 0829543 [F2009L00393], [F2009L00345], [F2009L00388].

Customs Act and Customs Tariff Act—By-Laws—2009 Nos 0904400, 0904405 [F2009L00678], [F2009L00681].

Fuel Quality Standards Act—Determinations—2009—

Fuel standard (Automotive diesel) Amendment (No. 1) [F2009L00692].

Fuel standard (Biodiesel) Amendment (No. 1) [F2009L00693].

Higher Education Support Act—VET provider—Notice of approval—2009 No. 8 [F2009L00699].

Private Health Insurance Act—Rules—2009 Benefit requirements Amendment [F2009L00688].

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**ATTENDANCE**

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

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

2008-09

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

No. 80

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

THURSDAY, 26 FEBRUARY 2009

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1 The Main Committee met at 9.30 a.m.

2 **MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements were made.

3 **CLIMATE CHANGE, WATER, ENVIRONMENT AND THE ARTS—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 Ms George—That the House take note of the document (*presented on 23 February 2009*), *viz.*—

Climate Change, Water, Environment and the Arts—Standing Committee—Resale Royalty Right for Visual Artists Bill 2008—Report, February 2009—

Debate resumed.

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*Suspension of meeting*

At 10.02 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 10.14 a.m., the proceedings were resumed.

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Debate continued.

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

4 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—PARLIAMENTARY JOINT 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 Ms Parke—That the House take note of the document (*presented on 23 February 2009*), *viz.*—

Australian Commission for Law Enforcement Integrity—Parliamentary Joint Committee—Inquiry into law enforcement integrity models—Report, February 2009—

Debate resumed.

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

5 **CORPORATIONS AND FINANCIAL SERVICES—PARLIAMENTARY JOINT 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 Ripoll—That the House take note of the document (*presented on 23 February 2009*), *viz.*—



Corporations and Financial Services—Parliamentary Joint Committee—Statutory oversight of the Australian Securities and Investments Commission—Report, February 2009—

Debate resumed.

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

**6 LEGAL AND CONSTITUTIONAL AFFAIRS—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 Dreyfus—That the House take note of the document (*presented on 25 February 2009*), viz.—

Legal and Constitutional Affairs—Standing Committee—Whistleblower protection: A comprehensive scheme for the Commonwealth public sector—Report, February 2009—

Debate resumed.

Mr Dreyfus, by leave, addressed the Main Committee without closing the debate.

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

**7 ADJOURNMENT**

Ms King moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.

At 1.02 p.m., the Deputy Speaker adjourned the Main Committee until 9.30 a.m. on Wednesday, 11 March 2009.



**B. C. WRIGHT**  
Clerk of the Main Committee