

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 89

WEDNESDAY, 13 MAY 2009

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

**2 COMMITTEE REPORTS NO LONGER REQUIRING A RESPONSE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning committee reports no longer requiring a response, and presented the following document:

Committee reports no longer requiring a response, May 2009.

**3 WHIPS REPORT**

Mr Price (Chief Government Whip) presented the following document:

Whips report—Report relating to committee and delegation reports and private Members' business on Monday, 25 May 2009—

and moved—That the report be adopted.

Question—put and passed.

**4 SUSPENSION OF STANDING ORDER 31**

Mr Albanese (Leader of the House), pursuant to notice, moved—That standing order 31 (automatic adjournment of the House) be suspended for the sitting on Thursday 14 May 2009 and at that sitting, after the Leader of the Opposition completes his reply to the Budget speech, the House automatically stand adjourned until 12 noon on Monday, 25 May 2009, unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker, fixes an alternative day or hour of meeting.

Question—put and passed.

**5 SAFE WORK AUSTRALIA BILL 2008 [NO. 2]**

Ms Gillard (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to establish Safe Work Australia, and for related purposes.

*Document*

Ms Gillard presented an explanatory memorandum to the bill.

Bill read a first time.

Ms Gillard 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.

**6 NATION BUILDING PROGRAM (NATIONAL LAND TRANSPORT) AMENDMENT BILL 2009**

Mr Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government), pursuant to notice, presented a Bill for an Act to amend the *AusLink (National Land Transport) Act 2005*, and for related purposes.

*Document*

Mr Albanese presented an explanatory memorandum to the bill.

Bill read a first time.

Mr Albanese 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.

**7 HEALTH WORKFORCE AUSTRALIA BILL 2009**

Ms Roxon (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to establish Health Workforce Australia, and for related purposes.

*Document*

Ms Roxon presented an explanatory memorandum to the bill.

Bill read a first time.

Ms Roxon 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.

**8 SOCIAL SECURITY LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2009**

Mr Shorten (Parliamentary Secretary for Disabilities and Children's Services), for Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), pursuant to notice, presented a Bill for an Act to amend the *Social Security (Administration) Act 1999*, and for related purposes.

*Document*

Mr Shorten presented an explanatory memorandum to the bill.

Bill read a first time.

Mr Shorten 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.

**9 SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (2009 BUDGET 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.

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

*Message from the Governor-General*

Message No. 174, 11 May 2009, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Leave granted for third reading to be moved immediately.

On the motion of Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), the bill was read a third time.

**10 FINANCIAL ASSISTANCE LEGISLATION AMENDMENT 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.

*Message from the Governor-General*

Message No. 175, 11 May 2009, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Leave granted for third reading to be moved immediately.

On the motion of Mr Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government), the bill was read a third time.

**11 NATION-BUILDING FUNDS AMENDMENT 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 for Infrastructure, Transport, Regional Development and Local Government), the bill was read a third time.

**12 MESSAGES FROM THE SENATE**

Messages from the Senate, 13 May 2009, were reported returning the following bills without requests:

No. 253—Excise Tariff Validation 2009.

No. 254—Customs Tariff Validation 2009.

**13 QUESTIONS**

Questions without notice were asked.

**14 DOCUMENTS**

The following documents were presented:

Medical Training Review Panel—Report for 2007-08.

*Migration Act 1958—*

Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 November 2008 to 28 February 2009.

Section 486O—Assessment of detention arrangements—2009 Personal identifiers 509/09 to 533/09—Commonwealth and Immigration Ombudsman's reports.

Government response to Ombudsman's reports.

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2008 to 28 February 2009.

Treaties—

List of multilateral and bilateral treaties under negotiation, consideration or review by the Australian Government as at March 2009.

*Bilateral—*

*Explanatory statement—*2009 No. 8—Agreement to amend the agreement between the Government of Australia and the United States of America concerning certain mutual defence commitments (Chapeau Defence Agreement).

*Text, together with national interest analysis—*

Agreement between Australia and the Socialist Republic of Vietnam concerning the transfer of sentenced persons, done at Canberra on 13 October 2008.

Agreement on employment of the spouses and dependants of diplomatic and consular personnel between Australia and the Portuguese Republic, done in Lisbon on 6 February 2009.

*Multilateral—Text, together with national interest analysis—*Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel (New York, 8 December 2005).

**15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PUBLIC FINANCES**

The House was informed that Mr Hockey had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's failure to keep control of the nation's public finances".

The proposed discussion having received the necessary support—

Mr Hockey addressed the House.

Discussion ensued.

Discussion concluded.

**16 BILLS REFERRED TO MAIN COMMITTEE**

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

Therapeutic Goods Amendment (2009 Measures No. 1) 2009; and

Defence Legislation Amendment (No. 1) 2009.

Question—put and passed.

**17 DEATH OF CORPORAL MATHEW RICKY ANDREW HOPKINS—CONDOLENCE MOTION—MOTION TO TAKE NOTE OF DOCUMENT—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the motion to take note of the copy of the condolence motion moved by the Prime Minister in relation to the death of Corporal Mathew Ricky Andrew Hopkins, had been debated in the Main Committee and returned to the House, and presented a certified copy of the document.

All Members present having risen, in silence—

Question—passed.

**18 DEATH OF SERGEANT BRETT TILL—CONDOLENCE MOTION—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the order of the day relating to the Prime Minister's motion of condolence in connection with the death of Sergeant Brett Till had been debated in the Main Committee and returned to the House, and presented a certified copy of the motion.

All Members present having risen, in silence—

Question—passed.

**19 TAX LAWS AMENDMENT (SMALL BUSINESS AND GENERAL BUSINESS TAX BREAK) 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Bowen (Assistant Treasurer) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Bowen, by leave, Government amendments (1) to (4) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Bowen, by leave, the bill was read a third time.

**20 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL AND OTHER BENEFITS—COST RECOVERY) BILL 2008 [NO. 2]**

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 Dutton 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) acknowledges that the bill does not require:

- (a) an independent review after two years of the cost recovery arrangements for listing medicines on the Pharmaceutical Benefits Scheme;
- (b) any such review to identify any negative impacts that the cost recovery arrangements have had on access to medicines;
- (c) any such review to be tabled in Parliament; and
- (d) an annual quality assurance audit of the evaluation of submissions (from the Pharmaceutical Benefits Advisory Committee) conducted by the relevant Department and its evaluators; and

(2) calls on the Government to make such amendments to the bill as would rectify these flaws”.

Debate continued.

Amendment negatived.

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

*Message from the Governor-General*

Message No. 176, 11 May 2009, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Leave granted for third reading to be moved immediately.

On the motion of Ms Roxon (Minister for Health and Ageing), the bill was read a third time.

## 21 NATIVE TITLE AMENDMENT 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 Tuckey 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 the next sitting.

## 22 ADJOURNMENT

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

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until 9 a.m. tomorrow.

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## DOCUMENTS

The following documents were deemed to have been presented on 13 May 2009:

A New Tax System (Family Assistance) (Administration) Act—Specifications—2009 Waiver of debts—Victorian bushfires—

DEEWR [F2009L01794].

FaHCSIA [F2009L01798].

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

AD/DAUPHIN—No. 99 [F2009L01766].

AD/SWSA226—

No. 39—Cancellation [F2009L01688].

No. 50—Amendment (No. 1)—Cancellation [F2009L01686].

AD/TSA-600—

No. 1—Amendment (No. 1)—Cancellation [F2009L01685].

No. 6—Cancellation [F2009L01684].

No. 7—Amendment (No. 16)—Cancellation [F2009L01683].

Part 39-106—AD/MAKILA—No. 14 [F2009L01698].

Corporations Act—Accounting standards—2009 Amendments Nos AASB 1, AASB 2, AASB 3 [F2009L01637], [F2009L01638], [F2009L01636].

Customs Act—

CEO Directions—2009 No. 1 [F2009L01718].

Orders—Tariff Concession—

2008 Nos 0813346, 0825982, 0831075 [F2009L01668], [F2009L01664], [F2009L01666].

2009 Nos 0842377, 0843774, 0843788, 0845335, 0945960, 0946016 [F2009L01340], [F2009L01466], [F2009L01470], [F2009L01376], [F2009L01391], [F2009L01388].

Defence Act—Determination under section 52—2009 No. 1 [F2009L01472].

Federal Court of Australia Act—Rules of Court—Select Legislative Instrument—2009 No. 72 [F2009L01710].

Financial Management and Accountability Act—Determination—Transfer of functions from Health to AOTDTA—2009 No. 5 [F2009L01791].

Higher Education Support Act—VET provider—Notice of approval—2009 No. 20 [F2009L01748].

National Health Act—  
Amendment declaration and amendment determination under section 85—2009 No. PB 39 [F2009L01713].  
Amendment determinations under—  
section 84AF—2009 No. PB 41 [F2009L01711].  
section 98C—2009 No. PB 42 [F2009L01714].

National Rental Affordability Scheme Act—National Rental Affordability Scheme Regulations—  
Determination—2009 Household types [F2009L01805].

Private Health Insurance Act—Rules—2009 Benefit requirements—Amendment (No. 3) [F2009L01717].

Social Security Act—  
Determination—2009 Employment pathway plan requirements—DEEWR (No. 1) [F2009L01804].  
Specifications—2009—  
Exemptions from non-payment and waiting periods (Activities)—No. 1 [F2009L01807].  
Satisfaction of the activity test (Classes of persons)—DEEWR (No. 1) [F2009L01808].  
Waiver of debts (Victorian bushfires)—  
DEEWR [F2009L01793].  
FaHCSIA [F2009L01799].

Social Security Act and Social Security (Administration) Act—Determination—2009 Reasonable  
excuse (Participation payment obligations)—DEEWR (No. 1) [F2009L01803].

Social Security (Administration) Act—  
Determinations—2009—  
Penalty amount (No. 1) [F2009L01800].  
Persistent non-compliance—DEEWR (No. 1) [F2009L01801].  
Guidelines—2009 Payment pending review—DEEWR [F2009L01802].  
Specification—2009 Ending unemployment non-payment periods (Classes of persons)—DEEWR  
(No. 1) [F2009L01806].

Therapeutic Goods Act—Order under section 3—2009 Amendment to the definition of British  
Pharmacopoeia [F2009L01699].

Veterans' Entitlements Act—Determination—2009 Partner service pension (Retention of eligibility for  
non-illness separated spouse), No. R25 [F2009L01478].

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#### ATTENDANCE

All Members attended (at some time during the sitting) except Fran Bailey, Mr Irons, Mr Laming and Mr Scott.

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

2008-09

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

No. 89

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 13 MAY 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 DEATH OF CORPORAL MATHEW RICKY ANDREW HOPKINS—CONDOLENCE MOTION—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 Albanese (Leader of the House)—That the House take note of the document (*presented on 19 March 2009*), *viz.*—

Death of Corporal Mathew Ricky Andrew Hopkins—Copy of the Prime Minister's motion of condolence—

Debate resumed.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

Mr Ripoll moved that further proceedings be conducted in the House.

Question—put and passed.

**4 DEATH OF SERGEANT BRETT TILL—CONDOLENCE MOTION**

The order of the day having been read for the resumption of the debate on the motion of Mr Rudd (Prime Minister)—That the House record its deep regret and sorrow at the death, on 19 March 2009, of Sergeant Brett Till, killed while on combat operations in Southern Afghanistan, and place on record its appreciation of his service to the country, and tender its profound sympathy to his family in their bereavement—

Debate resumed.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

Mr Ripoll moved that further proceedings be conducted in the House.

Question—put and passed.

**5 SOCIAL SECURITY LEGISLATION AMENDMENT (IMPROVED SUPPORT FOR CARERS) 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.

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*Suspension of meeting*

At 1 p.m., the Deputy Speaker left the Chair.

*Resumption of meeting*

At 4 p.m., the Deputy Speaker resumed the Chair.

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Debate continued.

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

*Message from the Governor-General*

Message No. 180, 4 April 2009, from Her 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.

**6 FUEL QUALITY STANDARDS AMENDMENT 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.

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

**7 ADJOURNMENT**

On the motion of Mr Dreyfus, the Main Committee adjourned at 7.26 p.m.

The Deputy Speaker fixed 9.30 a.m. tomorrow for the next meeting of the Main Committee.

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