

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 110

MONDAY, 17 AUGUST 2009

1 The House met, at 12 noon, pursuant to adjournment. The Speaker (Mr Jenkins) took the Chair, and read Prayers.

**2 PRIVATE MEMBERS' MOTIONS—PRESENTED BY SPEAKER**

The Speaker presented copies of the terms of the following private Members' motions:

Mr Randall—Franchising (*see item No. 3, Minutes of Proceedings of the Main Committee*).

Ms King—Polio survivors (*see item No. 4, Minutes of Proceedings of the Main Committee*).

Mr Simpkins—Religious freedom and democracy in Vietnam (*see item No. 5, Minutes of Proceedings of the Main Committee*).

Mr K. J. Thomson—Daw Aung San Suu Kyi (*see item No. 6, Minutes of Proceedings of the Main Committee*).

In accordance with standing order 41(h) the motions were made orders of the day and referred to the Main Committee.

**3 MESSAGES FROM THE SENATE**

Messages from the Senate, 13 August 2009, were reported returning the following bills without amendment or requests:

No. 303—Customs Tariff Amendment (2009 Measures No. 1) 2009 [No. 2] (*without requests*).

No. 304—Excise Tariff Amendment (2009 Measures No. 1) 2009 [No. 2] (*without requests*).

No. 305—Therapeutic Goods Amendment (2009 Measures No. 1) 2009.

No. 306—Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) 2009.

**4 MESSAGE FROM THE SENATE—FREEDOM OF INFORMATION (REMOVAL OF CONCLUSIVE CERTIFICATES AND OTHER MEASURES) BILL 2008**

Message No. 302, 13 August 2009, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the law relating to access to information, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

**5 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE**

The House was informed that the Chief Government Whip had nominated Mr Adams to be a member of the Joint Committee of Public Accounts and Audit.

Mr Albanese (Leader of the House), by leave, moved—That Mr Adams be appointed a member of the Joint Committee of Public Accounts and Audit.

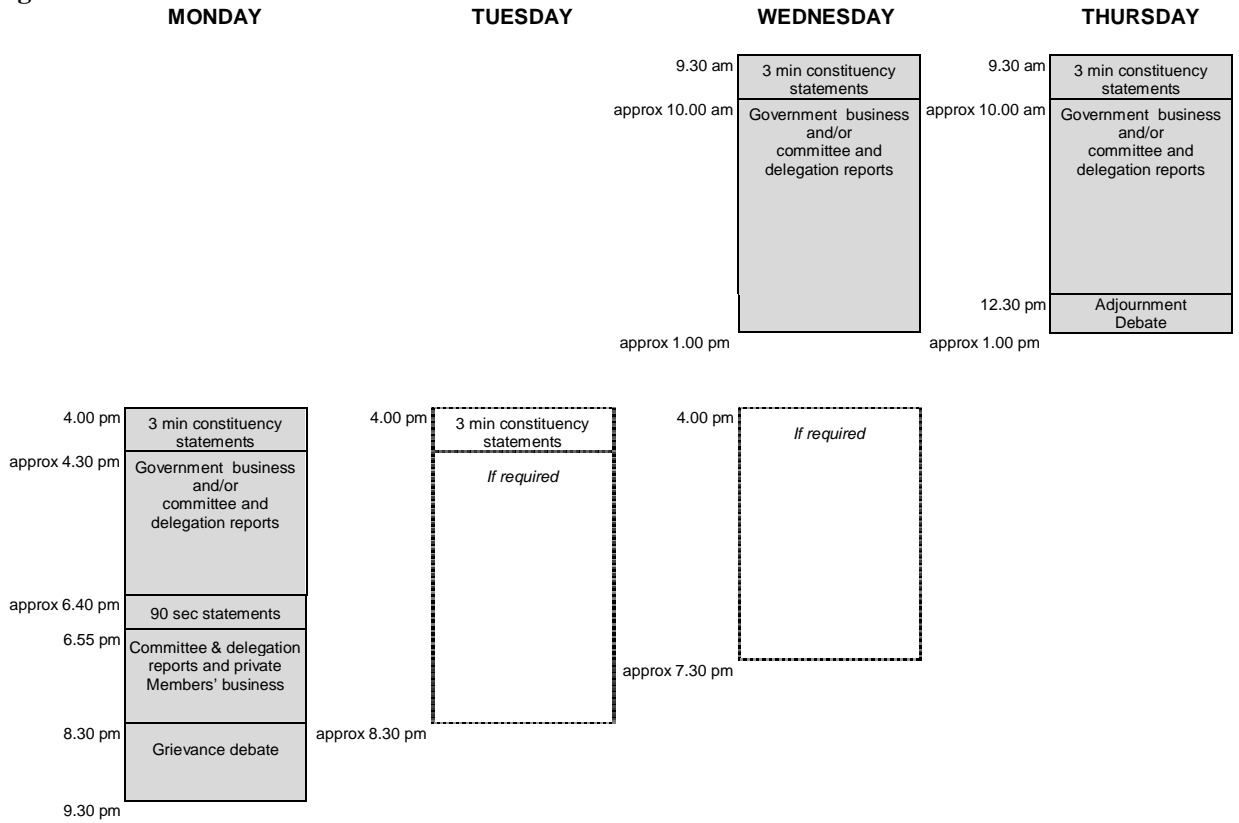
Question—put and passed.

**6 AMENDMENTS TO STANDING ORDERS**

Mr Albanese (Leader of the House), pursuant to notice, moved—That unless otherwise ordered, standing orders 192 and 193 be amended to read as follows:

**192. Main Committee's order of business**

The normal order of business for the Main Committee is set out in figure 4.

**Figure 4. Main Committee order of business**

The meeting times of the Main Committee are fixed by the Deputy Speaker and are subject to change. Adjournment debates can occur on days other than Thursdays by agreement between the Whips.

**193. Members' three minute constituency statements**

The first item of business on any day that the Main Committee meets shall be constituency statements by Members. The Deputy Speaker may call a Member to make a constituency statement for no longer than three minutes. The period for Members' constituency statements may continue for 30 minutes, irrespective of suspensions for divisions in the House.

Debate ensued.

Question—put and passed.

**7 TIME FOR MEETING AND ORDER OF BUSINESS FOR TUESDAY, 18 AUGUST 2009**

Mr Albanese (Leader of the House), by leave, moved—That the time and order of business for the sitting tomorrow, 18 August 2009, be as follows:

- (1) the House, at its rising, adjourn until tomorrow at 12 noon; and
- (2) government business have priority from 12 noon until 2 p.m.

Debate ensued.

Question—put and passed.

**8 POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 1, government business, be postponed until a later hour this day.

**9 RENEWABLE ENERGY (ELECTRICITY) 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 Katter addressing the House—

It being 2 p.m., the debate was interrupted in accordance with standing order 97, Mr Katter 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.

#### 10 QUESTIONS

Questions without notice were asked.

#### 11 SUSPENSION OF STANDING ORDERS 31 AND 33, AND ORDER OF BUSINESS FOR THIS SITTING AND TUESDAY, 18 AUGUST 2009

Mr Albanese (Leader of the House), by leave, moved—That:

- (1) for this sitting standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 10 p.m.) be suspended;
- (2) for this sitting so much of the standing and sessional orders be suspended as would prevent government business having precedence from 8.30 p.m.; and
- (3) further to the resolution agreed to earlier today, the following items have priority over government business until 1 p.m. on Tuesday, 18 August 2009: presentation of petitions until 12.10 p.m., then the Whips' recommendations for committee and delegation reports and private Members' business in the House of Representatives Chamber from 8.40 p.m. on Monday, 17 August 2009.

Debate ensued.

Question—put and passed.

#### 12 MAIN COMMITTEE—HOUR OF NEXT MEETING

The Speaker reported that the Deputy Speaker had fixed 6.40 p.m. today for the next meeting of the Main Committee.

#### 13 RENEWABLE ENERGY (ELECTRICITY) 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.

#### *Messages from the Governor-General*

Message No. 222, 17 June 2009, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Message No. 223, 24 June 2009, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of amendments to the bill.

#### *Consideration in detail*

Bill, by leave, taken as a whole.

Mr Hunt, by leave, moved Opposition amendments (1) to (13) together.

Debate continued.

Question—That the amendments be agreed to—put.

The House divided (the Deputy Speaker, Ms Bird, in the Chair)—

## AYES, 60

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

## NOES, 73

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

\* Tellers

And so it was negatived.

Mr Oakeshott, by leave, moved amendments (1) to (4) together.

Debate continued.

*Closure*

Mr Combet (Minister Assisting the Minister for Climate Change) moved—That the question be now put—put and passed.

Amendments negatived.

*Document*

Mr Combet presented a supplementary explanatory memorandum to the bill.

Mr Combet, by leave, moved Government amendments (1) to (20) of sheet CA209 together.

Debate continued.

*Closure*

Mr Combet moved—That the question be now put—put and passed.

And the question—That the amendments be agreed to—was put accordingly, and passed.

*Document*

Mr Combet presented a supplementary explanatory memorandum to the bill.

Mr Combet, by leave, moved Government amendments (1) to (3) of sheet BF206 together.

Debate continued.

*Closure*

Mr Combet moved—That the question be now put—put and passed.

And the question—That the amendments be agreed to—was put accordingly, and passed.

Bill, as amended, agreed to.

Consideration in detail concluded.

Leave granted for third reading to be moved immediately.

On the motion of Mr Combet, the bill was read a third time.

**14 RENEWABLE ENERGY (ELECTRICITY) (CHARGE) 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—

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

Leave granted for third reading to be moved immediately.

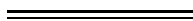
On the motion of Mr Combet (Minister Assisting the Minister for Climate Change), the bill was read a third time.

**15 ADJOURNMENT**

Mr Combet (Minister Assisting the Minister for Climate Change) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 9.53 p.m., adjourned until tomorrow at 12 noon, in accordance with the resolution agreed to this day.



**DOCUMENTS**

The following documents were deemed to have been presented on 17 August 2009:

Airports Act—Statement of reasons—17 July 2009.

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

AD/A320—No. 232 [F2009L03068].

AD/A330—Nos 103, 104, 105 [F2009L03066], [F2009L03065], [F2009L03064].

AD/AMD 50—No. 47—Amendment (No. 1) [F2009L03120].

AD/B717—No. 18—Amendment (No. 1) [F2009L03114].

AD/B737—No. 359 [F2009L03128].

AD/BEECH 18—No. 22—Cancellation [F2009L03062].

AD/BEECH 23—

No. 3—Cancellation [F2009L03061].

No. 13—Cancellation [F2009L03060].

AD/BO 105—No. 28 [F2009L03112].

AD/CL-600—No. 116 [F2009L03111].

AD/DAUPHIN—

No. 29—Cancellation [F2009L03047].

No. 30—Cancellation [F2009L03046].

AD/EMB-120—No. 49 [F2009L03110].

AD/F406—No. 19 [F2009L03104].  
 AD/GBK 117—No. 5—Amendment (No. 1) [F2009L03103].  
 AD/JBK 117—  
 No. 4—Amendment (No. 1) [F2009L03096].  
 No. 32—Amendment (No. 1) [F2009L03005].  
 AD/S-PUMA—No. 82—Amendment (No. 1) [F2009L03152].  
 AD/SF340—No. 108—Amendment (No. 2) [F2009L03072].  
 AD/TBM 700—No. 52—Amendment (No. 1) [F2009L03071].  
 AD/VG-RV—No. 1—Cancellation [F2009L03020].  
 Part 39-106—  
 AD/ARRIEL—No. 32—Amendment (No. 2) [F2009L03202].  
 AD/THIELERT—No. 13 [F2009L03070].  
 Part 39-107—AD/PR—No. 40 [F2009L03126].  
 Customs Act—  
 Order—Tariff Concession—2009—No. 0903184 [F2009L02877].  
 Regulations—Select Legislative Instrument—2009—No. 199 [F2009L03130].  
 Food Standards Australia New Zealand Act—Variations to the Australia New Zealand Food Standards Code—2009—Amendment (No. 111) [F2009L03145].  
 Marriage Act—Regulations—Select Legislative Instrument—2009—No. 200 [F2009L03119].  
 Migration Act—Regulations—Select Legislative Instruments—2009—Nos 202, 203 [F2009L03143], [F2009L03139].  
*Migration Amendment (Protection of Identifying Information) Act 2008*—Proclamation under subsection 2 (1) fixing 14 September 2009 as the day on which Schedule 1 to the Act commences [F2009L03098].  
 Private Health Insurance Act—Rules—2009—Prostheses—Amendment (No. 2) [F2009L03198].  
 Safety, Rehabilitation and Compensation Act—Notice—2009—Definition of employee (No. 1) [F2009L03173].  
 Sydney Airport Curfew Act—Dispensations—2009—No. 6.

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#### ATTENDANCE

All Members attended (at some time during the sitting) except Mr Abbott, Mr Billson, Mr Georganas, Mr Gray, Mrs May and Mr Windsor.

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

2008-09

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

No. 110

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**MONDAY, 17 AUGUST 2009**

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1 The Main Committee met at 6.40 p.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 FRANCHISING**

The order of the day having been read for the resumption of the debate on the motion of Mr Randall—  
That the House:

- (1) notes that in December 2008 the Parliamentary Joint Committee on Corporations and Financial Services tabled its report entitled *Opportunity not opportunism: improving conduct in Australian franchising*;
- (2) condemns the Minister for Small Business for ignoring the calls of current and former franchisees, the Opposition and his own colleagues to urgently implement the recommendations of the *Opportunity not opportunism: improving conduct in Australian franchising* report;
- (3) acknowledges that adoption of Recommendation 8 to insert a new clause into the Franchising Code of Conduct imposing a good faith requirement on franchisors, franchisees and prospective franchisees to act in good faith in relation to all aspects of a franchise agreement, would impose a standard of behaviour that would discourage opportunistic and unethical conduct in the franchising sector; and
- (4) notes that:
  - (a) amendments to the *Trade Practices Act 1974*, imposing pecuniary penalties for breaches of the Franchising Code of Conduct, would further act as a deterrent and ensure full compliance with the Code and also discourage opportunistic and unethical conduct in the franchising sector; and
  - (b) while the Minister fails to implement all 11 recommendations, aggrieved franchisees will continue to lose their livelihoods and homes and many will continue to have no means for redress without recourse to expensive and often unaffordable litigation (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

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.

**4 POLIO SURVIVORS**

The order of the day having been read for the resumption of the debate on the motion of Ms King—That the House recognises that:

- (1) polio survivors continue to be the single largest disability group in Australia today, numbering in the tens of thousands;

- (2) this number not only includes those who contracted polio in Australia during the epidemics last century, but also young polio survivors who have migrated from countries where polio is still prevalent or only recently eradicated;
- (3) the needs of polio survivors have been largely neglected since vaccination against the disease became a reality, and as they age with chronic disabilities this neglect must be addressed as a matter of urgency;
- (4) over the last 20 years much attention has been drawn to the development of new, previously unrecognised, symptoms which occur in people who were thought to have reached a stable level of recovery after the acute disease;
- (5) symptoms of the late effects of polio include unaccustomed fatigue unrelated to activity, decreased strength and endurance, pain in muscles and/or joints, an inability to stay alert, weakness and muscle atrophy, muscle and joint pain, muscle spasms and twitching, respiratory and sleep problems, swallowing and speaking difficulties, depression and anxiety;
- (6) over the last 20 years polio survivors have established state based post polio organisations to provide information and support for fellow survivors, and that these networks are run by polio volunteers who themselves are experiencing increased disability and decreased mobility; and
- (7) in the coming years it is increasingly inevitable that many state networks will cease to function as volunteers find themselves unable to continue the service, thereby creating the necessity for a central body, Polio Australia, to take over responsibility for state functions (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

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.

## 5 RELIGIOUS FREEDOM AND DEMOCRACY IN VIETNAM

The order of the day having been read for the resumption of the debate on the motion of Mr Simpkins—That the House:

- (1) notes that the Venerable Thich Quang Do, leader of the Unified Buddhist Church of Vietnam has been noted as one of the 15 Great Champions of World Democracy, for his advocacy for religious freedom and democracy in Vietnam; and
- (2) encourages the Minister for Foreign Affairs to seek from the Government of the Socialist Republic of Vietnam:
  - (a) the release from house arrest of the Venerable Thich Quang Do; and
  - (b) the restoration of complete freedom of religion within Vietnam (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

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 DAW AUNG SAN SUU KYI

The order of the day having been read for the resumption of the debate on the motion of Mr K. J. Thomson—That the House:

- (1) deplores the Myanmar military regime for pressing new and spurious charges against Dr Aung San Suu Kyi and for her ongoing detention and persecution;
- (2) condemns the Myanmar regime for continuing to deny the fundamental human rights of Dr Suu Kyi, notably those rights enshrined in Articles 9, 10 and 19 of the Universal Declaration of Human Rights, which prohibit arbitrary arrest and detention, guarantee the right to fair trial, and guarantee the right to freedom of opinion and expression;
- (3) demands that the Myanmar regime drop the current set of charges against Dr Suu Kyi, and immediately and unconditionally release her from detention;
- (4) applauds Dr Suu Kyi for her courage in peacefully protesting for the democratic rights of the people of Myanmar over many years and with great dignity and civility; and



- (5) calls on the Myanmar regime to ensure that the elections it proposes to conduct in 2010 are truly free and fair (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

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

**7 GRIEVANCE DEBATE**

Pursuant to the provisions of standing order 192B, the order of the day having been read for the resumption of the debate on the question—That grievances be noted—

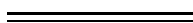
Debate ensued.

Mr Dreyfus 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.

**8 ADJOURNMENT**

On the motion of Ms A. L. Ellis, the Main Committee adjourned at 9.07 p.m.

The Deputy Speaker fixed 9.30 a.m. on Wednesday, 19 August 2009 for the next meeting of the Main Committee.



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