

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 114

MONDAY, 7 SEPTEMBER 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:

Ms Parke—Nuclear testing (*see item No. 6, Minutes of Proceedings of the Main Committee*).

Mr Hartsuyker—Importation of bananas (*see item No. 7, Minutes of Proceedings of the Main Committee*).

Ms Collins—Fee for payment of accounts (*see item No. 8, 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 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS**

A message from Her Excellency the Governor-General was announced informing the House that Her Excellency, in the name of Her Majesty, had assented to the following bills:

27 August 2009—Message No. 231—

Excise Tariff Amendment (2009 Measures No. 1) 2009 [No. 2].

Customs Tariff Amendment (2009 Measures No. 1) 2009 [No. 2].

Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) 2009.

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

**4 MESSAGE FROM THE SENATE**

Message No. 309, 20 August 2009, from the Senate was reported returning the Law and Justice (Cross Border and Other Amendments) Bill 2009 without amendment.

**5 MIGRATION—JOINT STANDING COMMITTEE—CORRECTION**

Mr Danby (Chair) presented the following document:

Migration—Joint Standing Committee—Immigration detention in Australia: Facilities, services and transparency—Correction to the dissenting report by Senator Hanson-Young.

**6 HEALTH LEGISLATION AMENDMENT (MIDWIVES AND NURSE PRACTITIONERS) 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.

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.

**7 MINISTERIAL ARRANGEMENTS**

Mr Rudd (Prime Minister) informed the House that, during the absence overseas of Mr Swan (Treasurer), Mr Tanner (Minister for Finance and Deregulation) would answer questions on his behalf.

**8 QUESTIONS**

Questions without notice being asked—

*Member directed to leave*

At 2.57 p.m. the Member for Bowman (Mr Laming) 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 continued.

**9 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 2 of 2009–2010—Assurance report—Campaign advertising review 2008-09.

Ordered to be made a Parliamentary Paper.

**10 DOCUMENTS**

The following documents were presented:

Federal Magistrates Court of Australia—Report for 2007-08—Errata.

Great Barrier Reef Marine Park Act—Great Barrier Reef—Outlook report—2009.

Sydney Airport Demand Management Act—Quarterly report on movement cap for Sydney airport for the period 1 April to 30 June 2009.

**11 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS**

Mr Albanese (Leader of the House) moved—That the House take note of the following documents:

Great Barrier Reef Marine Park Act—Great Barrier Reef—Outlook report—2009.

Sydney Airport Demand Management Act—Quarterly report on movement cap for Sydney airport for the period 1 April to 30 June 2009.

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

**12 MONTARA OIL SPILL—MINISTERIAL STATEMENT**

Mr M. J. Ferguson (Minister for Resources and Energy), by leave, made a ministerial statement relating to the Montara oil spill incident and response.

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

Mr M. J. Ferguson, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Macfarlane speaking in reply to the ministerial statement for a period not exceeding nine and a half minutes.

Question—put and passed.

Mr Macfarlane addressed the House.

**13 INTERIM REPORT OF THE VICTORIAN BUSHFIRES ROYAL COMMISSION—MINISTERIAL STATEMENT**

Mr McClelland (Attorney-General), by leave, made a ministerial statement relating to the Commonwealth response to the interim report of the Victorian Bushfires Royal Commission.

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

Mr McClelland, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Ms Ley speaking in reply to the ministerial statement for a period not exceeding 15 ½ minutes.

Question—put and passed.

Ms Ley addressed the House.

**14 MESSAGE FROM THE SENATE**

Message No. 310, 7 September 2009, from the Senate was reported returning the Safe Work Australia Bill 2008 [No. 2] without amendment.

**15 POSTPONEMENT OF ORDERS OF THE DAY**

Ordered—That orders of the day Nos 2 and 3, government business, be postponed until a later hour this day.

**16 TAX LAWS AMENDMENT (2009 MEASURES NO. 4) 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. 232, 9 July 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 Dr Emerson (Minister for Competition Policy and Consumer Affairs), the bill was read a third time.

**17 INTERNATIONAL MONETARY AGREEMENTS 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 Bowen (Minister for Financial Services, Superannuation and Corporate Law), the bill was read a third time.

**18 HEALTH LEGISLATION AMENDMENT (MIDWIVES AND NURSE PRACTITIONERS) 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.

Ms Neal addressing the House—

It being 8.30 p.m., the debate was interrupted in accordance with standing order 34, Ms Neal was granted leave to continue her speech when the debate is resumed, and the resumption of the debate made an order of the day for the next sitting.

**19 PETITIONS—STANDING COMMITTEE—PRESENTATION OF PETITIONS AND MINISTERS' RESPONSES—STATEMENT BY MEMBER**

Mrs Irwin (Chair) presented petitions and Ministers' responses to petitions previously presented to the House.

Mrs Irwin made a statement in connection with petitions.

**20 CORPORATIONS AND FINANCIAL SERVICES—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Mr Ripoll (Chair) presented the following documents:

Corporations and Financial Services—Parliamentary Joint Committee—Inquiry into aspects of agribusiness managed investment schemes—

Report, September 2009.

Evidence received by the committee.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

The time allotted for making statements on the report having expired—

Mr Ripoll moved—That the House take note of the report.

In accordance with standing order 39, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

Mr Ripoll, by leave, moved—That the order of the day be referred to the Main Committee for debate.

Question—put and passed.

**21 INTELLIGENCE AND SECURITY—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS**

Mr Dreyfus presented the following document:

Intelligence and Security—Parliamentary Joint Committee—Review of administration and expenditure: No. 6—Australian Intelligence Agencies—Report, September 2009.

Ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

**22 POSTPONEMENT OF ORDER OF THE DAY**

Mr Katter, by leave, moved—That order of the day No. 1, private Members' business, be postponed until the next sitting.

Question—put and passed.

**23 ADJOURNMENT**

Mr Bowen (Minister for Financial Services, Superannuation and Corporate Law) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 9.36 p.m., adjourned until 2 p.m. tomorrow.

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**DOCUMENTS**

The following documents were deemed to have been presented on 7 September 2009:

Aged Care Act—Determination—2009 Amount of flexible care subsidy—Innovative care service—Congress Community Development and Education Unit Ltd (No. 1) [F2009L03345].

Anti-Money Laundering and Counter-Terrorism Financing Act—Rules—2009 Amendment (No. 4) [F2009L03234].

Australian Prudential Regulation Authority Act—Determinations under section 57—2009 Confidentiality Nos 13, 14 [F2009L03233], [F2009L03286].

Civil Aviation Act—

Civil Aviation Regulations—

Exemption—2009 No. CASA EX65 [F2009L03205].

Instrument—2009 No. CASA 319 [F2009L02720].

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

AD/A330—No. 108 [F2009L03391].

AD/B747—

No. 85—Amendment (No. 5) [F2009L03339].

No. 242—Amendment (No. 1) [F2009L03338].

No. 388—Amendment (No. 1) [F2009L03337].

AD/BELL 412—No. 58 [F2009L03272].

AD/EC 120—No. 19 [F2009L03354].

AD/ECUREUIL—No. 136 [F2009L03355].

AD/F28—No. 92 [F2009L03356].

AD/F100—No. 96 [F2009L03260].

AD/JBK 117—No. 33 [F2009L03257].

Part 39-106—AD/TPE 331—No. 64 [F2009L03256].

Commonwealth Authorities and Companies Act—Notice under section 45—Commonwealth forming and becoming a member of a company—Australian Solar Institute Limited.

Copyright Act—Declaration under paragraph 10A (1)(d), 12 June 2009.

Corporations Act—Accounting standards—2009 Amendment AASB 8 [F2009L03332].

Criminal Code Act—Regulations—Select Legislative Instrument—2009 No. 208 [F2009L03208].

Customs Act—Orders—Tariff Concession—2009 Nos 0701465, 0705138, 0804318, 0902828, 0902849, 0903376, 0904251, 0904506, 0905077, 0905247, 0905353, 0905366, 0905599, 0906067, 0906070, 0906071, 0906143, 0906256, 0906257, 0906322, 0906969, 0907341, 0907738, 0908211, 0908283, 0909174, 0910938 [F2009L03298], [F2009L03300], [F2009L03301], [F2009L03177], [F2009L03168], [F2009L03179], [F2009L03319], [F2009L03169], [F2009L03170], [F2009L03171], [F2009L03193], [F2009L03191], [F2009L03190], [F2009L03287], [F2009L03283], [F2009L03284], [F2009L03288], [F2009L03183], [F2009L03184], [F2009L03185], [F2009L03274], [F2009L03278], [F2009L03292], [F2009L03297], [F2009L03299], [F2009L03313], [F2009L03316].

Defence Act—Determinations under Section 58B—2009 Nos 51, 52, 53, 54, 55.

Family Law Act—Family Law (Superannuation) Regulations—

Approval—2009 Methods and factors for valuing particular superannuation interests—Amendment (No. 1) [F2009L03349].

Determination—2009 Provision of information—Victorian pension schemes—Amendment (No. 1) [F2009L03350].

Federal Financial Relations Act—Determination under section 16—2009 National partnership payments (No. 7) [F2009L03326].

Financial Management and Accountability Act—Determination—Varying and abolishing a special account—2009 No. 26 [F2009L03232].

Financial Sector (Collection of Data) Act—Determination of reporting standards under section 13—2009 Nos 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 [F2009L03302], [F2009L03303], [F2009L03305], [F2009L03307], [F2009L03309], [F2009L03311], [F2009L03312], [F2009L03314], [F2009L03320], [F2009L03321], [F2009L03322], [F2009L03323].

Food Standards Australia New Zealand Act—Application Handbook—Part 3—2009 Amendment (No. 3) [F2009L03244].

Higher Education Support Act—

Higher education provider—Notices of approval—2009 Nos 5, 6 [F2009L03327], [F2009L03336].

VET provider—Notice of approval—2009 No. 34 [F2009L03353].

Imported Food Control Act—Order—2009 Imported Food Control Amendment (No. 1) [F2009L03133].

Judiciary Act—Rules of Court—25 August 2009 [F2009L03341].

Migration Act—Statements under—

section 33—1 January to 30 June 2009.

section 46A—1 January to 30 June 2009 [17].

section 48B—1 January to 30 June 2009 [11].

section 91Q—1 January to 30 June 2009.

section 195A—1 January to 30 June 2009 [27].  
section 197AB—1 January to 30 June 2009 [20].  
section 351—1 January to 30 June 2009 [52].  
section 417—1 January to 30 June 2009 [126].

National Health Act—

Amendment special arrangements under section 100—2009 No. PB 85 [F2009L03333].

Determination under section 84AG—2009 No. PB 80 [F2009L03351].

Private Health Insurance Act—Rules—2009 Benefit requirements—Amendment (No. 4) [F2009L03334].

Radiocommunications Act—Determination—2009 Licence conditions (Broadcasting licence)—Amendment (No. 1) [F2009L03344].

Sydney Airport Curfew Act—Dispensation—2009 No. 7.

Taxation Administration Act—

Determination—2009—TD No. 18.

Rulings—

2007—PR No. 8 (Withdrawal).

2009—CR Nos 42, 43, 44, 45, 46.

*Telecommunications Act 1997*—Determination under section 51—2009 Carrier licence exemption (No. 1) [F2009L03328].

Veterans' Entitlements Act and Military Rehabilitation and Compensation Act—Instruments under section 196B—2009 Nos 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 [F2009L03215], [F2009L03216], [F2009L03217], [F2009L03218], [F2009L03220], [F2009L03221], [F2009L03222], [F2009L03224], [F2009L03225], [F2009L03226], [F2009L03227], [F2009L03228], [F2009L03229], [F2009L03230].

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#### ATTENDANCE

All Members attended (at some time during the sitting) except Fran Bailey, Mr Byrne, Ms Campbell, Mr Farmer, Mr Irons, Mr Oakeshott, Mr Schultz and Mr Swan.

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

2008-09

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

No. 114

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**MONDAY, 7 SEPTEMBER 2009**

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1 The Main Committee met at 4 p.m.

**2 MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements being made—

*Petition*

Mr Randall presented the following petition approved by the Standing Committee on Petitions:

Charter of rights—642 petitioners.

Members' constituency statements continuing—

*Document*

Mr Broadbent, by leave, presented the following document:

Power station emissions—Switch off Hazelwood protest on 12 and 13 September—Letter from Graeme York, CEO, International Power to Mr Broadbent, 7 September 2009.

Members' constituency statements continued.

**3 RESALE ROYALTY RIGHT FOR VISUAL ARTISTS BILL 2008**

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.

Dr Washer, by leave, again addressed the Main Committee.

Debate continued.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Garrett (Minister for the Environment, Heritage and the Arts) presented a supplementary explanatory memorandum to the bill.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

Leave granted for the question on the report to be put immediately.

Question—That the bill be reported to the House with amendments—put and passed.

**4 ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) 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 Neumann addressing the Main Committee—

It being 6.40 p.m., the debate was interrupted in accordance with standing order 192, Mr Neumann 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 the next sitting.

**5 MEMBERS' STATEMENTS**

Members' statements being made—

*Document*

Ms Hall, by leave, presented the following document:

Postnatal depression—(*Receipt of document as a petition subject to approval by the Standing Committee on Petitions*).

Members' statements continued.

**6 NUCLEAR TESTING**

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

(1) notes that:

- (a) over 2,000 nuclear weapons tests have been conducted between 1945 and 2009;
- (b) the Comprehensive Test Ban Treaty (CTBT) bans all nuclear test explosions in all environments, for military or civilian purposes;
- (c) the sixth Article XIV (Entry Into Force) Conference of the CTBT will be held 24-25 September 2009;
- (d) for more than half a century, countless scientific experts, political leaders and community organisations have pursued the goal of a more secure world free of the dangers of nuclear weapons test explosions;
- (e) the CTBT is important to all states because it stigmatizes nuclear testing, halts the qualitative and quantitative nuclear arms race and the development of increasingly more destructive weapons, and protects human health and the global environment from the devastating effects of nuclear weapons production and testing; and
- (f) nine states required for the entry into force of the treaty have not yet ratified the treaty; and

(2) calls on the Government to:

- (a) renew and sustain dialogue with those nine states that have not ratified the CTBT, urging them to do so without delay, most notably those states possessing nuclear weapons, the United States, China, India, Pakistan, Israel and the Democratic People's Republic of Korea;
- (b) call on all states possessing nuclear weapons to refrain from research and development efforts that could lead to new warheads and the possibility of the resumption of nuclear testing;
- (c) participate in the Article XIV Conference at the highest level; and
- (d) continue to participate and support the development of the CTBT verification regime, including the international monitoring system (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

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

**7 IMPORTATION OF BANANAS**

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

- (1) condemns the Government's decision to allow the importation of bananas from the Philippines in view of the direct threat such imports pose to the disease-free nature of the Australian banana-growing industry; and

- (2) expresses concern that:
- (a) there is a high prevalence of banana pests and diseases in the Philippines;
  - (b) the decision has apparently been taken in disregard of previous failings by the Australian Quarantine and Inspection Service to secure our borders against damaging infections and diseases; and
  - (c) the health of the Australian banana-growing industry will now depend on the inspection regime in the Philippines (*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.

#### 8 FEE FOR PAYMENT OF ACCOUNTS

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

- (1) strongly objects to recent announcements by corporations, such as Telstra, that they will charge an administrative fee for payment of accounts by cash in person;
- (2) notes this fee for payment of accounts impacts adversely on those people that can least afford it; and
- (3) calls on the:
  - (a) Australian Competition and Consumer Protection Commission to investigate the impact on consumers of these type of charges; and
  - (b) Treasurer to review whether it is necessary to amend the *Currency Act 1965* or the *Reserve Bank Act 1959* to ensure that all Australians are able to make payments in legal tender in person if they choose (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

The time allotted for private Members' business having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

#### 9 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 ensuing—

*Document*

Mr Danby, by leave, presented the following document:

Racism—Comments from Crikey and New Matilda websites.

Debate continued.

The time allotted for the debate having expired—

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

#### 10 ADJOURNMENT

On the motion of Mrs Irwin, the Main Committee adjourned at 9.32 p.m.

The Deputy Speaker fixed 9.30 a.m. on Wednesday, 9 September 2009 for the next meeting of the Main Committee.

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