

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 124

WEDNESDAY, 21 OCTOBER 2009

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

2 WHIPS REPORT

Ms Hall (Acting Chief Government Whip) presented the following document:

Whips report—Report relating to committee and delegation reports and private Members' business on Monday, 26 October 2009—

and moved—That the report be adopted.

Question—put and passed.

3 BILLS REFERRED TO MAIN COMMITTEE

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

Australian Sports Anti-Doping Authority Amendment 2009; and

Crimes Amendment (Working With Children—Criminal History) 2009.

Question—put and passed.

4 POSTPONEMENT OF NOTICES

Ordered—That notices Nos 1 and 2, government business, be postponed until a later hour this day.

5 HEALTH INSURANCE AMENDMENT (NEW ZEALAND OVERSEAS TRAINED DOCTORS) BILL 2009

Ms Roxon (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Act 1973*, 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 Haase), and the resumption of the debate made an order of the day for the next sitting.

6 FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) BILL 2009

Ms Gillard (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Fair Work Act 2009*, 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 (Dr Southcott), and the resumption of the debate made an order of the day for the next sitting.

7 SAFETY, REHABILITATION AND COMPENSATION AMENDMENT BILL 2009

Ms Gillard (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Safety, Rehabilitation and Compensation Act 1988*, 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 (Dr Southcott), and the resumption of the debate made an order of the day for the next sitting.

8 NATIVE TITLE AMENDMENT BILL (NO. 2) 2009

Mr McClelland (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Native Title Act 1993*, and for related purposes.

Document

Mr McClelland presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

9 PERSONAL PROPERTY SECURITIES (CONSEQUENTIAL AMENDMENTS) BILL 2009

Mr McClelland (Attorney-General), pursuant to notice, presented a Bill for an Act to deal with consequential matters arising from the enactment of the *Personal Property Securities Act 2009*, to amend that Act, and for related purposes.

Document

Mr McClelland presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

10 TAX LAWS AMENDMENT (2009 BUDGET MEASURES NO. 2) BILL 2009

Mr McClelland (Attorney-General) presented a Bill for an Act to amend the law relating to taxation and superannuation, and for related purposes.

Document

Mr McClelland presented an explanatory memorandum to the bill and to the Income Tax (TFN Withholding Tax (ESS)) Bill 2009.

Bill read a first time.

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

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

11 INCOME TAX (TFN WITHHOLDING TAX (ESS)) BILL 2009

Mr McClelland (Attorney-General) presented a Bill for an Act to impose tax on certain amounts relating to employee share schemes, and for related purposes.

Bill read a first time.

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

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

12 LONG SERVICE LEAVE LEGISLATION AMENDMENT (TELSTRA) 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 Clare (Parliamentary Secretary for Employment), the bill was read a third time.

13 TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) 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 by Mr Billson who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “given Labor’s rash, unjustified and irrational change of policy to force the break-up of Telstra in an arrogant attempt to prop-up its risky \$43 billion National Broadband Network, further consideration of this bill should not proceed until after the NBN Implementation Study is presented to the Parliament”.

Debate continued.

Mr Oakeshott addressing the House—

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

14 MINISTERIAL ARRANGEMENTS

Mr Rudd (Prime Minister) informed the House that, during the absence overseas of Mr S. F. Smith (Minister for Foreign Affairs), Mr Crean (Minister for Trade) would answer questions on his behalf.

15 QUESTIONS

Questions without notice being asked—

Member directed to leave

At 2.45 p.m. the Member for Sturt (Mr Pyne) 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.

Questions without notice continued.

16 MEMBER DIRECTED TO LEAVE THE CHAMBER

At 3.47 p.m. the Member for O’Connor (Mr Tuckey) 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.

17 DOCUMENT

The Speaker presented the following document:

Australian Parliamentary Service Commissioner—Report for 2008-09.

Ordered to be made a Parliamentary Paper.

18 DOCUMENTS

The following documents were presented:

Australian Government Solicitor—Report for 2008-09.

Australian Institute of Family Studies—Report for 2008-09.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2008-09.

Department of Finance and Deregulation—Report for 2008-09.

Migration Act 1958—

Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—
Report for the period 1 March to 30 June 2009.

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to
30 June 2009.

National Water Commission—Report for 2008-09.

Public Lending Right Committee—Report for 2008-09.

Reserve Bank of Australia—

Equity and diversity—Report for 2008-09.

Payments System Board—Report for 2008-09.

Services Trust Funds—Report for 2008-09.

19 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

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

Australian Government Solicitor—Report for 2008-09.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2008-09.

Department of Finance and Deregulation—Report for 2008-09.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for
the period 1 March to 30 June 2009.

National Water Commission—Report for 2008-09.

Reserve Bank of Australia—Payments System Board—Report for 2008-09.

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

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT SPENDING

The House was informed that Mr A. D. H. Smith had proposed that a definite matter of public
importance be submitted to the House for discussion, namely, “The consequences of the Government’s
reckless spending for Australian families and small businesses”.

The proposed discussion having received the necessary support—

Mr A. D. H. Smith addressed the House.

Discussion ensued.

The time allotted under standing order 1 having expired, the discussion was interrupted.

21 HEALTH INSURANCE (EXTENDED MEDICARE SAFETY NET) DETERMINATION 2009

Ms Roxon (Minister for Health and Ageing), pursuant to notice, moved—That, in accordance with
section 10B of the *Health Insurance Act 1973*, the House approves the Health Insurance (Extended
Medicare Safety Net) Determination 2009 made on 9 October 2009 and presented to the House on
19 October 2009.

Debate ensued.

Question—put and passed.

22 WHIPS REPORT—REVISED

Ms Hall (Acting Chief Government Whip) presented the following document:

Whips report—Revised report relating to committee and delegation reports and private Members’
business on Monday, 26 October 2009—

and moved—That the report be adopted in lieu of the report presented earlier this day—(*see item No. 2,*
page 1371).

Question—put and passed.

23 BILL REFERRED TO MAIN COMMITTEE

Ms Hall (Acting Chief Government Whip), by leave, moved—That the Health Insurance Amendment
(Compliance) Bill 2009 be referred to the Main Committee for further consideration.

Question—put and passed.

24 TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) 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—*And on the amendment moved thereto by Mr Billson (see item No. 13, page 1373)*—

Debate resumed.

Ms Collins addressing the House—

25 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 8.01 p.m.—The Deputy Speaker adjourned the House until 9 a.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 21 October 2009:

Civil Aviation Act—

Civil Aviation Regulations—Exemption—2009—No. CASA EX83 [F2009L03744].

Civil Aviation Safety Regulations—Airworthiness Directives under—

Part 39-105—

AD/B767—

No. 64—Cancellation [F2009L03757].

No. 155—Cancellation [F2009L03760].

No. 193—Amendment (No. 1) [F2009L03758].

AD/BEECH 1900—

No. 5—Cancellation [F2009L03761].

No. 30—Cancellation [F2009L03762].

AD/BELL 206—No. 179 [F2009L03756].

AD/CL-600—

No. 10—Cancellation [F2009L03672].

No. 11—Cancellation [F2009L03671].

No. 13—Amendment (No. 1)—Cancellation [F2009L03670].

No. 14—Cancellation [F2009L03669].

AD/F27—No. 10—Cancellation [F2009L03755].

AD/LA-4—No. 8—Cancellation [F2009L03764].

Part 39.001(1)—

AD/BAe 146—No. 133—Amendment (No. 1)—Cancellation [F2009L03964].

AD/F100—No. 86—Cancellation [F2009L03967].

Customs Act—Instruments of approval—2009 Nos CEO 3, CEO 4, CEO 6, CEO 8, CEO 9, CEO 10, CEO 11, CEO 12, CEO 13, CEO 14, CEO 15, [F2009L03863], [F2009L03864], [F2009L03866], [F2009L03868], [F2009L03869], [F2009L03870], [F2009L03871], [F2009L03873], [F2009L03874], [F2009L03875], [F2009L03876].

Environment Protection and Biodiversity Conservation Act—Instruments under—

Section 184—7 October 2009 [F2009L03951].

Section 269A—6 October 2009 [F2009L03893].

Federal Financial Relations Act—Determinations under—

Section 9—2009 General purpose financial assistance (No. 5) [F2009L03889].

Section 16—2009—

General purpose financial assistance (No. 6) [F2009L03890].

National partnership payments (Nos 8, 9) [F2009L03886], [F2009L03887].

Health Insurance Act—Determination under section 3C—2009 Positron emission tomography (No. 2) [F2009L03857].

Higher Education Support Act—Guidelines—Other Grants (Research)—24 September 2009 [F2009L03950].

Remuneration Tribunal Act—Remuneration Tribunal—Report—Ministers of State—Salaries additional to the basic parliamentary salary—2009 No. 1.

Social Security (Administration) Act—Determination—2009 Declared voluntary income management areas—Western Australia (No. 2) [F2009L03956].

Superannuation Industry (Supervision) Act—Declarations under section 335—Modification (Nos 1, 2) [F2009L03944], [F2009L03945].



ATTENDANCE

All Members attended (at some time during the sitting) except *Ms A. L. Ellis, Mr Hockey, Mr Keenan, Mr McMullan, Mrs Mirabella, *Mr Neville, Mr Price, Mr Robb, Mr Robert and Mr S. F. Smith.

* On leave



I. C. HARRIS
Clerk of the House of Representatives

2008-09

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 124

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 21 OCTOBER 2009

1 The Main Committee met at 9.30 a.m.

2 MEMBERS' CONSTITUENCY STATEMENTS

Members' constituency statements being made—

Petition

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

Military justice—3 petitioners.

Members' constituency statements continued.

3 NATURAL EVENTS IN THE PHILIPPINES, VIETNAM, LAOS, CAMBODIA, SAMOA, TONGA AND INDONESIA—STATEMENTS

By indulgence, further statements were made.

4 AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY 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.

Mrs D' Ath was granted leave to continue her speech when the debate is resumed.

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

5 ADJOURNMENT

On the motion of Ms Rea, the Main Committee adjourned at 1.01 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