

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 127

TUESDAY, 27 OCTOBER 2009

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (Mr Jenkins) took the Chair, and read Prayers.

2 QUESTIONS

Questions without notice were asked.

3 DOCUMENTS

The following documents were presented:

Australia Business Arts Foundation Ltd—Financial statements for 2008-09.

Australia Council—Report for 2008-09.

Australian Institute of Marine Science—Report for 2008-09.

Australian Nuclear Science and Technology Organisation—Report for 2008-09.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2008-09.

Australian Rail Track Corporation Limited—Statement of corporate intent for 2009-10.

Australian Reward Investment Alliance—Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan—Report for 2008-09.

Australian Security Intelligence Organisation—Report for 2008-09.

Australian Trade Commission (Austrade)—Report for 2008-09.

Australian War Memorial—Report for 2008-09.

Bundanon Trust—Report for 2008-09.

Commissioner for Superannuation—Report for 2008-09.

Commonwealth Grants Commission—Report for 2008-09.

CrimTrac Agency—Report for 2008-09.

Defence Force Retirement and Death Benefits Authority—Report for 2008-09.

Defence Housing Australia—Report for 2008-09.

Department of Education, Employment and Workplace Relations—Report for 2008-09.

Department of Resources, Energy and Tourism—Report for 2008-09.

Migration Agents Registration Authority—Report for 2008-09.

Military Superannuation and Benefits Board of Trustees—Report for 2008-09.

National Archives of Australia and National Archives of Australia Advisory Council—Report for 2008-09.

National Offshore Petroleum Safety Authority—Report for 2008-09.

National Offshore Petroleum Safety Authority Board—Report for 2008-09.

Office of the Official Secretary to the Governor-General—Report for 2008-09.

Renewable Energy Regulator—Financial Report for 2008-09.

Wet Tropics Management Authority—Reports and State of the Wet Tropics Report for 2008-09.

4 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

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

Australian Rail Track Corporation Limited—Statement of corporate intent for 2009-10.

Australian Reward Investment Alliance—Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan—Report for 2008-09.

Australian Security Intelligence Organisation—Report for 2008-09.

Australian War Memorial—Report for 2008-09.

Commissioner for Superannuation—Report for 2008-09.

Commonwealth Grants Commission—Report for 2008-09.

Department of Education, Employment and Workplace Relations—Report for 2008-09.

National Offshore Petroleum Safety Authority—Report for 2008-09.

Office of the Official Secretary to the Governor-General—Report for 2008-09.

Renewable Energy Regulator—Financial Report for 2008-09.

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

5 TIME OF MEETING AND ORDER OF BUSINESS FOR WEDNESDAY, 28 OCTOBER 2009 AND THURSDAY, 29 OCTOBER 2009

Mr Albanese (Leader of the House), by leave, moved—That unless otherwise ordered, the time and order of business for the sittings on Wednesday, 28 October 2009 and Thursday, 29 October 2009 be as follows:

- (1) standing orders 31 and 33 be suspended;
- (2) so much of the standing and sessional orders be suspended as would prevent the following arrangements applying on Wednesday, 28 October 2009, unless otherwise ordered:
 - (a) subject to (c) and (d), the House adjourn at 11 p.m.
 - (b) Government business have priority from 7.30 p.m. until 11 p.m.
 - (c) during the period from 7.30 p.m. until 11 p.m. any division on a question called for in the House, other than on a motion moved by a Minister, shall stand deferred until 9 a.m. on Thursday, 29 October 2009 when the Speaker shall put all questions on which a division has been deferred, successively and without amendment or further debate; and
 - (d) during the period from 7.30 p.m. until 11 p.m. if any member draws the attention of the Speaker to the state of the House, the Speaker shall announce that he will count the House at 9 a.m. on Thursday, 29 October 2009; and
- (3) so much of the standing and sessional orders be suspended as would prevent the following arrangements applying on Thursday, 29 October 2009, unless otherwise ordered:
 - (a) subject to (c) and (d), the House adjourn at 8 p.m.
 - (b) Government business have priority from 4.30 p.m. until 8 p.m.
 - (c) during the period from 4.30 p.m. until 8 p.m. any division on a question called for in the House, other than on a motion moved by a Minister, shall stand deferred until 12 noon on Monday, 16 November 2009 when the Speaker shall put all questions on which a division has been deferred, successively and without amendment or further debate; and
 - (d) during the period from 4.30 p.m. until 8 p.m. if any member draws the attention of the Speaker to the state of the House, the Speaker shall announce that he will count the House at 12 noon on Monday, 16 November 2009.

Question—put and passed.

6 POSTPONEMENT OF NOTICE

Ordered—That notice No. 1, government business, be postponed until the next sitting.

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC INFRASTRUCTURE

The House was informed that Mr Truss (Leader of the Nationals) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The consequences of the

Government's failure to invest in productive economic infrastructure for the long term benefit of Australians and the national economy".

The proposed discussion having received the necessary support—

Mr Truss addressed the House.

Discussion ensued.

Discussion concluded.

8 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:

Private Health Insurance Legislation Amendment (No. 2) 2009;

Tax Laws Amendment (2009 Measures No. 5) 2009; and

Tax Laws Amendment (Resale Royalty Right for Visual Artists) 2009.

Question—put and passed.

9 TAX AGENT SERVICES (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2009—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the bill had been agreed to with an amendment (*see item No. 3, Minutes of Proceedings of the Main Committee, 26 October 2009*), and presented a certified copy of the bill together with a schedule of the amendment.

Amendment made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Marles (Parliamentary Secretary for Innovation and Industry), by leave, the bill was read a third time.

10 HEALTH INSURANCE AMENDMENT (COMPLIANCE) BILL 2009—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the bill.

Bill agreed to.

On the motion of Mr Marles (Parliamentary Secretary for Innovation and Industry), the third reading was made an order of the day for the next sitting.

11 MESSAGES FROM THE SENATE

Messages from the Senate, 26 October 2009, were reported returning the following bills without amendment:

No. 342—National Consumer Credit Protection (Fees) 2009.

No. 344—Corporations Legislation Amendment (Financial Services Modernisation) 2009.

12 MESSAGE FROM THE SENATE—NATIONAL CONSUMER CREDIT PROTECTION BILL 2009

A message from the Senate was reported returning the following bill with amendments:

26 October 2009—Message No. 341—National Consumer Credit Protection 2009.

Ordered—That the amendments be considered at the next sitting.

13 MESSAGE FROM THE SENATE—NATIONAL CONSUMER CREDIT PROTECTION (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009

A message from the Senate was reported returning the following bill with amendments:

26 October 2009—Message No. 343—National Consumer Credit Protection (Transitional and Consequential Provisions) 2009.

Ordered—That the amendments be considered at the next sitting.

14 MESSAGE FROM THE SENATE—CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON TERMINATION PAYMENTS) BILL 2009

A message from the Senate was reported returning the following bill with an amendment:

26 October 2009—Message No. 340—Corporations Amendment (Improving Accountability on Termination Payments) 2009.

Ordered—That the amendment be considered at a later hour this day.

15 MESSAGE FROM THE SENATE—FEDERAL JUSTICE SYSTEM AMENDMENT (EFFICIENCY MEASURES) BILL (NO. 1) 2008

A message from the Senate was reported returning the following bill with amendments:

26 October 2009—Message No. 345—Federal Justice System Amendment (Efficiency Measures) (No. 1) 2008.

Ordered—That the amendments be considered at a later hour this day.

16 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) 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. 250, 9 September 2009, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Consideration in detail

Bill, by leave, taken as a whole.

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

Debate continued.

Question—That the amendments be agreed to—put.

The House divided (the Deputy Speaker, Mrs Moylan, in the Chair)—

AYES, 54

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

NOES, 70

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

* Tellers

Pairs

Ms A. L. Ellis	Mr Neville
Mr Crean	Mr Robb
Mr M. J. Ferguson	Mr Hockey
Mr Gray	Mr Hawker

And so it was negatived.

Question—That the bill be agreed to—put.

The House divided (the Deputy Speaker, Mrs Moylan, in the Chair)—

AYES, 70

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

NOES, 53

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

* Tellers

Pairs

Ms A. L. Ellis	Mr Neville
Mr Crean	Mr Robb
Mr M. J. Ferguson	Mr Hockey
Mr Gray	Mr Hawker

And so it was resolved in the affirmative.

Consideration in detail concluded.

Leave granted for third reading to be moved immediately.

On the motion of Ms Gillard (Minister for Education), the bill was read a third time.

17 MESSAGE FROM THE SENATE—ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009

A message from the Senate was reported returning the following bill with amendments:

27 October 2009—Message No. 346—Access to Justice (Civil Litigation Reforms) Amendment 2009.

Ordered—That the amendments be considered at the next sitting.

18 CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) 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 Wood addressing the House—

19 ADJOURNMENT

It being 8.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensuing—

Petition

Mrs Gash presented the following petition approved by the Standing Committee on Petitions:

Youth allowance—458 petitioners.

Debate continued.

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

DOCUMENTS

The following documents were deemed to have been presented on 27 October 2009:

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

AD/B727—Nos 219, 220 [F2009L03938], [F2009L03939].

AD/B747—No. 80—Cancellation [F2009L03783].

AD/B767—No. 254 [F2009L03936].

AD/BELL 205—

No. 19—Amendment (No. 1)—Cancellation [F2009L03853].

No. 43—Cancellation [F2009L03851].

No. 44—Cancellation [F2009L03850].

AD/BELL 206—

No. 100—Cancellation [F2009L03792].

No. 101—Amendment (No. 1)—Cancellation [F2009L03791].

No. 103—Cancellation [F2009L03788].

No. 119—Amendment (No. 1)—Cancellation [F2009L03787].

AD/BELL 212—

No. 51—Cancellation [F2009L03919].

No. 56—Cancellation [F2009L03804].

AD/CESSNA 550—

No. 3—Cancellation [F2009L03806].

No. 4—Amendment (No. 1)—Cancellation [F2009L03808].

No. 5—Cancellation [F2009L03809].

No. 8—Cancellation [F2009L03812].

No. 11—Cancellation [F2009L03813].

No. 12—Cancellation [F2009L03814].

No. 13—Cancellation [F2009L03815].

No. 17—Amendment (No. 1)—Cancellation [F2009L03816].

No. 18—Cancellation [F2009L03817].

AD/CL-600—

No. 2—Cancellation [F2009L03818].

No. 4—Cancellation [F2009L03819].

No. 30—Cancellation [F2009L03823].

AD/DHC-8—

No. 5—Amendment (No. 1)—Cancellation [F2009L03826].

No. 13—Cancellation [F2009L03827].

Part 39-106—

AD/CON—No. 90—Amendment (No. 1) [F2009L03981].

AD/PORSCHE—No. 1—Cancellation [F2009L03929].

Part 39-107—AD/PR—

No. 1—Cancellation [F2009L03932].

No. 8—Cancellation [F2009L03931].

No. 21—Cancellation [F2009L03933].

Part 39.001(1)—AD/ERJ-190—No. 24 [F2009L03968].

Financial Management and Accountability Act—Determination—Abolishing special accounts—2009
No. 31 [F2009L03986].

Fisheries Management Act—

Eastern Tuna and Billfish Fishery Management Plan 2005—Determination—2009 Branchline clips
[F2009L03860].

Southern Bluefin Tuna Fishery Management Plan 1995—Temporary Order—2009 [F2009L04004].

Private Health Insurance Act—Rules—2009 Benefit requirements—Amendment (No. 6) [F2009L04002].

Taxation Administration Act—

Determination—2009 TD—No. 18 (Addendum).

Rulings—

2007—PR—No. 71 (Addendum).

2009—PR—Nos 53, 54.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Crean, *Ms A. L. Ellis, Mr M. J. Ferguson, Mr Gray, Mr Hawker, Mr Hockey, *Mr Neville, Mr Pearce, Mr Robb, Mr Shorten and Mr Swan.

* On leave

I. C. HARRIS
Clerk of the House of Representatives