

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 129

THURSDAY, 29 OCTOBER 2009

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

2 **AVIATION TRANSPORT SECURITY AMENDMENT (2009 MEASURES NO. 2) 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 *Aviation Transport Security Act 2004*, 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 Haase), and the resumption of the debate made an order of the day for the next sitting.

3 **NATIONAL BROADCASTING LEGISLATION 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 law relating to the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation, 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 Haase), and the resumption of the debate made an order of the day for the next sitting.

4 **POSTPONEMENT OF NOTICE**

Ordered—That notice No. 3, government business, be postponed until the next sitting.

5 **TRADE PRACTICES AMENDMENT (INFRASTRUCTURE ACCESS) BILL 2009**

Dr Emerson (Minister for Competition Policy and Consumer Affairs), pursuant to notice, presented a Bill for an Act to amend the *Trade Practices Act 1974*, and for related purposes.

*Document*

Dr Emerson presented an explanatory memorandum to the bill.

Bill read a first time.

Dr Emerson 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 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED**

Mr Dutton moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Dickson from moving the following motion forthwith: That government order of the day No. 39, the Health Insurance Amendment (Revival of Table Items) Bill 2009 be called on for debate immediately and be debated and concluded through all its stages.

*Closure of Member*

Mr Combet (Minister Assisting the Minister for Climate Change) moved—That the Member be no longer heard.

Question—put.

The House divided (the Deputy Speaker, Mr Slipper, in the Chair)—

## AYES, 75

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

## NOES, 51

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

\* Tellers

And so it was resolved in the affirmative.

Mr Pyne (seconder) addressing the House—

*Closure of Member*

Mr Combet moved—That the Member be no longer heard.

Question—put.

The House divided (the Deputy Speaker, Mr Slipper, in the Chair)—

## AYES, 75

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

## NOES, 53

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

\* Tellers

And so it was resolved in the affirmative.

Debate ensued.

Ms Roxon (Minister for Health and Ageing) addressing the House—

*Closure of Member moved*

Mr Pyne moved—That the Member be no longer heard.

Question—put.

The House divided (the Deputy Speaker, Mr Slipper, in the Chair)—

## AYES, 51

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

## NOES, 77

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

\* Tellers

And so it was negatived.

Mr Albanese (Leader of the House) addressing the House—

*Closure of Member moved*

Mr Baldwin moved—That the Member be no longer heard.

Question—put.

The House divided (the Deputy Speaker, Mr Slipper, in the Chair)—

## AYES, 52

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

## NOES, 77

Mr Adams	Ms K. M. Ellis	Ms Livermore	Ms Rishworth
Mr Albanese	Dr Emerson	Mr McClelland	Ms Roxon
Mr Bevis	Mr L. D. T. Ferguson	Ms McKew	Ms Saffin
Mr Bidgood	Mr M. J. Ferguson	Ms Macklin	Mr Shorten
Ms Bird	Mr Fitzgibbon	Mr McMullan	Mr Sidebottom
Mr Bowen	Mr Garrett	Mr Marles	Mr S. F. Smith
Mr Bradbury	Mr Georganas	Mr Melham	Mr Snowdon
Ms A. E. Burke	Ms George	Mr Murphy	Mr Sullivan
Mr Butler	Mr Gibbons	Ms Neal	Mr Swan
Mr Byrne	Mr Gray	Mr Neumann	Mr Symon
Mr Champion	Ms Grierson	Mr Oakeshott	Mr Tanner
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 Danby	Mrs Irwin	Ms Plibersek	Mr Windsor
Mrs D'Ath	Ms Jackson	Mr Price	Mr Zappia
Mr Debus	Dr Kelly	Mr Raguse	
Mr Dreyfus	Mr Kerr	Ms Rea	
Mrs Elliot	Ms King	Mr Ripoll	

\* Tellers

And so it was negatived.

The time allowed by standing order 1 for debate on the motion having expired—

Question—put.

The House divided (the Deputy Speaker, Mr Slipper, in the Chair)—

## AYES, 54

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

## NOES, 75

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

\* Tellers

And so it was negatived.

**7 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Mr Bevis presented the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Review of the Defence annual report 2007-2008—Report, October 2009.

Ordered to be made a Parliamentary Paper.

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

Question—put and passed.

**8 CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON TERMINATION PAYMENTS) BILL 2009—SENATE'S AMENDMENT**

The order of the day having been read for the consideration of the amendment made by the Senate—

On the motion of Mr Bowen (Minister for Human Services), the amendment was disagreed to, after debate.

Mr Bowen presented reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing to the amendment of the Senate*

The amendment passed by the Senate is not supported for the reasons outlined below.

The amendment provides that sub-sections 200F(2), (3) and (4) of the *Corporations Act 2001* will cease to have effect three years after commencement of Part 1 of Schedule 1 of the Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009 (the Bill), unless their operation is continued or varied by a subsequent Act of Parliament.

Following the three year period, the amendment would have the effect of removing the current exception where the termination benefit is a genuine payment by way of damages for breach of contract, and would require such payments to be subject to shareholder approval irrespective of the amount of the payment. Currently, genuine payments for breach of contract are exempt from shareholder approval if they fall below the specified threshold. The Bill proposes to lower this threshold from up to seven times total remuneration to one year's base salary. The Bill follows extensive consultation and has also been endorsed in the draft Productivity Commission report into executive remuneration in Australia. The Bill puts in place a regulatory framework that empowers shareholders to be able to reject excessive executive termination payments.

Accordingly, the House of Representatives does not accept this amendment.

On the motion of Mr Bowen, the reasons were adopted.

**9 CARBON POLLUTION REDUCTION SCHEME BILL 2009 [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—*And on the amendment moved thereto by Mr Turnbull, viz.—That all words after "That" be omitted with a view to substituting the following words: "the House:*

- (1) believes that the Government's proposed emissions trading scheme is flawed and in its current form will cost Australian jobs and investment, and simply export rather than reduce global greenhouse gas emissions;
- (2) supports the Coalition in again calling on the Government to defer consideration of this legislation, which will impose the single largest structural change to the Australian economy, until after the Copenhagen Climate Change Summit has concluded in less than 50 days time; and
- (3) notes that as the Government remains determined to keep an utterly artificial and self-imposed deadline of this Parliamentary year and as such before the world meets to address the important issue of global action, the Coalition has proposed changes to the Government's ETS to ensure the following critical matters are addressed:
  - (a) that emissions-intensive trade-exposed industries remain on a level playing field with competitors in other advanced economies;
  - (b) that agriculture is excluded from the scheme, rather than included after 2015, and farmers have access to agricultural offset credits;
  - (c) that the impact of higher electricity prices on small businesses is moderated;
  - (d) that the coal industry is required to reduce fugitive emissions as technically feasible, but not be unfairly financially penalised;
  - (e) that transitional assistance to coal-fired electricity generators is sufficient to ensure that electricity supply security is maintained and the generators remain viable; and
  - (f) that complementary measures such as voluntary action and energy efficiency are encouraged".

Debate resumed.

*Documents*

Dr Jensen, by leave, presented the following documents:

Climate change—

United Nations Framework Convention on Climate Change—Text from the informal meeting of the Ad Hoc Working Group on Long Term Cooperative Action under the Convention held in Bonn, Germany, from 10 to 14 August 2009, 15 September 2009.

Articles on Ocean temperature [3].

Sea ice graphs [3].

Truth, lies and environmental policy: Clearing the hot air on climate—Federal Member for Tangney, Dennis Jensen.

Sea level graphs [2].

Debate resumed.

*Closure moved*

Mr Pyne moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Deputy Speaker, Ms A. E. Burke, in the Chair)—

## AYES, 54

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

## NOES, 77

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

\* Tellers



And so it was negatived.

Debate resumed.

Mr Bidgood addressing the House—

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

*Member directed to leave*

At 2.31 p.m. the Member for Hume (Mr Schultz) was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour, and he accordingly left the Chamber.

Questions without notice continuing—

*Member directed to leave*

At 2.32 p.m. the Member for Farrer (Ms Ley) was directed, under standing order 94, to leave the Chamber for one hour for raising a frivolous point of order, and she accordingly left the Chamber.

Questions without notice continued.

#### 11 DOCUMENT

The Speaker presented the following document:

House of Representatives and joint committees—Access to Committee documents—Report by the Speaker.

#### 12 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 8 of 2009–2010—Performance audit—The Australian Taxation Office's implementation of the Change Program: A strategic overview.

Ordered to be made a Parliamentary Paper.

#### 13 DOCUMENTS

The following documents were presented:

Aboriginal Hostels Limited—Report for 2008-09.

Aged Care Commissioner—Report for 2008-09.

Aged Care Standards and Accreditation Agency Limited—Report for 2008-09.

Australian Commission for Law Enforcement Integrity—Report for 2008-09.

Australian Customs and Border Protection Service—Report for 2008-09, incorporating a correction.

Australian Fisheries Management Authority—Report for 2008-09.

Australian Human Rights Commission—Report for 2008-09.

Australian Maritime Safety Authority—Report for 2008-09.

Australian Organ and Tissue Donation and Transplantation Authority—Report for the period 1 January to 30 June 2009.

Australian Public Service Commissioner—Report for 2008-09, incorporating the report of the Merit Protection Commissioner.

Australian Safeguards and Non-Proliferation Office—Report for 2008-09.

Commonwealth Director of Public Prosecutions—Report for 2008-09.

Department of Defence—Reports for 2008-09—

Volume 1—Department of Defence.

Volume 2—Defence Materiel Organisation.

Department of Health and Ageing—Report for 2008-09.

*Environment Protection (Alligator Rivers Region) Act 1978*—Supervising Scientist's report on the operation of the Act for 2008-09.

Family, Community, Housing and Youth—House of Representatives Standing Committee—Who cares ...? Report on the inquiry into better support for carers—Government response.

Food Standards Australia New Zealand—Report for 2008-09.

Future Fund—Report for 2008-09.

Indigenous Business Australia—Report for 2008-09.

National Australia Day Council—Report for 2008-09.

National Film and Sound Archive—Report for 2008-09.

National Library of Australia—Report for 2008-09.

Old Parliament House—Report for 2008-09.

*Privacy Act 1988*—Report on the operation of the Act for 2008-09.

Productivity Commission—Report for 2008-09.

Social Security Appeals Tribunal—Report for 2008-09.

Workplace Authority—Report for 2008-09.

Workplace Ombudsman—Report for 2008-09.

#### 14 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

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

Aged Care Commissioner—Report for 2008-09.

Aged Care Standards and Accreditation Agency Limited—Report for 2008-09.

Australian Customs and Border Protection Service—Report for 2008-09, incorporating a correction.

Australian Maritime Safety Authority—Report for 2008-09.

Australian Public Service Commissioner—Report for 2008-09, incorporating the report of the Merit Protection Commissioner.

Department of Defence—Reports for 2008-09—

Volume 1—Department of Defence.

Volume 2—Defence Materiel Organisation.

Department of Health and Ageing—Report for 2008-09.

Family, Community, Housing and Youth—House of Representatives Standing Committee—Who cares ...? Report on the inquiry into better support for carers—Government response.

Future Fund—Report for 2008-09.

Indigenous Business Australia—Report for 2008-09.

*Privacy Act 1988*—Report on the operation of the Act for 2008-09.

Productivity Commission—Report for 2008-09.

Workplace Authority—Report for 2008-09.

Workplace Ombudsman—Report for 2008-09.

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

#### 15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT SPENDING

The House was informed that Mr Ciobo had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The impact the Government’s reckless spending will have on future levels of interest rates for small businesses”.

The proposed discussion having received the necessary support—

Mr Ciobo addressed the House.

Discussion ensued.

Discussion concluded.

**16 PUBLICATIONS COMMITTEE—REPORT**

Mr Hayes (Chair) presented the following document:

**PUBLICATIONS COMMITTEE REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered documents presented to Parliament since 17 September 2009, recommends that the following be made Parliamentary Papers:

Aboriginal Land Commissioner—Report for 2008-09.

Administrative Appeals Tribunal—Report for 2008-09.

Administrative Review Council—Report for 2008-09.

Airservices Australia—Report for 2008-09.

Albury-Wodonga Development Corporation—Report for 2008-09.

Attorney-General's Department—Report for 2008-09.

Australia Council for the Arts (Australia Council)—Report for 2008-09.

Australian Broadcasting Corporation (ABC)—Report for 2008-09.

Australian Bureau of Statistics—Report for 2008-09.

Australian Centre for International Agricultural Research—Report for 2008-09.

Australian Communications and Media Authority (ACMA)—Report for 2008-09.

Australian Competition and Consumer Commission (ACCC)—Report for 2008-09, including Australian Energy Regulator (AER) report for 2008-09.

Australian Electoral Commission (AEC)—Report for 2008-09.

Australian Federal Police (AFP)—Report for 2008-09.

Australian Film Television and Radio School (AFTRS)—Report for 2008-09.

Australian Government Solicitor (AGS)—Report for 2008-09.

Australian Hearing Services (Australian Hearing)—Report for 2008-09.

Australian Human Rights Commission—Report No. 41—*El Masri v Commonwealth* (Department of Immigration and Citizenship).

Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2008-09.

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2008-09.

Australian Institute of Criminology and Criminology Research Council—Reports for 2008-09, incorporating a correction.

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

Australian Institute of Health and Welfare—Report for 2008-09.

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

Australian Law Reform Commission—Report No. 110—Report for 2008-09.

Australian National Audit Office—Report for 2008-09.

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

Australian Pesticides and Veterinary Medicines Authority—Report for 2008-09.

Australian Postal Corporation (Australia Post)—Report for 2008-09.

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

Australian Research Council—Report for 2008-09.

Australian Reward Investment Alliance (ARIA)—Report for 2008-09, including financial statements for Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan.

Australian Security Intelligence Organisation (ASIO)—Report for 2008-09.

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

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

- Australian War Memorial—Report for 2008-09.
- Australian Wine and Brandy Corporation—Report for 2008-09.
- Bankruptcy Act 1966*—Report for 2008-09 on the operation of the Act.
- Bureau of Meteorology—Report for 2008-09.
- Cancer Australia—Report for 2008-09.
- Civil Aviation Safety Authority (CASA)—Report for 2008-09.
- Classification Board and Classification Review Board—Reports for 2008-09.
- Comcare—Report for 2008-09.
- Commissioner for Superannuation (ComSuper)—Report for 2008-09.
- Commissioner of Taxation—Report for 2008-09, including financial statements for the Australian Taxation Office and Australian Valuation Office.
- Commonwealth Grants Commission—Report for 2008-09.
- Commonwealth Ombudsman—Report for 2008-09.
- Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2008-09, including financial statements for the Science and Industry Endowment Fund.
- Commonwealth Services Delivery Agency (Centrelink)—Report for 2008-09.
- Crimes Act 1914*—Controlled operations—Report for 2008-09.
- CrimTrac Agency—Report for 2008-09.
- Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2008-09.
- Defence Housing Australia—Report for 2008-09.
- Department of Agriculture, Fisheries and Forestry—Report for 2008-09, including Dairy Adjustment Authority report for the period 1 July to 31 December 2008 and financial statements for Australian Quarantine and Inspection Service, National Residue Survey and Biosecurity Australia.
- Department of Broadband, Communications and the Digital Economy—Report for 2008-09.
- Department of Climate Change—Report for 2008-09.
- Department of Education, Employment and Workplace Relations—Report for 2008-09.
- Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2008-09, including Aboriginals Benefit Account report for 2008-09 and financial statements for Aboriginal and Torres Strait Islander Land Account.
- Department of Finance and Deregulation—Report for 2008-09, including Office of Evaluation and Audit (Indigenous Programs) report for 2008-09.
- Department of Foreign Affairs and Trade—Reports—2008-09—  
Volume 1—Department of Foreign Affairs and Trade.  
Volume 2—Australian Agency for International Development (AusAID).
- Department of Human Services—Report for 2008-09, including financial statements for CRS Australia.
- Department of Innovation, Industry, Science and Research—Report for 2008-09, including IP Australia report for 2008-09.
- Department of Parliamentary Services—Report for 2008-09.
- Department of Resources, Energy and Tourism—Report for 2008-09, including Geoscience Australia report for 2008-09.
- Department of the Prime Minister and Cabinet—Report for 2008-09.
- Director of National Parks—Report for 2008-09.
- Export Finance and Insurance Corporation (EFIC)—Report for 2008-09.
- Federal Court of Australia—Report for 2008-09.
- Federal Magistrates Court of Australia—Report for 2008-09.
- Gene Technology Regulator—Report for 2008-09.
- Great Barrier Reef Marine Park Authority—Report for 2008-09.
- Indigenous Land Corporation (ILC)—Report for 2008-09.

Inspector-General of Intelligence and Security (IGIS)—Report for 2008-09.  
Inspector-General of Taxation—Report for 2008-09.  
International Air Services Commission—Report for 2008-09.  
Medibank Private Limited—Report for 2008-09.  
Medicare Australia—Report for 2008-09.  
Migration Agents Registration Authority (MARA)—Report for 2008-09.  
Migration Review Tribunal and Refugee Review Tribunal—Report for 2008-09.  
Military Superannuation and Benefits Board of Trustees—Report for 2008-09, including financial statements for the Military Superannuation and Benefits Fund.  
National Archives of Australia—Report for 2008-09, including National Archives of Australia Advisory Council report for 2008-09.  
National Blood Authority—Report for 2008-09.  
National Capital Authority—Report for 2008-09.  
National Competition Council—Report for 2008-09.  
National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2008-09.  
National Museum of Australia—Report for 2008-09.  
National Native Title Tribunal—Report for 2008-09.  
National Transport Commission (NTC Australia)—Report for 2008-09.  
National Water Commission—Report for 2008-09.  
NBN Co Limited—Report for the period 9 April to 30 June 2009.  
Office of Parliamentary Counsel—Report for 2008-09.  
Office of the Official Secretary to the Governor-General—Report for 2008-09.  
Office of the Renewable Energy Regulator—Financial report for 2008-09.  
Private Health Insurance Ombudsman—Report for 2008-09.  
Privileges—House of Representatives Standing Committee—Procedures of the Committee and the House in relation to consideration of privilege matters and procedural fairness—Report, September 2009.  
Repatriation Commission, Military Rehabilitation and Compensation Commission, National Treatment Monitoring Committee and Department of Veterans' Affairs—Report for 2008-09, including financial statements for the Defence Service Homes Insurance Scheme.  
Repatriation Medical Authority—Report for 2008-09.  
Reserve Bank of Australia—Report for 2008-09.  
Safety, Rehabilitation and Compensation Commission (SRCC)—Report for 2008-09.  
Screen Australia—Report for 2008-09.  
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)—Report for 2008-09.  
Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2008-09.  
Special Broadcasting Service Corporation (SBS)—Report for 2008-09.  
Veterans' Review Board—Report for 2008-09.  
*War Crimes Act 1945*—Report for 2008-09 on the operation of the Act.  
Wet Tropics Management Authority—Report for 2008-09, including State of the Wet Tropics report for 2008-09.  
Wheat Exports Australia—Report for 2008-09.  
*Witness Protection Act 1994*—Report for 2008-09 on the operation of the National Witness Protection Program.

#### **Report on committee activities**

The committee undertook a review of the requirement placed on agencies to provide untrimmed copies of documents that form part of the Parliamentary Paper Series (PPS). As a result of that review the

committee recommended to the Presiding Officers that the PPS distribution guidelines be amended to remove the requirement for author agencies to provide untrimmed parliamentary papers copies for the 2010 PPS and subsequent series. The Presiding Officers approved that recommendation. The PPS distribution guidelines will be amended effective from 1 January 2010.

CHRIS HAYES

Chair

29 October 2009

On the motion of Mr Hayes, by leave, the report was agreed to.

**17 MESSAGES FROM THE SENATE**

Messages from the Senate, 29 October 2009, were reported returning the following bills without amendment:

No. 350—Asian Development Bank (Additional Subscription) 2009.

No. 351—Long Service Leave Legislation Amendment (Telstra) 2009.

No. 352—Statute Stocktake (Regulatory and Other Laws) 2009.

No. 353—Australian Sports Anti-Doping Authority Amendment 2009.

No. 354—Tax Agent Services (Transitional Provisions and Consequential Amendments) 2009.

**18 MESSAGE FROM THE SENATE—AUSCHECK AMENDMENT BILL 2009**

Message No. 349, 29 October 2009, from the Senate was reported returning the AusCheck Amendment Bill 2009 with amendments.

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

**19 TAX LAWS AMENDMENT (2009 MEASURES NO. 5) 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 without amendment, and presented a certified copy of the bill.

Bill agreed to.

On the motion of Dr Kelly (Parliamentary Secretary for Defence Support), by leave, the bill was read a third time.

**20 CARBON POLLUTION REDUCTION SCHEME BILL 2009 [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—*And on the amendment moved thereto by Mr Turnbull (see item No. 9, page 1425)—*

Debate resumed.

*Document*

Mr Hale, by leave, presented the following document:

Parliamentary Committee Reports on Climate Change 1996-2007—Client memorandum from the Parliamentary Library to Mr Damien Hale MP, 29 October 2009.

Debate continued.

Debate adjourned (Mr Byrne—Parliamentary Secretary for Trade), and the resumption of the debate made an order of the day for the next sitting.

**21 ADJOURNMENT**

Dr Emerson (Minister for Competition Policy and Consumer Affairs) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 6.16 p.m., adjourned until 12 noon on Monday, 16 November 2009.



**DOCUMENTS**

The following documents were deemed to have been presented on 29 October 2009:

Australian Prudential Regulation Authority Act—Determination under section 57—2009 Confidentiality No. 17 [F2009L04021].

Civil Aviation Act—

Civil Aviation Regulations—Instruments—2009 Nos CASA 450, CASA 473 [F2009L03705], [F2009L03888].

Civil Aviation Safety Regulations—

Airworthiness Directives under—

Part 39-105—

AD/BEECH 55—No. 57—Cancellation [F2009L03942].

AD/BEECH 56—No. 19—Cancellation [F2009L03941].

AD/BEECH 95—No. 21—Cancellation [F2009L03940].

AD/BELL 205—

No. 2—Cancellation [F2009L03855].

No. 17—Cancellation [F2009L03854].

No. 32—Cancellation [F2009L03852].

AD/BELL 412—

No. 11—Cancellation [F2009L03920].

No. 19—Cancellation [F2009L03928].

No. 20—Cancellation [F2009L03927].

No. 21—Cancellation [F2009L03926].

No. 24—Cancellation [F2009L03925].

No. 25—Cancellation [F2009L03924].

No. 26—Cancellation [F2009L03923].

No. 31—Cancellation [F2009L03922].

No. 35—Cancellation [F2009L03921].

AD/F27—No. 56—Amendment (No. 1)—Cancellation [F2009L03937].

Part 39-107—AD/PR—

No. 13—Cancellation [F2009L03935].

No. 17—Cancellation [F2009L03934].

Exemption—2009 No. CASA EX91 [F2009L03962].

Corporations Act—Accounting standard—2009 Amendments (AASB 9) [F2009L03966].

Customs Act—Orders—Tariff Concession—2009—Nos 0906218, 0906219, 0909028, 0909454, 0909455, 0909458, 0909765, 0909928, 0909985, 0910048, [F2009L03807], [F2009L03803], [F2009L03800], [F2009L03799], [F2009L03797], [F2009L03795], [F2009L03796], [F2009L03793], [F2009L03794], [F2009L03801].

Defence Force Discipline Act—Regulations—Select Legislative Instrument—2009 No. 296 [F2009L04030].

Education Services for Overseas Students Act—Determination—2010 Contributions criteria [F2009L03999].

Environment Protection and Biodiversity Conservation Act—Instrument under section 303DC—26 October 2009 [F2009L04028].

Financial Management and Accountability Act—Determination—Varying and abolishing a special account—2009 No. 30 [F2009L04005].

Higher Education Support Act—

Guidelines—Other Grants (Education) 2008—2009 Amendment [F2009L03997].

List of programmes and funding under division 41—21 October 2009 [F2009L03996].

VET provider—Notice of approval—2009 No. 39 [F2009L04003].

Migration Act—Migration Regulations—Instrument—2009 Specification of occupations, No. IMMI 09/125 [F2009L03970].

Military Superannuation and Benefits Act—Declaration—2009 Eligible member [F2009L03980].

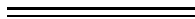
National Health Act—Amendment special arrangements under section 100—2009 No. PB 104 [F2009L04011].



**ATTENDANCE**

All Members attended (at some time during the sitting) except Fran Bailey, Mr Crean, \*Ms A. L. Ellis, Mr Hawker, Mr Hockey, Mr Irons, \*Mr Neville, Mr Robb, Ms Vamvakinou and Mr Wood.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives



2008-09

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

No. 129

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**THURSDAY, 29 OCTOBER 2009**

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1 The Main Committee met at 9.31 a.m.

**2 MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements being made—

*Suspension of meeting*

At 9.38 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 10.18 a.m., the proceedings were resumed.

Members' constituency statements continued.

**3 TAX LAWS AMENDMENT (2009 MEASURES NO. 5) 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. 251, 2 October 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.

**4 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—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 Bevis—That the House take note of the document (*presented on 29 October 2009*), viz.—

Foreign Affairs, Defence and Trade—Joint Standing Committee—Review of the Defence annual report 2007-08—Report, October 2009—

Debate resumed.

Mr Bevis, by leave, addressed the Main Committee without closing the debate.

Debate continued.

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

**5 CRIMES AMENDMENT (WORKING WITH CHILDREN—CRIMINAL HISTORY) 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 (Ms Grierson), and the resumption of the debate made an order of the day for the next sitting.

**6 ADJOURNMENT**

Ms Grierson moved—That the Main Committee do now adjourn.

Debate ensuing—

*Documents*

Mrs Moylan, by leave, presented the following documents:

Western Australia Route Review Project—

Update, July 2008.

Emails from Project Coordinator, Western Australia Route Review [4], 11 August 2006, 13 October 2006, 10 November 2006 and 27 November 2006.

Letter from Mr Torb Petersen, Chairman, Noise Management Strategy Committee, Perth Airport to Mr Gavan Bennett, Airservices Australia, 15 November 2006.

Memorandum from Ken Hodge, Project Manager, Airservices Australia to Perth Airport Noise Management Strategy Committee, 26 July 2006.

Route structure proposal 2, 15 September 2006.

Debate continued.

Question—put and passed.

At 1 p.m., the Deputy Speaker adjourned the Main Committee until 4 p.m. on Monday, 16 November 2009.



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