

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 132

WEDNESDAY, 18 NOVEMBER 2009

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

**2 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS**

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

16 November 2009—Message—

No. 262—

Asian Development Bank (Additional Subscription) 2009.

Long Service Leave Legislation Amendment (Telstra) 2009.

Statute Stocktake (Regulatory and Other Laws) 2009.

No. 263—

National Consumer Credit Protection (Fees) 2009.

Australian Sports Anti-Doping Authority Amendment 2009.

Tax Agent Services (Transitional Provisions and Consequential Amendments) 2009.

**3 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:

Personal Property Securities (Consequential Amendments) 2009;

Family Assistance Legislation Amendment (Participation Requirement) 2009; and

Native Title Amendment (No. 2) 2009.

Question—put and passed.

**4 WHIPS REPORT**

Mr Price (Chief Government Whip) presented the following document:

Whips report—Report relating to committee and delegation reports and private Members' business on Monday, 23 November 2009—

and moved—That the report be adopted.

Question—put and passed.

**5 COAL MINING INDUSTRY (LONG SERVICE LEAVE FUNDING) AMENDMENT BILL 2009**

Ms Gillard (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the law relating to long service leave in the black coal mining industry, 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 (Mr Haase), and the resumption of the debate made an order of the day for the next sitting.

**6 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE AND APPROPRIATION FOR YEAR 2009-2010—APPROPRIATION (WATER ENTITLEMENTS AND HOME INSULATION) BILL 2009-2010**

Message No. 264, 16 November 2009, from Her Excellency the Governor-General was announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the purposes of the Appropriation (Water Entitlements and Home Insulation) Bill 2009-2010.

Mr Tanner (Minister for Finance and Deregulation) presented a Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to water entitlements and home insulation, and for related purposes.

*Document*

Mr Tanner presented an explanatory memorandum to the bill.

Bill read a first time.

Mr Tanner 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.

**7 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE AND APPROPRIATION FOR YEAR 2009-2010—APPROPRIATION (WATER ENTITLEMENTS) BILL 2009-2010**

Message No. 265, 16 November 2009, from Her Excellency the Governor-General was announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the purposes of the Appropriation (Water Entitlements) Bill 2009-2010.

Mr Tanner (Minister for Finance and Deregulation) presented a Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure in relation to water entitlements, and for related purposes.

*Document*

Mr Tanner presented an explanatory memorandum to the bill.

Bill read a first time.

Mr Tanner 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.

**8 AUSTRALIAN CENTRE FOR RENEWABLE ENERGY BILL 2009**

Mr M. J. Ferguson (Minister for Resources and Energy), pursuant to notice, presented a Bill for an Act to establish the Australian Centre for Renewable Energy Board, and for related purposes.

*Document*

Mr M. J. Ferguson presented an explanatory memorandum to the bill.

Bill read a first time.

Mr M. J. Ferguson 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 ACIS ADMINISTRATION AMENDMENT (APPLICATION) BILL 2009**

Mr M. J. Ferguson (Minister for Resources and Energy) for Dr Emerson (Minister for Small Business, Independent Contractors and the Service Economy), pursuant to notice, presented a Bill for an Act to amend the *ACIS Administration Amendment Act 2009*, and for related purposes.

*Document*

Mr M. J. Ferguson presented an explanatory memorandum to the bill.

Bill read a first time.

Mr M. J. Ferguson 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 SOCIAL SECURITY AMENDMENT (NATIONAL GREEN JOBS CORPS SUPPLEMENT) 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 Dr Southcott, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the bill a second reading, the House:

- (1) is concerned that 71,500 young Australians have lost their jobs since the election of the Rudd Government;
- (2) expresses its concern that 108,300 full-time jobs have been lost amongst young Australians over the last 12 months;
- (3) notes that commencements among traditional trade apprentices have fallen by 21.2 per cent in the 12 months to March 2009;
- (4) notes that the proportion of young Australians not in full-time education or full-time employment has risen under this Government;
- (5) condemns the Government for abolishing Green Corps as a youth development program;
- (6) is concerned that the Minister for Employment Participation believes that six month work experience placements are a substitute for a job;
- (7) calls on the Government to outline how many new green jobs were in the Prime Minister’s announcement to the Australian Labor Party National Conference on 30 July;
- (8) calls on the Government to outline how many green jobs will be created in this term of Parliament; and
- (9) calls on the Government to outline its strategy to create jobs for young Australians”—

Debate resumed.

Ms Hall 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 a later hour this day.

**11 MESSAGE FROM THE SENATE—SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009**

Message No. 356, 17 November 2009, from the Senate was reported returning the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 with amendments.

Ordered—That the amendments be considered immediately.

On the motion of Ms Gillard (Minister for Education), Senate amendments Nos 1 and 2 were agreed to.

Ms Gillard moved—That Senate amendments Nos 3 to 9 be disagreed to.

Debate ensued.

Question—put.

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

## AYES, 74

Mr Adams	Mrs Elliot	Mr Kerr	Ms Rea
Mr Albanese	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 Bradbury	Mr M. J. Ferguson	Ms McKew	Ms Saffin
Ms A. E. Burke	Mr Fitzgibbon	Ms Macklin	Mr Snowdon
Mr Butler	Mr Georganas	Mr McMullan	Mr Sullivan
Mr Byrne	Ms George	Mr Marles	Mr Swan
Ms Campbell	Mr Gibbons	Mr Melham	Mr Symon
Mr Champion	Ms Gillard	Mr Murphy	Mr Tanner
Mr Cheeseaman	Mr Gray	Ms Neal	Mr C. R. Thomson
Mr Clare	Ms Grierson	Mr Oakeshott	Mr K. J. Thomson
Ms Collins	Mr Griffin	Mr O'Connor	Mr Trevor
Mr Combet	Mr Hale	Ms Owens	Mr Turnour
Mr Crean	Ms Hall*	Ms Parke	Ms Vamvakinou
Mr Danby	Mr Hayes*	Mr Perrett	Mr Windsor
Mrs D'Ath	Mrs Irwin	Ms Plibersek	Mr Zappia
Mr Debus	Ms Jackson	Mr Price	
Mr Dreyfus	Dr Kelly	Mr Raguse	

## NOES, 53

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

\* Tellers

*Pairs*

Ms A. L. Ellis	Mr Neville
Ms A. E. Burke	Mr Somlyay
Mr Bevis	Fran Bailey
Mr Garrett	Mr Andrews
Mr Bowen	Mr Macfarlane

And so it was resolved in the affirmative.

Ms Gillard presented reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing to the amendments of the Senate  
Senate Amendments 3, 4, 8 and 9*

These amendments would result in a substantial cost to the budget.

They would maintain the current independence criterion for students who move to study.

Together with the Coalition's other amendments, these will have a total impact of around \$1 billion over the forward estimates which has not been offset.

Moreover, these amendments are inconsistent with the intention of the Bradley Review which recommended that support be targeted to those who need it most.

Students from families above the parental income cut out point would be the prime beneficiaries of these changes which would allow any student, whether from the city or country, who moves to study to avoid the parental income test.

Accordingly, the House of Representatives does not accept these amendments.

*Senate Amendments 5 to 7*

These amendments would push back application of the new independence arrangements for those who have taken a gap year, even if the student is living at home.

While there is some overlap with the other Coalition amendments these amendments would result in substantial additional cost to the budget.

These amendments seek to allow students who have taken a gap year and returned to live at home to qualify under the old system for an additional year.

The total cost of all the Coalition amendments is around \$1 billion.

Accordingly, the House of Representatives does not accept these amendments.

On the motion of Ms Gillard, the reasons were adopted.

**12 CRIMES AMENDMENT (WORKING WITH CHILDREN—CRIMINAL HISTORY) 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 Butler (Parliamentary Secretary for Health), by leave, the bill was read a third time.

**13 SOCIAL SECURITY AMENDMENT (NATIONAL GREEN JOBS CORPS SUPPLEMENT) 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 Dr Southcott (see item No. 10, page 1467)*—

Debate resumed.

Mr Sidebottom addressing the House—

It being 2 p.m., the debate was interrupted in accordance with standing order 97, Mr Sidebottom 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 Garrett (Minister for the Environment, Heritage and the Arts), Mr Combet (Minister Assisting the Minister for Climate Change) would answer questions on his behalf.

**15 QUESTIONS**

Questions without notice were asked.

**16 DOCUMENT**

The Speaker presented the following document:

Commonwealth Ombudsman—Activities in monitoring controlled operations conducted by the Australian Crime Commission, Australian Federal Police and the Australian Commission for Law Enforcement Integrity for 2008-09.

**17 DOCUMENTS**

The following documents were presented:

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—2009 Personal identifiers 568/09 to 573/09—

Commonwealth and Immigration Ombudsman's reports.

Government response to Ombudsman's reports.

Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2008-09.

Tourism Australia—Report for 2008-09.

Treaties—*Multilateral—Explanatory statement*—2009 No. 10—Amendment to the convention establishing a Customs Cooperation Council adopted at Brussels in 1952.

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

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

Government response to Ombudsman's reports.

Tourism Australia—Report for 2008-09.

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

**19 MINE ACTION STRATEGY—MINISTERIAL STATEMENT**

Mr S. F. Smith (Minister for Foreign Affairs), by leave, made a ministerial statement relating to Australia's Mine Action Strategy.

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

Mr S. F. Smith, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Ms J. Bishop speaking in reply to the ministerial statement for a period not exceeding 10 minutes.

Question—put and passed.

Ms J. Bishop addressed the House.

**20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATIONAL PATHWAYS FOR COUNTRY AUSTRALIANS**

The House was informed that Mr Windsor had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "Improving educational pathways for country Australians".

The proposed discussion having received the necessary support—

Mr Windsor addressed the House.

Discussion ensued.

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

**21 SOCIAL SECURITY AMENDMENT (NATIONAL GREEN JOBS CORPS SUPPLEMENT) 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 Dr Southcott (see item No. 10, page 1467)*—

Debate resumed.

Amendment negatived.

Question—That the bill be now read a second time—put and passed—bill read a second time.

*Message from the Governor-General*

Message No. 256, 9 September 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 Mr Clare (Parliamentary Secretary for Employment), the bill was read a third time.

**22 CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL (NO. 2) 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. 259, 17 September 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 Mr McClelland (Attorney-General), the bill was read a third time.

**23 ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009—SENATE'S AMENDMENTS**

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

On the motion of Mr McClelland (Attorney-General), Senate amendments Nos 1 to 5 were agreed to.

On the motion of Mr McClelland, Senate amendment No. 6 was disagreed to and Government amendment No. 1 made in place of it.

*Document*

Mr McClelland presented a supplementary explanatory memorandum to the bill.

**24 HIGHER EDUCATION SUPPORT AMENDMENT (VET FEE-HELP AND TERTIARY ADMISSION CENTRES) 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 Sullivan addressing the House—

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**25 ADJOURNMENT**

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.59 p.m., adjourned until 9 a.m. tomorrow.

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**DOCUMENTS**

The following documents were deemed to have been presented on 18 November 2009:

Australian Research Council Act—Determinations—2009 Nos 70, 71, 72.

Corporations Act—Auditing standards—2009 Nos ASA 501, ASA 510, ASA 705, ASA 706 [F2009L04085], [F2009L04089], [F2009L04101], [F2009L04102].

Defence Act—Determinations under Section 58B—2009 Nos 70, 71, 72, 73, 74, 75, 76.

Great Barrier Reef Marine Park Act—Regulations—Select Legislative Instrument—2009 No. 304 [F2009L04191].

Migration Act—Migration Regulations—Instrument—2009—Health waiver—Participating States and Territories, No. IMMI 09/131 [F2009L04254].

National Transport Commission Act—Regulations—Select Legislative Instrument—2009 No. 309 [F2009L04189].

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Andrews, Fran Bailey, Mr Bevis, Mr A. S. Burke, \*Ms A. L. Ellis, Mr Garrett, Mr Katter, \*Mr Neville, Mr Randall, Mr Simpkins, Mr Slipper and Mr Somlyay.

\* On leave

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



2008-09

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

No. 132

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 18 NOVEMBER 2009

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1 The Main Committee met at 9.30 a.m.

**2 MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements being made—

*Petition*

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

Youth allowance—1,057 petitioners.

Members' constituency statements continued.

**3 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.

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

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 INTELLIGENCE AND SECURITY—PARLIAMENTARY JOINT 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 Dreyfus—That the House take note of the document (*presented on 17 November 2009*), viz.—

Intelligence and Security—Parliamentary Joint Committee—Review of the re-listing of Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations—Report, November 2009—

Debate resumed.

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

Debate continued.

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

**5 NATIONAL APOLOGY TO THE FORGOTTEN AUSTRALIANS AND FORMER CHILD MIGRANTS**

The order of the day having been read for the resumption of the debate on the motion of Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs) relating to the national apology to the Forgotten Australians and former child migrants—

Debate ensued.

Mr Scott was granted leave to continue his speech when the debate is resumed.

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

**6 ADJOURNMENT**

On the motion of Mrs B. K. Bishop, the Main Committee adjourned at 12.59 p.m.

The Deputy Speaker fixed 9.30 a.m. tomorrow for the next meeting of the Main Committee.

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