

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 133

THURSDAY, 19 NOVEMBER 2009

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

2 **NATIONAL HEALTH SECURITY AMENDMENT (BACKGROUND CHECKING) BILL 2009**

Ms Roxon (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the *National Health Security Act 2007*, 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 Coulton), and the resumption of the debate made an order of the day for the next sitting.

3 **FAIRER PRIVATE HEALTH INSURANCE INCENTIVES BILL 2009 [NO. 2]**

Ms Roxon (Minister for Health and Ageing) presented a Bill for an Act to provide for fairer private health insurance incentives, and for related purposes.

Document

Ms Roxon presented an explanatory memorandum to this bill and to the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2] and the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2009 [No. 2].

Bill read a first time.

Ms Roxon moved—That the bill be now read a second time.

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

4 **FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE) BILL 2009 [NO. 2]**

Ms Roxon (Minister for Health and Ageing) presented a Bill for an Act to amend the *Medicare Levy Act 1986*, and for related purposes.

Bill read a first time.

Ms Roxon moved—That the bill be now read a second time.

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

5 **FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) BILL 2009 [NO. 2]**

Ms Roxon (Minister for Health and Ageing) presented a Bill for an Act to amend the A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999, and for related purposes.

Bill read a first time.

Ms Roxon moved—That the bill be now read a second time.

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

6 CRIMES LEGISLATION AMENDMENT (TORTURE PROHIBITION AND DEATH PENALTY ABOLITION) BILL 2009

Mr McClelland (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Criminal Code Act 1995* and the *Death Penalty Abolition Act 1973*, 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 Coulton), and the resumption of the debate made an order of the day for the next sitting.

7 TAX LAWS AMENDMENT (CONFIDENTIALITY OF TAXPAYER INFORMATION) BILL 2009

Dr Emerson (Minister for Competition Policy and Consumer Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to confidentiality of information acquired under the taxation laws, and for other 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 Coulton), and the resumption of the debate made an order of the day for the next sitting.

8 AUSTRALIAN CAPITAL TERRITORY AND OTHER LEGISLATION AMENDMENT (WATER MANAGEMENT) BILL 2009

Dr Kelly (Parliamentary Secretary for Water), pursuant to notice, presented a Bill for an Act to amend the law relating to the management of water resources in the Australian Capital Territory, to amend the *Water Act 2007*, and for related purposes.

Document

Dr Kelly presented an explanatory memorandum to the bill.

Bill read a first time.

Dr Kelly moved—That the bill be now read a second time.

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

9 PRIVILEGES AND MEMBERS' INTERESTS COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Raguse (Chair) presented the following report:

Committee of Privileges and Members' Interests—Publication of details of Members' Interests on the Australian Parliament House website—Report, November 2009.

Ordered to be made a Parliamentary Paper.

Mr Raguse, by leave, made a statement in connection with the report.

10 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT

Mr K. J. Thomson presented the following document:

Australian Parliamentary Delegation to Tonga and Vanuatu from 22 July to 1 August 2009—Report.

11 APPROPRIATION (WATER ENTITLEMENTS AND HOME INSULATION) BILL 2009-2010

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 Dr Kelly (Parliamentary Secretary for Water), the bill was read a third time.

12 APPROPRIATION (WATER ENTITLEMENTS) BILL 2009-2010

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 Dr Kelly (Parliamentary Secretary for Water), the bill was read a third time.

13 TAX LAWS AMENDMENT (RESALE ROYALTY RIGHT FOR VISUAL ARTISTS) 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 Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), by leave, the bill was read a third time.

14 PERSONAL PROPERTY SECURITIES (CONSEQUENTIAL AMENDMENTS) 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 Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), by leave, the bill was read a third time.

15 FAMILY ASSISTANCE LEGISLATION AMENDMENT (PARTICIPATION REQUIREMENT) 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 Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), by leave, the bill was read a third time.

16 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.

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

Leave granted for third reading to be moved immediately.

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

17 CUSTOMS TARIFF AMENDMENT (INCORPORATION OF PROPOSALS) BILL 2009

The order of the day having been read for the resumption of the debate on the question—That the bill be now read a second time—

Debate resumed.

Ms Ley addressing the House—

It being 2 p.m., the debate was interrupted in accordance with standing order 97, Ms Ley was granted leave to continue her speech when the debate is resumed, and the resumption of the debate made an order of the day for a later hour this day.

18 QUESTIONS

Questions without notice being asked—

Mr Turnbull (Leader of the Opposition) asked leave to move a motion of censure.

Objection being raised—leave not granted.

Suspension of standing and sessional orders moved

Mr Turnbull moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Wentworth moving immediately—That this House censures the Prime Minister for losing control of Australia's borders with badly thought through policy changes that have dramatically increased the number of unauthorised boat arrivals and handed control of our immigration policy to the people smugglers, and in particular for:

- (1) failing to be upfront and honest with this House, and the Australian people, about the nature of the special deal done for the asylum seekers on board the *Oceanic Viking*;
- (2) the Prime Minister's inept handling of the diplomatic relationship with Indonesia; and
- (3) trying to abrogate his responsibility to take charge of this latest border protection crisis by hiding behind a wall of spin, his own staff and the bureaucracy when as he said himself, he is the Prime Minister and the buck stops with him.

Debate ensued.

Question—That the motion for the suspension of standing and sessional orders be agreed to—put.

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

AYES, 49

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

NOES, 75

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

* Tellers

Pairs

Ms A. L. Ellis	Mr Neville
Mr A. S. Burke	Mr Somlyay
Mr Bevis	Fran Bailey
Mr Garrett	Mr Andrews

And so it was negatived.

Questions without notice concluded.

19 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 12 of 2009–2010—Performance audit—Administration of Youth Allowance: Department of Education, Employment and Workplace Relations; Centrelink.

Ordered to be made a Parliamentary Paper.

20 DOCUMENTS

The following documents were presented:

Australian Bureau of Statistics—Census of Population and Housing: Nature and content—Australia 2011—Information paper.

Australian Curriculum, Assessment and Reporting Authority—Report for the period 28 May to 30 June 2009.

Australian Fair Pay Commission—Report for 2008-09.

Australian Fair Pay Commission Secretariat—Report for 2008-09 and July 2009.

Australian Sports Commission—Report for 2008-09.

Dairy Australia Limited—Report for 2008-09.

Skills Australia—Report for 2008-09.

21 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

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

Australian Curriculum, Assessment and Reporting Authority—Report for the period 28 May to 30 June 2009.

Australian Fair Pay Commission—Report for 2008-09.

Australian Sports Commission—Report for 2008-09.

Skills 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.

22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FOREIGN RELATIONS

The House was informed that Ms J. Bishop (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s failure to properly manage Australia’s foreign relations”.

The proposed discussion having received the necessary support—

Ms J. Bishop addressed the House.

Discussion ensued.

Discussion concluded.

23 MESSAGE FROM THE SENATE

Message No. 357, 19 November 2009, from the Senate was reported returning the Social Security Amendment (National Green Jobs Corps Supplement) Bill 2009 without amendment.

24 MESSAGE FROM THE SENATE

Message No. 358, 19 November 2009, from the Senate was reported returning the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 and informing the House that the Senate does not insist upon its amendment No. 6 disagreed to by the House of Representatives and has agreed to the amendment made by the House in its place.

25 ADJOURNMENT

It being 4.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensuing—

Petition

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

Flying foxes and the South Darling Downs fruit growers—220 petitioners.

Debate continued.

Question—put and passed.

And then the House, at 4.59 p.m., adjourned until 12 noon on Monday, 23 November 2009.

DOCUMENTS

The following documents were deemed to have been presented on 19 November 2009:

Airspace Act—Airspace Regulations—Instruments—2009 Nos CASA OAR 182, CASA OAR 183, CASA OAR 193 [F2009L04215], [F2009L04221], [F2009L04210].

Australian Meat and Live-stock Industry Act—Order—2009 High quality beef export to the European Union—Amendment (No. 1) [F2009L04199].

Australian Research Council Act—Determination—2009 No. 73.

Broadcasting Services Act—Variation—2009 Licence area plan for Murray Bridge Radio (No. 1) [F2009L04212].

Civil Aviation Act—Civil Aviation Safety Regulations—
Airworthiness Directives under—Part 39.001(1)—
AD/ARRIEL—No. 27—Cancellation [F2009L04220].

AD/ATR 42—No. 2—Amendment (No. 1)—Cancellation [F2009L04219].
 AD/B737—No. 340—Cancellation [F2009L04217].
 AD/BEECH 1900—No. 49—Amendment (No. 1)—Cancellation [F2009L04218].
 AD/CESSNA 150—No. 50—Cancellation [F2009L04216].
 Instrument—2009 No. CASA 527 [F2009L04137].
 Corporations Act—Auditing standards—2009 Nos ASA 530, ASA 600, ASA 620 [F2009L04091], [F2009L04097], [F2009L04099].
 Customs Act—Orders—Tariff Concession—2009 Nos 0911156, 0911306 [F2009L04177], [F2009L04168].
 Financial Management and Accountability Act—Determinations—Transfer of functions from—ATSB to DITRDLG—2009 No. 15 [F2009L04276].
 DITRDLG to ATSB—2009 No. 16 [F2009L04277].
 Industry Research and Development Act—Direction—2009 Additional functions of Innovation Australia [F2009L04260].
 Migration Act—
 Migration Agents Regulations—Migration Agents (Continuing professional development) Notices—2009—
 Attendance at a seminar, workshop, conference or lecture, No. MN45-09c [F2009L04133].
 Private study of audio, video or written material, No. MN45-09b [F2009L04132].
 Migration Regulations—Instrument—2009 Travel agents for PRC citizens applying for tourist visas, No. IMMI 09/130 [F2009L04214].
 Military Rehabilitation and Compensation Act—Regulations—Select Legislative Instrument—2009 No. 299 [F2009L04139].
 Motor Vehicle Standards Act—Regulations—Select Legislative Instrument—2009 No. 308 [F2009L04162].
 Safety, Rehabilitation and Compensation Act—
 Forms—2009 Approval of form for application for—
 Initial approval as a rehabilitation program provider (Workplace rehabilitation provider)—30 October [F2009L04154].
 Renewal of approval as a rehabilitation program provider (Workplace rehabilitation provider)—30 October [F2009L04156].
 Variations—2009 Variation of—
 Criteria for initial approval or renewal of approval as a rehabilitation program provider (Workplace rehabilitation provider)—30 October [F2009L04152].
 Operational standards for rehabilitation program providers (Workplace rehabilitation providers)—30 October [F2009L04145].
 Social Security Act—Determination—2009 South Australian “Phase one: Self-managed funding initiative”—FaHCSIA [F2009L04268].
 Therapeutic Goods Act—Notice—2009 Listing (No. 8) [F2009L04278].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Abbott, Mr Andrews, Fran Bailey, Mr Bevis, Mr A. S. Burke, *Ms A. L. Ellis, Mr Garrett, Mr Hunt, Mr Katter, *Mr Neville, Mr Oakeshott, Mr O'Connor, Mr Randall, Mr Robb, Mr Slipper, Mr Somlyay and Mr Truss.

* On leave

I. C. HARRIS
 Clerk of the House of Representatives

2008-09

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 133

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 19 NOVEMBER 2009

1 The Main Committee met at 9.30 a.m.

2 MEMBERS' CONSTITUENCY STATEMENTS

Members' constituency statements being made—

Petition

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

Aircraft movements and noise at Sydney airport—132 petitioners.

Members' constituency statements continued.

3 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.

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

4 TAX LAWS AMENDMENT (RESALE ROYALTY RIGHT FOR VISUAL ARTISTS) 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.

5 PERSONAL PROPERTY SECURITIES (CONSEQUENTIAL AMENDMENTS) 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.

6 FAMILY ASSISTANCE LEGISLATION AMENDMENT (PARTICIPATION REQUIREMENT) 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.

7 ADJOURNMENT

Mr Melham moved—That the Main Committee do now adjourn.

Debate ensuing—

Petitions

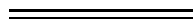
Dr Stone presented the following petitions approved by the Standing Committee on Petitions:

Youth allowance [2]—719 and 131 petitioners respectively.

Debate continued.

Question—put and passed.

At 12.49 p.m., the Deputy Speaker adjourned the Main Committee until 4 p.m. on Monday, 23 November 2009.



B. C. WRIGHT
Clerk of the Main Committee