

2008-09-10

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 171

TUESDAY, 22 JUNE 2010

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

**2 HELICOPTER CRASH INVOLVING AUSTRALIAN PERSONNEL IN AFGHANISTAN—STATEMENT**

Mr Rudd (Prime Minister), by leave, made a statement on the helicopter crash involving Australian personnel in Afghanistan.

Mr Abbott (Leader of the Opposition), by leave, also made a statement on the matter.

**3 QUESTIONS**

Questions without notice being asked—

*Member directed to leave*

At 3.01 p.m. the Member for Bowman (Mr Laming) was directed, under standing order 94, to leave the Chamber for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly left the Chamber.

Questions without notice continuing—

*Member directed to leave*

At 3.17 p.m. the Member for Sturt (Mr Pyne) was directed, under standing order 94, to leave the Chamber for one hour for interjecting, and he accordingly left the Chamber.

Questions without notice continued.

**4 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 46 of 2009–2010—Performance audit—Child support reforms: Building a better Child Support Agency; Department of Human Services.

Ordered to be made a Parliamentary Paper.

**5 DOCUMENTS**

The following documents were presented:

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2010.

Infrastructure, Transport, Regional Development and Local Government—House of Representatives Standing Committee—Level crossing safety: An update to the 2004 train illumination report—Government response.

*Surveillance Devices Act 2004*—Commonwealth Ombudsman's report on inspections of surveillance device records for the period 1 January to 31 December 2008—Australian Crime Commission and Australian Federal Police and for the period 1 July 2007 to 31 December 2008—New South Wales Police.

*Tax Laws Amendment (Medicare Levy Surcharge Threshold) Act (No. 2) 2008*—Report on the operation of the Act—Review of the impact of the new Medicare Levy Surcharge thresholds on public hospitals—First year review, June 2010.

*Treaties—Bilateral—Text, together with national interest analysis—*

Agreement between the Government of Australia and the Government of Anguilla on the exchange of information with respect to taxes, done at London on 19 March 2010.

Agreement between the Government of Australia and the Government of Belize for the exchange of information with respect to taxes, done at Belize on 31 March 2010.

Agreement between the Government of Australia and the Government of Grenada for the exchange of information relating to tax matters, done at New York on 30 March 2010.

Agreement between the Government of Australia and the Government of Saint Christopher (Saint Kitts) and Nevis for the exchange of information relating to tax matters, done at Saint Kitts and Nevis on 5 March 2010.

Agreement between the Government of Australia and the Government of Saint Lucia on the exchange of information with respect to taxes, done at New York on 30 March 2010.

Agreement between the Government of Australia and the Government of Saint Vincent and the Grenadines on the exchange of information with respect to taxes, done at Kingstown on 18 March 2010.

Agreement between the Government of Australia and the Government of Samoa on the allocation of taxing rights with respect to certain income of individuals and to establish a mutual agreement procedure in respect of transfer pricing adjustments, done at Canberra on 16 December 2009.

Agreement between the Government of Australia and the Government of Samoa on the exchange of information with respect to taxes, done at Canberra on 16 December 2009.

Agreement between the Government of Australia and the Government of the Cayman Islands on the exchange of information with respect to taxes, done at Washington on 30 March 2010.

Agreement between the Government of Australia and the Government of the Commonwealth of Dominica on the exchange of information with respect to taxes and tax matters, done at Roseau on 30 March 2010.

Agreement between the Government of Australia and the Government of the Commonwealth of the Bahamas on the exchange of information with respect to taxes, done at Washington on 30 March 2010.

Agreement between the Government of Australia and the Government of the Principality of Monaco for the exchange of information relating to tax matters, done at Paris on 1 April 2010.

Agreement between the Government of Australia and the Government of the Republic of San Marino for the exchange of information relating to taxes, done at San Marino on 4 March 2010.

Agreement between the Government of Australia and the Government of the Republic of Vanuatu on the exchange of information with respect to taxes, done at Devonport on 21 April 2010.

Agreement between the Government of Australia and the Government of the Turks and Caicos Islands on the exchange of information with respect to taxes, done at Washington DC on 30 March 2010.

Agreement between the Government of Australia and the Kingdom of the Netherlands, in respect of Aruba, for the allocation of taxing rights with respect to certain income of individuals and to establish a mutual agreement procedure in respect of transfer pricing adjustments, done at Canberra on 16 December 2009.

Agreement between the Government of Australia and the Kingdom of the Netherlands, in respect of Aruba, on the exchange of information with respect to taxes, done at Canberra on 16 December 2009.

## 6 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

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

Infrastructure, Transport, Regional Development and Local Government—House of Representatives Standing Committee—Level crossing safety: An update to the 2004 train illumination report—Government response.

*Surveillance Devices Act 2004*—Commonwealth Ombudsman's report on inspections of surveillance device records for the period 1 January to 31 December 2008—Australian Crime Commission and Australian Federal Police and for the period 1 July 2007 to 31 December 2008—New South Wales Police.

*Tax Laws Amendment (Medicare Levy Surcharge Threshold) Act (No. 2) 2008*—Report on the operation of the Act—Review of the impact of the new Medicare Levy Surcharge thresholds on public hospitals—First year review, June 2010.

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

## 7 E-HEALTH—MINISTERIAL STATEMENT

Ms Roxon (Minister for Health and Ageing), asked leave to make a ministerial statement relating to e-health reform.

Objection being raised—leave not granted.

*Suspension of standing and sessional orders*

Mr Albanese (Leader of the House) moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Health and Ageing speaking for a period not exceeding 10 minutes.

Debate ensued.

*Closure*

Mr Albanese moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 79

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

## NOES, 59

Mr Andrews	Mrs Gash	Mrs Markus	Mr Secker*
Mr Baldwin	Mr Georgiou	Mrs May	Mr Simpkins
Mr Billson	Mr Haase	Mr Morrison	Mr Slipper
Mrs B. K. Bishop	Mr Hartsuyker	Mrs Moylan	Mr A. D. H. Smith
Ms J. I. Bishop	Mr A. G. Hawke	Mr Neville	Mr Somlyay
Mr Briggs	Mr D. P. M. Hawker	Mr Oakeshott	Dr Southcott
Mr Broadbent	Mr Hockey	Ms O'Dwyer	Dr Stone
Mr Chester	Mrs Hull*	Mr Pearce	Mr Truss
Mr Ciobo	Mr Hunt	Mr Ramsey	Mr Tuckey
Mr Cobb	Mr Irons	Mr Randall	Mr Turnbull
Mr Coulton	Dr Jensen	Mr Robb	Mrs Vale
Mr Dutton	Mr Keenan	Mr Robert	Dr Washer
Mr Farmer	Ms Ley	Mr Ruddock	Mr Windsor
Mr Fletcher	Mr Macfarlane	Mr Schultz	Mr Wood
Mr Forrest	Ms Marino	Mr Scott	

\* Tellers

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

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

## AYES, 81

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

## NOES, 57

Mr Andrews	Mrs Gash	Mrs Markus	Mr Simpkins
Mr Baldwin	Mr Georgiou	Mrs May	Mr Slipper
Mr Billson	Mr Haase	Mr Morrison	Mr A. D. H. Smith
Mrs B. K. Bishop	Mr Hartsuyker	Mrs Moylan	Mr Somlyay
Ms J. I. Bishop	Mr A. G. Hawke	Mr Neville	Dr Southcott
Mr Briggs	Mr D. P. M. Hawker	Ms O'Dwyer	Dr Stone
Mr Broadbent	Mr Hockey	Mr Pearce	Mr Truss
Mr Chester	Mrs Hull*	Mr Ramsey	Mr Tuckey
Mr Ciobo	Mr Hunt	Mr Randall	Mr Turnbull
Mr Cobb	Mr Irons	Mr Robb	Mrs Vale
Mr Coulton	Dr Jensen	Mr Robert	Dr Washer
Mr Dutton	Mr Keenan	Mr Ruddock	Mr Wood
Mr Farmer	Ms Ley	Mr Schultz	
Mr Fletcher	Mr Macfarlane	Mr Scott	
Mr Forrest	Ms Marino	Mr Secker*	

\* Tellers

And so it was resolved in the affirmative, by an absolute majority.

Ms Roxon made a ministerial statement on e-health reform.

Mr Dutton, by leave, also made a statement on the matter.

#### 8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION

The House was informed that Mr Oakeshott had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The national crisis that is the deterioration of regional and remote access of participation rates in education over the last five years”.

The proposed discussion having received the necessary support—

Mr Oakeshott addressed the House.

Discussion ensued.

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

#### 9 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:

Superannuation Industry (Supervision) Amendment 2010;

Agricultural and Veterinary Chemicals Code Amendment 2010; and

Trade Practices Amendment (Australian Consumer Law) (No. 2) 2010.

Question—put and passed.

#### 10 MESSAGES FROM THE SENATE

Messages from the Senate, 21 June 2010, were reported returning the following bills without amendment:

No. 476—Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) 2010.

No. 477—Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) 2009.

**11 INDUSTRY, SCIENCE AND INNOVATION—STANDING COMMITTEE—REPORT—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Ms Vamvakinou (Chair) presented the following documents:

Industry, Science and Innovation—Standing Committee—Australia's international research collaboration—

Report, June 2010.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Ms Vamvakinou 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.

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

Question—put and passed.

**12 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE—REPORT—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Ms Grierson (Chair) presented the following document:

Public Accounts and Audit—Joint Committee—Report 417: Review of Auditor-General's reports tabled between February 2009 and September 2009—Report, June 2010.

Ordered to be made a Parliamentary Paper.

Ms Grierson 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.

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

Question—put and passed.

**13 INTERNATIONAL MONETARY AGREEMENTS AMENDMENT BILL (NO. 1) 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.

*Message from the Governor-General*

Message No. 360, 13 June 2010, 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 Ms McKew (Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government), the bill was read a third time.

**14 BUILDING ENERGY EFFICIENCY DISCLOSURE BILL 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Combet (Minister Assisting the Minister for Climate Change and Energy Efficiency) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Combet, by leave, Government amendments (1) to (10) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Combet, by leave, the bill was read a third time.

**15 SAPPER JACOB DANIEL MOERLAND AND SAPPER DARREN JAMES SMITH—CONDOLENCE MOTION—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the order of the day relating to the Prime Minister's motion of condolence in connection with the deaths of Sapper Jacob Daniel Moerland and Sapper Darren James Smith, had been debated in the Main Committee and returned to the House, and presented a certified copy of the motion.

Debate resumed.

All Members present having risen, in silence—

Question—passed.

**16 CRIMES AMENDMENT (ROYAL FLYING DOCTOR SERVICE) BILL 2010—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the bill had been fully considered by the Main Committee and agreed to with amendments (*see item No. 4, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Byrne (Parliamentary Secretary for Trade), by leave, the bill was read a third time.

**17 TAX LAWS AMENDMENT (2010 MEASURES NO. 3) BILL 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 by Ms Ley—

Ms Ley was granted leave to speak again later in the debate.

Debate continued.

Mrs Moylan addressing the House—

**18 ADJOURNMENT**

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

Debate ensued.

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

**DOCUMENTS**

The following documents were deemed to have been presented on 22 June 2010:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals—2010 Nos 8, 9.

Civil Aviation Act—

Civil Aviation Regulations—Instrument—2010 No. CASA 205 [F2010L01566].

Civil Aviation Safety Regulations—

Airworthiness Directives under Part 39.001(1)—

AD/BEECH 65—No. 64 Amendment (No. 1) [F2010L01658].

AD/F50—No. 102 [F2010L01613].

Exemption—2010 No. CASA EX45 [F2010L01478].

Commonwealth Authorities and Companies Act—Notice under section 45—Commonwealth acquiring shares in Australian Rail Track Corporation Limited—15 June 2010.

Corporations Act—Regulations—Select Legislative Instrument—2010 No. 135 [F2010L01585].

Health Insurance Act—Determination under section 3C—2010 Positron emission tomography—Facilities [F2010L01605].

Higher Education Support Act—Funding Agreements under section 30-25—University of Western Australia—8 June 2010.

Independent Contractors Act—Regulations—Select Legislative Instrument—2010 No. 134 [F2010L01586].

National Consumer Credit Protection Act—Regulations—Select Legislative Instrument—2010 No. 137 [F2010L01578].

National Consumer Credit Protection (Transitional and Consequential Provisions) Act—Regulations—Select Legislative Instrument—2010 No. 139 [F2010L01580].

National Health Act—

Amendment declaration and amendment determination under section 85—2010 No. PB 54 [F2010L01623].

Amendment determinations under—

section 84AF—2010 No. PB 56 [F2010L01631].

section 85B—2010 No. PB 57 [F2010L01635].

section 98C—2010 No. PB 58 [F2010L01622].

Amendment special arrangements under section 100—2010 No. PB 60 [F2010L01644].

National Health Security Act—Regulations—Select Legislative Instrument—2010 No. 128 [F2010L01071].

Primary Industries and Energy Research and Development Act—Regulations—Select Legislative Instrument—2010 No. 126 [F2010L01584].

Private Health Insurance Act—Rules—2010—

Benefit requirements—Amendment (No. 3) [F2010L01646].

Complying product—Amendment (No. 2) [F2010L01647].

Taxation Administration Act—

Determination—1996 TD—No. 45 (Addendum).

Rulings—2010—

CR—Nos 20, 21, 22.

PR—No. 15.

Therapeutic Goods Act—Regulations—Select Legislative Instruments—2010 Nos 129, 130 [F2010L01285], [F2010L01282].

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#### ATTENDANCE

All Members attended (at some time during the sitting) except Ms A. E. Burke, Mr Garrett and \*Mrs Mirabella.

\* On leave

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**B. C. WRIGHT**  
Clerk of the House of Representatives



2008-09-10

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

No. 171

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

TUESDAY, 22 JUNE 2010

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1 Due to a division having been called in the House, the Main Committee met at 4.09 p.m.

**2 MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements being made—

*Petition*

Mr Andrews presented the following petition approved by the Standing Committee on Petitions:  
Homelessness—700 petitioners.

Members' constituency statements continuing—

*Petition*

Mr Pyne presented the following petition approved by the Standing Committee on Petitions:  
National School Chaplaincy Program—52 petitioners.

*Document*

Mr Pyne, by leave, presented the following document:

National School Chaplaincy Program—(*Receipt of document as a petition subject to approval by the Standing Committee on Petitions*).

Members' constituency statements continued.

**3 DEATHS OF SAPPER JACOB DANIEL MOERLAND AND SAPPER DARREN JAMES SMITH—  
CONDOLENCE MOTION MOVED BY THE PRIME MINISTER**

The order of the day having been read for the resumption of the debate on the motion of Mr Rudd (Prime Minister)—That the House record its deep sorrow at the death of Sapper Jacob Daniel Moerland and Sapper Darren James Smith on 7 June 2010, while on combat operations in Afghanistan and place on record its greatest appreciation of their service to our country and tender its profound sympathy to their families in their bereavement—

Debate resumed.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

Mr Melham moved—That further proceedings be conducted in the House.

Question—put and passed.

**4 CRIMES AMENDMENT (ROYAL FLYING DOCTOR SERVICE) BILL 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr Snowdon (Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr Snowdon, by leave, Government amendments (1) and (2) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the bill be reported to the House with amendments.

**5 HIGHER EDUCATION SUPPORT AMENDMENT (INDEXATION) BILL 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.

*Message from the Governor-General*

Message No. 337, 4 May 2010, 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.

**6 INSURANCE CONTRACTS AMENDMENT BILL 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 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**

On the motion of Ms Hall, the Main Committee adjourned at 8.28 p.m.

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

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**DAVID ELDER**  
Clerk of the Main Committee