

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 119

TUESDAY, 15 SEPTEMBER 2009

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

2 QUESTIONS

Questions without notice being asked—

Ms Plibersek (Minister for the Status of Women) answering a question—

Closure of Member

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

Question—put.

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

AYES, 59

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

NOES, 82

Mr Adams	Mr Dreyfus	Ms King	Ms Rishworth
Mr Albanese	Mrs Elliot	Ms Livermore	Ms Roxon
Mr Bevis	Ms K. M. Ellis	Mr McClelland	Mr Rudd
Mr Bidgood	Dr Emerson	Ms McKew	Ms Saffin
Ms Bird	Mr L. D. T. Ferguson	Ms Macklin	Mr Shorten
Mr Bowen	Mr M. J. Ferguson	Mr McMullan	Mr Sidebottom
Mr Bradbury	Mr Fitzgibbon	Mr Marles	Mr S. F. Smith
Ms A. E. Burke	Mr Garrett	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	Ms Gillard	Mr Oakeshott	Mr Tanner
Mr Champion	Mr Gray	Mr O'Connor	Mr C. R. Thomson
Mr Cheeseaman	Ms Grierson	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	

* Tellers

And so it was negatived.

Questions without notice continuing—

Member directed to leave

At 2.59 p.m. the Member for Solomon (Mr Hale) 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—

Ms Gillard (Minister for Education) answering a question—

Closure of Member

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

Question—put.

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

AYES, 60

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

NOES, 81

Mr Adams	Mr Dreyfus	Ms Livermore	Ms Roxon
Mr Albanese	Mrs Elliot	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
Ms A. E. Burke	Mr Garrett	Mr Murphy	Mr Sullivan
Mr A. S. Burke	Mr Georganas	Ms Neal	Mr Swan
Mr Butler	Ms George	Mr Neumann	Mr Symon
Mr Byrne	Mr Gibbons	Mr Oakeshott	Mr Tanner
Ms Campbell	Ms Gillard	Mr O'Connor	Mr C. R. Thomson
Mr Champion	Mr Gray	Ms Owens	Mr K. J. Thomson
Mr Cheeseman	Ms Grierson	Ms Parke	Mr Trevor
Mr Clare	Ms Hall*	Mr Perrett	Mr Turnour
Ms Collins	Mr Hayes*	Ms Plibersek	Ms Vamvakinou
Mr Combet	Mrs Irwin	Mr Price	Mr Windsor
Mr Crean	Ms Jackson	Mr Raguse	Mr Zappia
Mr Danby	Dr Kelly	Ms Rea	
Mrs D'Ath	Mr Kerr	Mr Ripoll	
Mr Debus	Ms King	Ms Rishworth	

* Tellers

And so it was negatived.

Questions without notice continuing—

Document

Ms Gillard (Minister for Education) presented the following document:

Building the Education Revolution—Copy of email from Anthony Shaw, Principal, Glen Park Primary School to Ms Gillard, 14 September 2009.

Document

Ms Ley, by leave, presented the following document:

Building the Education Revolution—Copy of letter from Julie Sleigh, Secretary, Jerilderie Public School Parents and Citizens Association to Ms Ley, 8 September 2009.

Questions without notice continuing—

Member directed to leave

At 3.24 p.m. the Member for Wakefield (Mr Champion) 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 continued.

3 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 4 of 2009–2010—Performance audit—The management and processing of annual leave: Australian Bureau of Statistics; Australian Taxation Office; Department of Broadband, Communications and the Digital Economy.

Ordered to be made a Parliamentary Paper.

4 DOCUMENTS

The following documents were presented:

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Report for 2008–09—Australian Federal Police.

Medibank Private—Statement of corporate intent for 2010 to 2012.

Treaties—*Multilateral—Explanatory statement—2009* No. 12—Amendment to Annex III of the Rotterdam convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (the Convention).

5 DOCUMENT—MOTION TO TAKE NOTE OF DOCUMENT

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

Medibank Private—Statement of corporate intent for 2010 to 2012.

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

6 ZIMBABWE—MINISTERIAL STATEMENT

Mr S. F. Smith (Minister for Foreign Affairs), by leave, made a ministerial statement relating to Zimbabwe.

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 (Deputy Leader of the Opposition) speaking in reply to the ministerial statement for a period not exceeding 17½ minutes.

Question—put and passed.

Ms J. Bishop addressed the House.

7 PENSION REFORM—MINISTERIAL STATEMENT

Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), by leave, made a ministerial statement relating to delivering pension reform.

Suspension of standing and sessional orders—Time for speech

Ms Macklin, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Abbott speaking in reply to the ministerial statement for a period not exceeding 19½ minutes.

Question—put and passed.

Mr Abbott addressed the House.

8 ABC LEARNING CENTRES—MINISTERIAL STATEMENT

Ms K. M. Ellis (Minister for Early Childhood Education, Childcare and Youth), by leave, made a ministerial statement relating to the future of ABC Learning Centres.

Suspension of standing and sessional orders—Time for speech

Ms K. M. Ellis, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mrs Mirabella speaking in reply to the ministerial statement for a period not exceeding 10½ minutes.

Question—put and passed.

Mrs Mirabella addressed the House.

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REMOTE INDIGENOUS HOUSING

The House was informed that Mr Morrison had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The importance of delivering remote indigenous housing in an efficient and affordable way”.

The proposed discussion having received the necessary support—

Mr Morrison addressed the House.

Discussion ensued.

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

10 MESSAGES FROM THE SENATE

Messages from the Senate, 14 September 2009, were reported returning the following bills without amendment:

No. 323—Native Title Amendment 2009.

No. 325—ACIS Administration Amendment 2009.

11 MESSAGE FROM THE SENATE—AUTOMOTIVE TRANSFORMATION SCHEME BILL 2009

Message No. 324, 14 September 2009, from the Senate was reported returning the Automotive Transformation Scheme Bill 2009 with an amendment.

Ordered—That the amendment be considered immediately.

Dr Emerson (Minister for Competition Policy and Consumer Affairs) moved—That the amendment be disagreed to.

Debate ensued.

Question—put.

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

AYES, 79

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

NOES, 58

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

* Tellers

And so it was resolved in the affirmative.

Dr Emerson presented reasons, which were circulated, and are as follows:

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

The Automotive Transformation Scheme Bill 2009 (the Bill) establishes the legislative framework for the Automotive Transformation Scheme, the centrepiece of the Government's automotive policy. The object of the Scheme is to encourage competitive investment and innovation in the Australian automotive industry and place the industry on an economically sustainable footing. This is to be achieved in a way that delivers improved environmental outcomes and promotes the development of workforce skills. The level of assistance provided to participants under the Scheme is based on their investment in innovation, plant and equipment and, for motor vehicle producers, the level of production. The Government amended the Bill on 20 August 2009 to include new reporting provisions, clause 27A, which require the Department of Innovation, Industry, Science and Research to include in its annual report, details of:

- (a) the total amount of capped and uncapped assistance paid to participants under the Scheme during the 12 month period ending on 31 March in the Financial year; and
- (b) details of the progress of the Australian automotive industry towards achieving economic sustainability, environmental outcomes and workforce skills development.

Rejection of Senate amendment (1)

The Senate amendment would replace clause 27A with a clause that requires the Secretary to publish the amount of assistance provided to each Automotive Transformation Scheme participant, rather than the total amount, and to report separately on the Scheme by 31 July each year, rather than including this information in the Department's annual report.

The amendment made in the House of Representatives strikes the right balance between protecting commercial sensitivity and informing taxpayers about the amount of assistance provided and how the objects of the Bill are being met. The Australian automotive industry is highly integrated and disclosure of the amount of assistance provided to each Scheme participant may distort commercial negotiations and potentially compromise future investment decisions. The Senate amendment could therefore have the unintended consequence of discouraging investment and innovation, especially within the supply chain.

The Regulations to be made under the Bill will contain a provision that will provide for the publication of individual assistance, subject to the Minister's discretion. This provision will replicate the reporting provision in section 115A of the *ACIS Administration Act 1999*.

Requiring a separate report on the details of assistance provided under the Scheme is duplicative and unnecessary. The Department of Innovation, Industry, Science and Research's annual report is the appropriate mechanism for disclosing the total amount of capped and uncapped assistance under the Automotive Transformation Scheme and the industry's progress in meeting the object of the Bill.

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

On the motion of Dr Emerson, the reasons were adopted.

12 TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) BILL 2009

Mr Albanese (Minister representing the Minister for Broadband, Communications and the Digital Economy), pursuant to notice, presented a Bill for an Act to amend legislation relating to telecommunications, and for other 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 (Mrs May), and the resumption of the debate made an order of the day for the next sitting.

13 LEAVE OF ABSENCE TO MEMBERS

Mr Albanese (Leader of the House) moved—That leave of absence for the remainder of the current period of sittings be given to Ms A. L. Ellis and Mr Neville on the ground of parliamentary business overseas.

Question—put and passed.

14 CORPORATIONS LEGISLATION AMENDMENT (FINANCIAL SERVICES MODERNISATION) BILL 2009—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. 3, Minutes of Proceedings of the Main Committee, 14 September 2009*), 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 Marles (Parliamentary Secretary for Innovation and Industry), by leave, the bill was read a third time.

15 MESSAGE FROM THE SENATE

Message No. 326, 15 September 2009, from the Senate was reported informing the House that Senator Hutchins had been discharged from attendance on the Joint Standing Committee on Electoral Matters, and Senator Feeney had been appointed a member of the committee.

16 FREEDOM OF INFORMATION (REMOVAL OF CONCLUSIVE CERTIFICATES AND OTHER MEASURES) BILL 2008

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 Byrne (Parliamentary Secretary to the Prime Minister), the bill was read a third time.

17 ASIAN DEVELOPMENT BANK (ADDITIONAL SUBSCRIPTION) 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.

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.

Question—put and passed.

And then the House, at 8.59 p.m., adjourned until 9 a.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 15 September 2009:

Australian Film Television and Radio School Act—Determination—Degrees, diplomas and certificates—2009 No. 2 [F2009L03352].

Australian National University Act—Rules—2009 Academic Progress (ANU College of Business and Economics) Order [F2009L03494].

Christmas Island Act—List of Western Australian Acts for the period 16 March to 3 September 2009.

Civil Aviation Act—
 Civil Aviation Regulations—Exemptions—2009 Nos CASA EX61, CASA EX70 [F2009L02983], [F2009L03388].
 Civil Aviation Safety Regulations—Airworthiness Directives under—
 Part 39-105—
 AD/CESSNA 337—No. 19—Cancellation [F2009L03372].
 AD/ERJ-170—No. 10—Amendment (No. 2) [F2009L03439].
 AD/G164—No. 14—Amendment (No. 1) [F2009L03364].
 AD/SWSA226—No. 97—Amendment (No. 1) [F2009L03433].
 Part 39-106—
 AD/THIELERT—No. 11—Amendment (No. 2) [F2009L03430].
 AD/TPE 331—
 No. 27—Cancellation [F2009L03415].
 No. 29—Cancellation [F2009L03414].
 No. 32—Cancellation [F2009L03413].

Cocos (Keeling) Islands Act—List of Western Australian Acts for the period 16 March to 3 September 2009.

Commonwealth Authorities and Companies Act—Notices under section 45—
 Commonwealth acquiring shares in NBN Co Limited.
 Formation of a company by the Commonwealth—NBN Tasmania Limited.

Financial Management and Accountability Act—Determination—Abolishing special accounts—2009 No. 28 [F2009L03503].

Migration Act—Migration Regulations—Instruments—2009—
 Minimum salary levels for the subclass 457—Temporary business (long stay) visas, No. IMMI 09/109 [F2009L03516].
 Revocation of instruments, No. IMMI 09/105 [F2009L03502].
 Specification of—
 Addresses, Nos IMMI 09/091, IMMI 09/104 [F2009L03497], [F2009L03498].
 Method to determine terms and conditions of employment that would be provided to an Australian citizen or an Australian permanent resident to perform equivalent work in the same workplace at the same location, No. IMMI 09/113 [F2009L03515].
 Occupations, No. IMMI 09/106 [F2009L03499].
 Occupations for the temporary business long stay and occupational trainee visas, No. IMMI 09/094 [F2009L03513].
 The temporary skilled migration income threshold, No. IMMI 09/112 [F2009L03514].
 Training benchmarks, No. IMMI 09/107 [F2009L03512].
 Specifying agreements or arrangements which are not relevant agreements for the purposes of Government agreement visa, No. IMMI 09/103 [F2009L03500].

National Measurement Act—Regulations—Select Legislative Instrument—2009 No. 233 [F2009L03479].
Telecommunications Act 1997—Instrument under sections 275B and 275D—2009 Telecommunications (Data for emergency warning systems) [F2009L03506].
 Therapeutic Goods Act—Notices—2009 Listing (Nos 2, 3, 4) [F2009L03483], [F2009L03484], [F2009L03485].

ATTENDANCE

All Members attended (at some time during the sitting) except Fran Bailey, *Ms A. L. Ellis, Mr Griffin, Mrs Markus, Dr Nelson and *Mr Neville.

* On leave

I. C. HARRIS
 Clerk of the House of Representatives