

HOUSE OF REPRESENTATIVES

SELECTION COMMITTEE

Report relating to the consideration of committee and delegation business and private Members' business on Monday, 18 October 2010

Pursuant to standing order 222 and the resolution of the House on 30 September 2010, the Selection Committee has determined the order of precedence and times to be allotted for consideration of committee and delegation business and private Members' business on Monday, 18 October 2010. The order of precedence and the allotments of time determined by the Committee are as follows:

Items selected for House of Representatives Chamber (Approx 10 am to 12 noon)

COMMITTEE AND DELEGATION BUSINESS

Presentation and statements

1 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE REPUBLIC OF KOREA

Report on the Australian Parliamentary Delegation to the Republic of Korea,
28 February to 4 March 2010.

*The Committee determined that statements on the
report may be made — statements may continue for
5 minutes*

Speech time limits —

Mr Neumann — 5 minutes.

[Minimum number of proposed Members speaking
= 1 x 5 mins]

2 PARLIAMENTARY DELEGATION TO EUROPEAN PARLIAMENTS AND INSTITUTIONS

Report on the Parliamentary Delegation to European Parliaments and Institutions,
23 to 30 April 2010.

The Committee determined that statements on the report may be made — statements may continue for 5 minutes

Speech time limits —

Mr Ruddock — 5 minutes.

[Minimum number of proposed Members speaking
= 1 x 5 mins]

PRIVATE MEMBERS' BUSINESS

- 1 MR WILKIE:** To present a Bill for an Act to amend the *Evidence Act 1995*, and for related purposes. (*Evidence Amendment (Journalists' Privilege) Bill 2010*). (Notice given 28 September 2010.)

Presenter may speak for a period not exceeding 10 minutes — pursuant to standing order 41.

- 2 MR PYNE:** To present a Bill for an Act to establish a Commission of Inquiry into the Building the Education Revolution Program, and for related purposes. (*Commission of Inquiry into the Building the Education Revolution Program Bill 2010*). (Notice given 29 September 2010.)

Presenter may speak for a period not exceeding 10 minutes — pursuant to standing order 41.

- 3 MR ABBOTT:** To present a Bill for an Act to protect the interests of Aboriginal people in the management, development and use of native title land situated in wild river areas, and for related purposes. (*Wild Rivers (Environmental Management) Bill 2010*). (Notice given 30 September 2010.)

Presenter may speak for a period not exceeding 10 minutes — pursuant to standing order 41.

4 MR HOCKEY: To move—That this House:

- (1) notes that:
 - (a) Australia's Future Tax System Review (the 'Henry Review') made a large number of recommendations in relation to the system of taxation;
 - (b) the Government implemented very few of the recommendations;
 - (c) the Government has so far not released any of the Treasury modelling or other relevant information and advice underlying the recommendations; and
 - (d) release of that information would be in the best interests of the community by facilitating a fully informed public debate about the way forward for taxation reform;
- (2) orders the Government to release within five working days from the date of this motion, all of the relevant modelling, costings, working papers and supporting information underlying the 'Henry Review';
- (3) requires that, from the date of this motion, no existing papers, emails or other information relating to the 'Henry Review' may be destroyed; and
- (4) requires the Secretary of the Treasury to warrant to the House that all relevant documentation underlying the 'Henry Review' has been released. (*Notice given 29 September 2010.*)

Time allotted — 40 minutes.

Speech time limits —

Mr Hockey — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 4 x 5 mins]

*The Committee determined that consideration
of this matter should continue on a future day.*

5 MS RISHWORTH: To move—That this House:

- (1) notes significant community concern regarding the clarity, simplicity and accuracy of food labelling, including labelling identifying the:
 - (a) origin of the food;
 - (b) nutritional value of the food; and
 - (c) food production methods used, including the use of food technologies;
- (2) recognises that:
 - (a) adequate food labelling laws should aim foremost to protect the health and safety of consumers and eliminate deceitful or misleading labelling information;
 - (b) having clear, simple and accurate labelling on food empowers consumers and enables them to make informed food choices; and

- (c) for food labelling laws to be effective, they need to be rigorously and consistently enforced;
- (3) supports the Australian and New Zealand Food Regulation Ministerial Council's establishment of an independent review into food labelling; and
- (4) encourages the Government and State and Territory governments to examine the results of this review, and work together to ensure that our food labelling laws deliver the outcomes our community desires. (*Notice given 29 September 2010.*)

Time allotted — remaining private Members' business time prior to 12 noon

Speech time limits —

Ms Rishworth— 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Items selected for House of Representatives Chamber (7.30 to 9.30 pm)

PRIVATE MEMBERS' BUSINESS

6 MS MARINO: To move—That this House:

- (1) requires the Government:
 - (a) urgently to introduce legislation to reinstate the former workplace participation criteria for independent youth allowance, to apply to students whose family home is located in inner regional areas as defined by the Australian Bureau of Statistics instrument Australian Standard Geographical Classification; and
 - (b) to appropriate funds necessary to meet the additional cost of expanding the criteria for participation, with the funds to come from the Education Investment Fund; and
- (2) to send a message to the Senate acquainting it of this resolution and request that it concur. (*Notice given 29 September 2010.*)

Time allotted — 60 minutes.

Speech time limits —

Ms Marino — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 8 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

7 **MS PARKE:** To move—That this House:

(1) notes that:

- (a) on 6 September 2010 the ABC's *Four Corners* program screened a story entitled 'Body Corporate', highlighting growing community and scientific concern regarding gene patents;
- (b) in particular, *Four Corners* discussed the case of five year old Liam who needed to have a genetic test to see if he had gene mutations to the SCN1A human gene linked to a specific form of epilepsy called Dravet Syndrome;
- (c) *Bionomics*, a South Australian company which had received a specific grant of around \$1 000 000 from *AusIndustry* to develop a SCN1A gene test:
 - (i) took out an Australian patent over the SCN1A human gene; and
 - (ii) subsequently exclusively licensed the patent to *Genetic Technologies*, a Melbourne company that charges \$2000 for the SCN1A gene test in Australia;
- (d) Liam was being treated at the Westmead Hospital—a publicly funded institution that is part of NSW Health—which could not afford to pay *Genetic Technologies* \$2000 for each SCN1A gene test;
- (e) Liam's doctors sent a sample of his DNA to be tested in Scotland where the charge was just one third of the price charged by *Genetic Technologies*; and
- (f) the option to send the DNA sample overseas for testing not only took more time, leaving the young boy and his family waiting in distress, but highlights how Australian taxpayers providing research funds to (i) Australian universities to identify the SCN1A genetic mutations; and (ii) an Australian company to develop a genetic test, have been deprived of the benefits of that very research;

(2) notes that:

- (a) in July 2008, *Genetic Technologies*, as the exclusive licensee of *Myriad Genetics*, a United States company granted Australian patents over the BRCA 1 and 2 gene mutations linked to breast and ovarian cancers, demanded via a lawyer's letter sent to all Australian hospitals and clinical laboratories (including the Peter MacCallum Cancer Centre) that they stop all testing for breast cancer, claiming such testing infringed *Myriad Genetics'* Australian BRCA patents;
- (b) in 2009 in the United States, eleven plaintiffs, including Lisbeth Ceriani, a 43 year old single mother diagnosed with breast cancer, and professional medical and clinical associations such as the *American Society for Clinical Pathology*, launched a legal challenge to seven of *Myriad Genetics'* United States BRCA patents, where: and
 - (i) Ms Ceriani found that she was unable to get a second opinion on a positive genetic test for ovarian cancer because in the United States there is only one test, owned by only one company, *Myriad Genetics*, which charges over US\$3000 per test;
 - (ii) in March 2010 a United States Federal Court agreed with the plaintiffs and declared all seven United States patents invalid on the ground that under United States patent law, patents can only be granted over inventions, not for the discovery of natural phenomena; and

- (iii) the Court so held because, first, despite being removed from the human body and thus ‘isolated’, the BRCA genes were ‘not markedly different from native DNA as it exists in nature’ and second, the analysis of these two human genes by way of a genetic test was ‘merely data-gathering to obtain clinical data’;
- (3) notes that:
 - (a) at the official commemoration of the decoding of the human genome in March 2000, United States President Bill Clinton and British Prime Minister Tony Blair said that ‘raw fundamental data on the human genome, including the human DNA sequence and its variations, should be made freely available to scientists everywhere’, yet by 2005, according to a survey published in *Science*, more than 20 per cent (probably now much higher) of the human genome was the subject of United States intellectual property;
 - (b) President Clinton and Prime Minister Blair also said that ‘unencumbered access to this information will promote discoveries that will reduce the burden of disease, improve health around the world, and enhance the quality of life of all humankind.’;
 - (c) unencumbered access to genetic information cannot be achieved when patents over human genes are being used to suppress competition, innovation, research and testing;
 - (d) Professor Ian Frazer, the inventor of the cervical cancer vaccine, has joined other cancer researchers in calling for a revision of Australian patent law, stating that researchers need to be able to proceed with their work without having to consult the companies whose patents the work might infringe: ‘restricting the research use of a gene sequence could delay the development and testing of truly inventive and practical uses of the gene and its protein product for diagnosis and therapy.’; and
 - (e) other groups opposed to the granting of gene patents include the *Cancer Council Australia*, the *Breast Cancer Foundation of Australia*, the *Royal Australian College of Pathologists*, the *Human Genetics Society of Australia* and the *Australian Medical Association*; and
- (4) calls for amendment of the *Patents Act 1990* to ensure that patents cannot be granted over any biological materials which are identical or substantially identical to what exists in nature. (*Notice given 28 September 2010.*)

Time allotted — remaining private Members’ business time prior to 9.30 pm.

Speech time limits —

Ms Parke — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 8 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Items selected for Main Committee (approx 11 am to 1 pm — Main Committee to be suspended at approx 1 pm)

PRIVATE MEMBERS' BUSINESS

1 MR MORRISON: To move—That this House:

- (1) notes that:
 - (a) the Convention Relating to the Status of Refugees (Refugees Convention) states that ‘contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin’;
 - (b) the Government suspended the processing of asylum seeker applications from Afghanistan on 9 April 2010; and
 - (c) there are more than 5000 persons currently being detained by the Department of Immigration and Citizenship on the mainland and Christmas Island; and
- (2) calls for the:
 - (a) immediate lifting of the discriminatory suspension of processing of claims by Afghan asylum seekers; and
 - (b) immediate processing of asylum claims of all Afghans held in detention; and
 - (c) Minister for Immigration and Citizenship to provide subclass 449 safe haven visas to successful refugees, to accommodate potential changes in refugee status resulting from changed conditions in the country of origin. (*Notice given 28 September 2010.*)

Time allotted — 40 minutes.

Speech time limits —

Mr Morrison — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 4 x 5 mins]

*The Committee determined that consideration
of this matter should continue on a future day.*

2 MS SAFFIN: To move—That this House:

- (1) notes with grave concern:
 - (a) Telstra’s stated proposal to close its Business Call Centre in Grafton, with the loss of 108 local jobs, and the relocation of some of these jobs to Brisbane and Melbourne;
 - (b) the damaging flow on effect to a regional economy from such significant job cuts;
 - (c) the perception that Telstra is abandoning regional Australia; and
 - (d) Telstra’s claim that it can improve customer service while carrying out a program of job cuts;

- (2) acknowledges the Clarence Valley community's strong support for the campaign to save local Telstra jobs evidenced by the actions of Mayor Richie Williamson, the Grafton Chamber of Commerce and the 5559 people who signed my petition calling for Telstra to keep the Call Centre open, and not abandon regional Australia; and
- (3) calls upon Telstra's Chief Executive Officer David Thodey to stop the closure of the Grafton Call Centre to demonstrate a commitment by Telstra to Regional Australia. (*Notice given 28 September 2010.*)

Time allotted — 40 minutes.

Speech time limits —

Ms Saffin — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 4 x 5 mins]

*The Committee determined that consideration
of this matter should continue on a future day.*

3 MRS MOYLAN: To move—That this House:

- (1) acknowledges the work of carers, and in particular ageing parents caring for profoundly disabled dependents;
- (2) recognises that ageing parent carers remain deeply concerned about the diminishing capacity to care for their dependent children;
- (3) appreciates the special challenges faced by families, and in particular ageing parents, who wish to make provision for the needs of their disabled dependents;
- (4) notes that:
 - (a) disability trusts were established in September 2006 by the Coalition Government to assist families make provision for the future housing and care needs of dependents with severe disabilities;
 - (b) despite the Department of Families, Housing, Community Services and Indigenous Affairs estimating that over four years, 5000 people with severe disability would benefit from Special Disability Trusts, as at 31 March 2010, 423 people have been assessed as eligible, and only 91 trusts have been established; and
 - (c) since establishing Special Disability Trusts, it has become apparent that the conditions governing eligibility and management, as well as direct and wider taxation implications, have limited the workability and uptake of the trusts;
- (5) acknowledges that conditions diminishing the attractiveness of the trusts include the:
 - (a) complex application of taxation rules;
 - (b) inflexibility in what trust funds may be used for;
 - (c) inability for beneficiaries, through Special Disability Trusts, to claim the first home owners grant and other home saving initiatives;

- (d) high initial eligibility threshold requiring a beneficiary to be eligible for at least a Carer Allowance, the regulations of which state, *inter alia*, that care for a 'significant period' must be given, defined as at least 20 hours a week of care;
 - (e) eligibility requirements disavouring mental impairment disabilities; and
 - (f) attribution of Capital Gains Tax to transferors where, in particular, houses are placed into Special Disability Trusts;
- (6) condemns the Government for not taking seriously the recommendations outlined in the October 2008 Senate Standing Committee on Community Affairs report entitled: *Building Trust, Supporting Families through Disability Trusts*; and
- (7) calls on the Government to fully examine the viability of implementing the Senate Committee's recommendations with a view to assisting ageing parents to adequately address the future needs of their profoundly disabled dependents. *(Notice given 29 September 2010.)*

Time allotted — remaining private Members' business time prior to suspension at approx 1 pm.

Speech time limits —

Mrs Moylan — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Items selected for Main Committee (6.30 to 9 pm)

PRIVATE MEMBERS' BUSINESS

4 MR SCOTT: To move—That this House calls for:

- (1) an inquiry into the role of Australia's medical and surgical colleges in the registration process of medical graduates and overseas trained doctors; and
- (2) the Minister for Immigration and Citizenship to delay the revocation of 457 visas for those doctors who have been deregistered due to failure of the Pre Employment Structured Clinical Interview, to allow adequate time for a review of their case and reassessment of their competency. *(Notice given 28 September 2010.)*

Time allotted — 60 minutes.

Speech time limits —

Mr Scott — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 8 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

5 **MR ADAMS:** To move—That this House:

- (1) recognises that the forestry industry is an important part of the Australian economy but is currently in crisis;
- (2) understands that it is necessary to secure the viability of forestry dependent communities and to create well paid, high skilled jobs by value adding to our natural resource;
- (3) supports the process whereby the forestry unions, government, industry, environment and community groups working together will allow a complete restructure of the industry that will determine that any transition is fair and just for workers, their families and communities; and
- (4) calls on the House to ensure that interim payments to those facing hardships because of the transition, and those exiting the industry, can be assisted in a timely manner. (*Notice given 29 September 2010.*)

Time allotted — 40 minutes.

Speech time limits —

Mr Adams — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 4 x 5 mins]

*The Committee determined that consideration
of this matter should continue on a future day.*

6 **MS HALL:** To move—That this House:

- (1) notes that:
 - (a) National Stroke Awareness Week was 13 to 19 September;
 - (b) sixty thousand people will suffer a stroke this year, that is, one stroke every 10 minutes;
 - (c) stroke is the second single greatest killer after coronary and a leading cause of disability in Australia;
 - (d) one in five people having a first stroke die within one month, and one in three die within one year;
 - (e) twenty per cent of all strokes occur in people under fifty five years of age;
 - (f) eighty eight per cent of stroke survivors live at home, and most have a disability;
 - (g) stroke kills more women than breast cancer;
 - (h) stroke costs Australia \$2.14 billion a year, yet is preventable; and
 - (i) education plays an important role in reducing the occurrence of stroke; and

- (2) acknowledges:
- (a) the role played by the families and carers of stroke victims;
 - (b) the work of the National Stroke Foundation;
 - (c) the effectiveness of the FAST campaign; and
 - (d) that prevention is the best cure. (*Notice given 30 September 2010.*)

*Time allotted — remaining private Members’
business time prior to 9 pm*

Speech time limits —

Ms Hall — 10 minutes.

Next Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Minimum number of proposed Members speaking
= 2 x 10 mins + 6 x 5 mins]

*The Committee determined that consideration
of this matter should continue on a future day.*

Harry Jenkins
Chair

18 October 2010