

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 33

WEDNESDAY, 25 JUNE 2008

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

2 **FAMILY LAW AMENDMENT (DE FACTO FINANCIAL MATTERS AND OTHER MEASURES) BILL 2008**

Mr McClelland (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Family Law Act 1975*, 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 Farmer), and the resumption of the debate made an order of the day for the next sitting.

3 **TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2008**

Mr McClelland (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to surveillance and the interception of telecommunications, 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 Farmer), and the resumption of the debate made an order of the day for the next sitting.

4 **MULTI ROLE HELICOPTER FACILITIES—APPROVAL OF WORK**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Multi role helicopter facilities.

Question—put and passed.

5 **RAAF BASE DARWIN REDEVELOPMENT STAGE 2, DARWIN, NT—APPROVAL OF WORK**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: RAAF Base Darwin redevelopment stage 2, Darwin, NT.

Question—put and passed.

**6 ROBERTSON BARRACKS REDEVELOPMENT, DARWIN, NT—APPROVAL OF WORK**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Robertson Barracks redevelopment, Darwin, NT.

Question—put and passed.

**7 HARDENED AND NETWORKED ARMY (HNA) FACILITIES AT EDINBURGH DEFENCE PRECINCT, SA—APPROVAL OF WORK**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Hardened and Networked Army (HNA) facilities at Edinburgh Defence Precinct, SA.

Question—put and passed.

**8 ENOGGERA REDEVELOPMENT STAGE 1 PROJECT, GALLIPOLI BARRACKS, BRISBANE, QLD—APPROVAL OF WORK**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Enoggera redevelopment stage 1 project, Gallipoli Barracks, Brisbane, QLD.

Question—put and passed.

**9 RAAF BASE TINDAL REDEVELOPMENT STAGE 5, NT—APPROVAL OF WORK**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: RAAF Base Tindal redevelopment stage 5, NT.

Question—put and passed.

**10 AIRBORNE EARLY WARNING AND CONTROL AIRCRAFT FACILITIES, RAAF BASE TINDAL, NT—APPROVAL OF WORK**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Airborne early warning and control aircraft facilities, RAAF Base Tindal, NT.

Question—put and passed.

**11 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—CONSTRUCTION OF THE AUSTRALIAN PAVILION AT THE SHANGHAI WORLD EXPO 2010, CHINA**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of the Australian Pavilion at the Shanghai World EXPO 2010, China.

Question—put and passed.

**12 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—FIT-OUT FOR THE AUSTRALIAN FEDERAL POLICE OF THE EDMUND BARTON BUILDING, BARTON, ACT**

Dr Kelly (Parliamentary Secretary for Defence Support), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work

be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Fit-out for the Australian Federal Police of the Edmund Barton Building, Barton, ACT.

Question—put and passed.

**13 INTELLIGENCE AND SECURITY—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER**

Mr Bevis (Chair) presented the following document:

Intelligence and Security—Parliamentary Joint Committee—Review of the re-listing of the Kurdistan Workers' Party (PKK)—Report, June 2008.

Ordered to be made a Parliamentary Paper.

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

**14 PROTECTION OF THE SEA LEGISLATION AMENDMENT 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.

*Message from the Governor-General*

Message No. 53, 19 June 2008, from His 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 Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government), the bill was read a third time.

**15 MESSAGE FROM THE GOVERNOR-GENERAL—FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) BILL 2008**

Message No. 54, 24 June 2008, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments to a Bill for an Act to amend the law relating to social security, veterans' affairs, family assistance, child support and taxation, and for related purposes.

**16 MESSAGE FROM THE SENATE—FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) BILL 2008**

Message No. 75, 25 June 2008, from the Senate was reported returning the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008 with a request for an amendment.

Ordered—That the amendment requested by the Senate be considered immediately.

On the motion of Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), the requested amendment was made, after debate.

**17 GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT 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.

Mrs D'Ath addressing the House—

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

**18 QUESTIONS**

Questions without notice were asked.

**19 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 44 of 2007–2008—Financial statement audit—Interim phase of the audit of financial statements of general government sector agencies for the year ending 30 June 2008.

Ordered to be made a Parliamentary Paper.

**20 DOCUMENTS**

The following documents were presented:

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2008.

*Research Involving Human Embryos Act 2002*—Report on the operation of the Act for the period 1 October 2007 to 31 March 2008.

Treaties—*Multilateral*—

*Text, together with national interest analysis*—Headquarters Agreement between the Government of Australia and the Secretariat to the Agreement on the Conservation of Albatrosses and Petrels (Hobart, 23 June 2008).

*Text, together with national interest analysis and annexures*—Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto, 11 December 1997).

**21 AVIATION TRAINING PACKAGE—MINISTERIAL STATEMENT**

Mr Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government), by leave, made a ministerial statement on the Government's aviation training package.

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

Mr Albanese, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Truss (Leader of the National Party) speaking for a period not exceeding nine minutes.

Question—put and passed.

Mr Truss addressed the House.

**22 PHARMACEUTICAL BENEFITS SCHEME—MINISTERIAL STATEMENT**

Ms Roxon (Minister for Health and Ageing), by leave, made a ministerial statement on the 60th anniversary of the Pharmaceutical Benefits Scheme.

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

Ms Roxon, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Hockey speaking for a period not exceeding 14 minutes.

Question—put and passed.

Mr Hockey addressed the House.

**23 ACCESSIBLE CINEMA—MINISTERIAL STATEMENT AND DOCUMENT**

Mrs Elliot (Minister for Ageing), by leave, made a ministerial statement on helping older Australians enjoy the movies: accessible cinema and presented the following document:

Accessible cinema—'HREOC welcomes announcement to improve captioning and audio description for local cinemas'—Copy of news release, Human Rights and Equal Opportunity Commission, 25 June 2008.

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

Mrs Elliot, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mrs May speaking for a period not exceeding seven minutes.

Question—put and passed.

Mrs May addressed the House.

**24 MATTER REFERRED TO MAIN COMMITTEE**

Mr Price (Chief Government Whip), by leave, moved—That the following order of the day, committee and delegation reports, be referred to the Main Committee for debate:

Electoral Matters—Joint Standing Committee—Advisory report on Schedule 1 of the Tax Laws Amendment (2008 Measures No. 1) Bill 2008—Motion to take note of document: Resumption of debate.

Question—put and passed.

## 25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REGIONAL COMMUNITIES

The House was informed that Mr Truss (Leader of the Nationals) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The impact of Government policies on regional communities”.

The proposed discussion having received the necessary support—

Mr Truss addressed the House.

Discussion ensued.

The time allotted under standing order No. 1 having expired, the discussion was interrupted.

## 26 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

23 June 2008—Message—

No. 55—

Defence Home Ownership Assistance Scheme 2008.

Defence Home Ownership Assistance Scheme (Consequential Amendments) 2008.

Tax Laws Amendment (Personal Income Tax Reduction) 2008.

No. 56—

Income Tax (Managed Investment Trust Transitional) 2008.

Income Tax (Managed Investment Trust Withholding Tax) 2008.

Tax Laws Amendment (Election Commitments No. 1) 2008.

Export Market Development Grants Amendment 2008.

No. 57—Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) 2008.

## 27 MESSAGES FROM THE SENATE

Messages from the Senate, 25 June 2008, were reported returning the following bills without amendment:

No. 76—Passenger Movement Charge Amendment 2008 (*without requests*).

No. 77—Tax Laws Amendment (Budget Measures) 2008.

## 28 COMMUNICATIONS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008—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 Kerr (Parliamentary Secretary for Pacific Island Affairs), by leave, the bill was read a third time.

## 29 STATUTE LAW REVISION BILL 2008—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 Kerr (Parliamentary Secretary for Pacific Island Affairs), by leave, the bill was read a third time.

**30 GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT 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.

Mr Perrett 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 a later hour this day.

**31 MESSAGE FROM THE SENATE—FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) BILL 2008**

Message No. 78, 25 June 2008, from the Senate was reported returning the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008 with amendments.

Ordered—That the amendments be considered immediately.

On the motion of Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), amendments Nos 1, 2, 3, 6 and 7 were agreed to, after debate.

On the motion of Ms Macklin, amendments Nos 4 and 5 were disagreed to, after debate.

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

*Reasons of the House of Representatives for disagreeing to the amendments of the Senate*

*Senate amendment 4*

This amendment would omit Schedule 3 from the bill. Schedule 3 provides for the collection of tax file numbers (TFN) as part of a new compliance regime for the Commonwealth Seniors Health Card (CSHC).

Schedule 3 allows for the collection of TFNs by Centrelink or the Department of Veterans' Affairs for the purposes of reviewing the adjusted taxable income of all CSHC holders commencing in September 2008 and the collection of tax file numbers as part of the ongoing claim process. This legislation allows collection of TFNs which will be used for data-matching to identify those customers whose income exceeds the income test limits.

At present there is no compliance activity associated with the CSHC. Although CSHC holders are required to notify Centrelink or the Department of Veterans' Affairs if their income exceeds the income limits, this is not currently monitored. With increases in Seniors Concession Allowance and Telephone Allowance from 20 March 2008 the value of the CSHC has increased substantially. This calls for some compliance effort to ensure that the CSHC is used only by people who are eligible for assistance, as is current practice with the rest of the social security and family assistance systems. This measure also follows on from compliance activity undertaken during 2006.

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

*Senate amendment 5*

This amendment would omit Schedule 5 from the bill. Schedule 5 provides for the qualifying age for partner service pension to be raised from the current age of 50 years to qualifying age, the equivalent of the veteran pension age, for new claims made from 1 July 2008.

The change does not apply to partners who have a dependent child or who are the partner of a Special Rate (TPI—totally and permanently incapacitated) pensioner. Existing partner service pension recipients will retain their current eligibility.

The implementation of the change will still allow the partners of veterans to claim the partner service pension five years earlier than the general population who access income support on the basis of age under the *Social Security Act 1991*.

If the amendment succeeds it will continue the anomaly that has allowed partners of veterans to access service pension as much as 10 years earlier than the veterans themselves.

Furthermore, it is well recognised that people who remain in the workforce will tend to have an improved standard of living and health outcomes post-retirement. The provision of partner service pension at age 50 can be seen as an incentive for the partners of veterans to retire early. This conflicts with community standards and may contribute to long-term health, financial and social isolation problems for those people, who may spend several decades in retirement, whereas remaining in the

workforce would result in these partners increasing their private savings, superannuation, health outcomes and their contribution to the country.

The proposed amendments are a continuation of the policy of phasing out these types of pensions which has been implemented progressively since 1995 by both Labor and Liberal governments.

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

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

### 32 **GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT 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.

Mr Neville addressing the House—

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### 33 **ADJOURNMENT**

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

Debate ensued.

*Petition*

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

Australia Post—Close of Traralgon's Franklin Street Post Office—3,821 petitioners.

Debate continued.

Question—put and passed.

And then the House, at 8 p.m., adjourned until 9 a.m. tomorrow.

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### **DOCUMENTS**

The following documents were deemed to have been presented on 25 June 2008:

Cross-Border Insolvency Act—Regulations—Select Legislative Instrument—2008 No. 123 [F2008L02166].

Customs Act—Order—Tariff Concession—2008 No. 0803929 [F2008L02109].

Financial Management and Accountability Act—Determinations transferring appropriations—2008 Nos 31, 32, 33 [F2008L02225], [F2008L02224], [F2008L02223].

Financial Sector (Collection of Data) Act—Regulations—Select Legislative Instrument—2008 No. 124 [F2008L02168].

*Income Tax Assessment Act 1997*—Determination—Income tax (Effective life of depreciating assets) Amendment 2008 (No. 1) [F2008L02210].

Industrial Chemicals (Notification and Assessment) Act—Regulations—Select Legislative Instrument—2008 No. 115 [F2008L01320].

Insurance Act and Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Act—Regulations—Select Legislative Instrument—2008 No. 125 [F2008L02169].

National Measurement Act—Regulations—Select Legislative Instrument—2008 No. 121 [F2008L02135].

Patents Act and Trade Marks Act—Regulations—Select Legislative Instrument—2008 No. 122 [F2008L02119].

Private Health Insurance Act—Rules—2008—

Benefit requirements (No. 2) [F2008L02206].

Prostheses (No. 1) [F2008L02219].

Social Security (International Agreements) Act and Legislative Instruments Act—Regulations—Select Legislative Instrument—2008 No. 107 [F2008L02133].

Superannuation (Resolution of Complaints) Act—Regulations—Select Legislative Instrument—2008 No. 95 [F2008L01741]—Revised explanatory statement.

*Telecommunications (Interception and Access) Amendment Act 2008*—Proclamation under subsection 2 (1) fixing 1 July 2008 as the day on which items 20 to 25 of Schedule 1 to the Act commence [F2008L02096].

Water Act—Regulations—Select Legislative Instrument—2008 No. 106 [F2008L02170].

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#### ATTENDANCE

All Members attended (at some time during the sitting) except Mr Costello, Mr Danby, Mr Downer, Mr M. J. Ferguson, Mr Garrett, Ms Gillard, Mr Haase, Ms King\*, Mr McMullan, Mrs Mirabella\*, Mr Robb, Mr A. D. H. Smith, Mr M. A. J. Vaile and Ms Vamvakinou.

\* On leave

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**I. C. HARRIS**

Clerk of the House of Representatives



2008

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

No. 33

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**WEDNESDAY, 25 JUNE 2008**

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1 The Main Committee met at 9.30 a.m.

**2 MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements were made.

**3 COMMUNICATIONS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008**

The order of the day having been read for the second reading—

*Document*

Mr Albanese (Minister representing the Minister for Broadband, Communications and the Digital Economy) presented an explanatory memorandum to the bill.

Mr Albanese moved—That the bill be now read a second time.

Debate ensued.

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 STATUTE LAW REVISION BILL 2008**

The order of the day having been read for the second reading—

*Document*

Mr McClelland (Attorney-General) presented an explanatory memorandum to the bill.

Mr McClelland moved—That the bill be now read a second time.

Debate ensued.

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 PRIMARY INDUSTRIES AND RESOURCES—STANDING 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 Adams—That the House take note of the document (*presented on 16 June 2008*), viz.—

Primary Industries and Resources—Standing Committee—More than honey: The future of the Australian honey bee and pollination industries—Report, May 2008—

Debate resumed.

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

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

**6 DEATH OF MRS JANE MCGRATH—STATEMENTS**

By indulgence, further statements were made.

**7 ADJOURNMENT**

On the motion of Ms George, the Main Committee adjourned at 1 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