

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 37

THURSDAY, 28 AUGUST 2008

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

**2 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

The Speaker presented the following document:

Australian Parliamentary Delegation to the 118th Assembly of the Inter-Parliamentary Union in Cape Town, South Africa and a bilateral visit to the Hashemite Kingdom of Jordan—Report, August 2008—and made a statement in connection with the report.

Mrs Vale, by leave, made a statement in connection with the report, and, by leave, moved—That the House take note of the document.

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.

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

Question—put and passed.

**3 ECONOMICS—STANDING COMMITTEE**

The House was informed that the Chief Opposition Whip had nominated Mr Ciobo to be a member of the Standing Committee on Economics in place of Mr Turnbull.

Mr Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government), by leave, moved—That Mr Turnbull be discharged from the Standing Committee on Economics and that, in his place, Mr Ciobo be appointed a member of the committee.

Question—put and passed.

**4 AUSLINK (NATIONAL LAND TRANSPORT) AMENDMENT BILL 2008**

Mr Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government), pursuant to notice, presented a Bill for an Act to amend the *AusLink (National Land Transport) Act 2005*, and for related 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 (Mr Farmer), and the resumption of the debate made an order of the day for the next sitting.

**5 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—PUCKAPUNYAL REDEVELOPMENT, VICTORIA**

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:

Puckapunyal redevelopment, Victoria.

Question—put and passed.

#### 6 TAX LAWS AMENDMENT (2008 MEASURES NO. 4) 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.

#### *Document*

Mr Keenan, by leave, presented the following document:

Tax Laws Amendment (2008 Measures No. 4) Bill 2008—Opposition consideration of the bill—Copy of letter from Mr Turnbull to Mr Swan (Treasurer), 25 August 2008.

Debate continued.

Question—put.

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

#### AYES, 76

Mr Adams	Mr Debus	Dr Kelly	Ms Rea
Mr Albanese	Mr Dreyfus	Mr Kerr	Mr Ripoll
Mr Bevis	Mrs Elliot	Ms Livermore	Ms Rishworth
Mr Bidgood	Ms K. M. Ellis	Mr McClelland	Ms Roxon
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
Ms A. E. Burke	Mr Fitzgibbon	Mr Marles	Mr S. F. Smith
Mr A. S. Burke	Mr Garrett	Mr Melham	Mr Snowdon
Mr Butler	Mr Georganas	Mr Murphy	Mr Sullivan
Mr Byrne	Ms George	Ms Neal	Mr Swan
Ms Campbell	Mr Gibbons	Mr Neumann	Mr Symon
Mr Champion	Mr Gray	Mr B. P. J. O'Connor	Mr Tanner
Mr Cheeseman	Mr Griffin	Ms Owens	Mr C. R. Thomson
Mr Clare	Mr Hale	Ms Parke	Mr K. J. Thomson
Ms Collins	Ms Hall*	Mr Perrett	Mr Trevor
Mr Combat	Mr Hayes*	Ms Plibersek	Mr Turnour
Mr Danby	Mrs Irwin	Mr Price	Ms Vamvakinou
Mr D'Ath	Ms Jackson	Mr Raguse	Mr Zappia

#### NOES, 53

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

\* Tellers

And so it was resolved in the affirmative—bill read a second time.

Leave granted for third reading to be moved immediately.

On the motion of Mr Bowen (Assistant Treasurer), the bill was read a third time.

#### 7 TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT 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 Garrett (Minister for the Environment, Heritage and the Arts), by leave, the bill was read a third time.

#### 8 FAMILY LAW AMENDMENT (DE FACTO FINANCIAL MATTERS 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.

Ms J. Bishop (Deputy Leader of the Opposition) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the bill a second reading, the House:

- (1) affirms its commitment to the central importance of the institution of marriage to Australian society;
- (2) recognises that partners to permanent domestic relationships other than marriage (including, but not limited to, same sex relationships) ought not to be discriminated against in relation to their financial and property affairs; and
- (3) notes that the Opposition has referred the bill to the Senate Legal and Constitutional Affairs Committee with a view to ensuring that, in relation to this bill:
  - (a) the centrality of marriage is not devalued, whether by the use of inappropriate statutory language or otherwise; and
  - (b) the rights and status of children are properly protected”.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 73

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

## NOES, 55

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

\* Tellers

*Pairs*

Ms Owens Mr Hawker

And so it was resolved in the affirmative.

Question—That the bill be now read a second time—put and passed—bill read a second time.

*Message from the Governor-General*

Message No. 73, 1 July 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 McClelland (Attorney-General), the bill was read a third time.

**9 TRADE PRACTICES 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 by Mr Dutton who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “while not declining to give the bill a second reading, the House recognises the impact on small business of the Government’s proposed changes to the ‘Birdsville Amendment’, and recognises that the Federal Court is the more appropriate Court to hear cases under section 46 of the Trade Practices Act, and the House calls on the Government to abandon its proposed changes to the ‘Birdsville Amendment’ and to similarly abandon its plans to allow the Federal Magistrates Court to hear section 46 cases”.

Debate continued.

Mrs Moylan addressing the House—

It being 2 p.m., the debate was interrupted in accordance with standing order 97, Mrs Moylan 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.

**10 QUESTIONS**

Questions without notice being asked—

*Members directed to leave*

At 3.05 p.m. the Member for Dickson (Mr Dutton) and the Member for Fadden (Mr Robert) were directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour, and they accordingly left the Chamber.

*Member directed to leave*

At 3.06 p.m. the Member for Warringah (Mr Abbott) 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.

**11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EXECUTIVE OF THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION**

The House was informed that Mr Katter had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the current executive of the Australian Competition and Consumer Commission to discharge their statutory responsibilities”.

The proposed discussion having received the necessary support—

Mr Katter addressed the House.

Discussion ensued.

Discussion concluded.

**12 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE**

The House was informed that the Chief Government Whip had nominated Mr Price to be a member of the Parliamentary Standing Committee on Public Works in place of Mr Hale.

Mr Debus (Minister for Home Affairs), by leave, moved—That Mr Hale be discharged from the Parliamentary Standing Committee on Public Works and that, in his place, Mr Price be appointed a member of the committee.

Question—put and passed.

**13 MESSAGES FROM THE SENATE**

Messages from the Senate, 28 August 2008, were reported returning the following bills without amendment:

No. 102—Protection of the Sea Legislation Amendment 2008.

No. 103—Therapeutic Goods Legislation Amendment (Annual Charges) 2008.

No. 104—Telecommunications Interception Legislation Amendment 2008.

**14 ADJOURNMENT**

At approximately 4.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

*Document*

Mr Macfarlane, by leave, presented the following document:

Mining and Australia’s role in meeting the world’s energy demands in a clean energy future—Copy of speech made by Mr Macfarlane to the Australasian Institute of Mining and Metallurgy, 19 August 2008.

Debate continued.

The House continuing to sit until 5 p.m.—The Speaker adjourned the House until 12 noon on Monday, 1 September 2008.

**DOCUMENTS**

The following documents were deemed to have been presented on 28 August 2008:

A New Tax System (Commonwealth–State Financial Arrangements) Act—Determination—2007-08 Final per capita relativities [F2008L03229].

*Appropriation Act (No. 1) 2007-2008*—Determination to reduce appropriation upon request—2008-09 No. 3 [F2008L03155].

*Appropriation Act (No. 3) 2003-2004*—Determination to reduce appropriation upon request—2008-09 No. 4 [F2008L03190].

Australian Participants in British Nuclear Tests (Treatment) Act—Instrument—2006 Treatment principles (Australian participants in British nuclear tests)—2008 Incorporated documents update, No. R17 [F2008L03189].

Australian Prudential Regulation Authority Act—Determination under section 57—2008 Confidentiality No. 10 [F2008L03192].

## Civil Aviation Act—

Civil Aviation Regulations—Instrument—2008 No. CASA 425 [F2008L03053].

Civil Aviation Safety Regulations—Airworthiness Directives under Part 39-105—AD/B737 No. 341 [F2008L03197].

AD/GBK 117 No. 6—Amendment (No. 5) [F2008L03196].

AD/HU 369 No. 121 [F2008L03219].

## Customs Act—Orders—Tariff Concession—2008—

No. 0800981, 0802073, 0802635, 0804267, 0804284, 0804285, 0804286, 0804289, 0804294, 0804329, 0806080, 0806082, 0806085, 0806089, 0806298, 0806299, 0806361, 0806480, 0806481, 0806482, 0806483, 0806486, 0806491, 0806496, 0806527, 0806623, 0806940, 0807191, 0807267, 0807295, 0807377, 0807440, 0807511, 0807512, 0807600, 0807602, 0807603, 0807798, 0807819, 0807824, 0807948, 0807950, 0807952, 0807991, 0808038, 0808039, 0808177, 0808190, 0808303, 0808539, 0808661, 0809491 [F2008L03009], [F2008L03010], [F2008L03012], [F2008L03102], [F2008L03207], [F2008L03101], [F2008L03106], [F2008L03096], [F2008L03097], [F2008L03208], [F2008L03103], [F2008L03107], [F2008L03110], [F2008L03108], [F2008L03114], [F2008L03118], [F2008L03113], [F2008L03133], [F2008L03132], [F2008L03117], [F2008L03116], [F2008L03112], [F2008L03111], [F2008L03130], [F2008L03115], [F2008L03122], [F2008L03129], [F2008L03147], [F2008L03137], [F2008L03136], [F2008L03135], [F2008L03121], [F2008L03120], [F2008L03153], [F2008L03152], [F2008L03151], [F2008L03141], [F2008L03140], [F2008L03139], [F2008L03138], [F2008L03146], [F2008L03119], [F2008L03145], [F2008L03144], [F2008L03156], [F2008L03125], [F2008L03143], [F2008L03150], [F2008L03210], [F2008L03161], [F2008L03123], [F2008L03160].

Defence Force Discipline Act—Rules—Select Legislative Instrument—2008 No. 172 [F2008L03188].

Veterans' Entitlements Act—Instrument under section 90—2008 Treatment principles—Incorporated documents update, No. R16 [F2008L03187].

Veterans' Entitlements Act and Military Rehabilitation and Compensation Act—Instruments under section 196B—2008 Nos 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 64, 65, 66, 67 [F2008L03167], [F2008L03168], [F2008L03169], [F2008L03170], [F2008L03172], [F2008L03173], [F2008L03174], [F2008L03175], [F2008L03176], [F2008L03177], [F2008L03178], [F2008L03179], [F2008L03180], [F2008L03181], [F2008L03182], [F2008L03183].

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Andrews, Mr Crean, Ms King\*, Mr Laming, Mrs May, Mrs Mirabella\*, Mr Pyne and Mr Simpkins.

\* 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. 37

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**THURSDAY, 28 AUGUST 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 TELECOMMUNICATIONS INTERCEPTION 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.

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 ADJOURNMENT**

Mrs Gash moved—That the Main Committee do now adjourn.

Debate ensued.

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*Suspension of meeting*

At 10.36 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 10.51 a.m., the proceedings were resumed.

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Debate continued.

*Documents*

Ms A. E. Burke, by leave, presented the following documents:

Millennium Development Goals 4 and 5 in the South East Asian and Pacific regions—(*Receipt of document as a petition subject to approval by the Standing Committee on Petitions*).

Voice for Indigenous Australians—(*Receipt of document as a petition subject to approval by the Standing Committee on Petitions*).

Debate continued.

*Petition*

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

Increase in disability and aged pensions—219 petitioners.

Debate continued.

*Document*

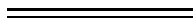
Mr Raguse, by leave, presented the following document:

Broadband internet—A report on broadband internet challenges in Forde and beyond, 26 August 2008.

Debate continued.

Question—put and passed.

At 12.26 p.m., the Deputy Speaker adjourned the Main Committee until 6.40 p.m. on Monday, 1 September 2008.



**B. C. WRIGHT**  
Clerk of the Main Committee