

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 48

WEDNESDAY, 24 SEPTEMBER 2008

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

**2 WHIPS' REPORT**

Mr Price (Chief Government Whip) presented the following document:

Whips' report—Report relating to committee and delegation reports and private Members' business on Monday, 13 October 2008—

and moved—That the report be adopted.

Question—put and passed.

**3 EDUCATION LEGISLATION AMENDMENT BILL 2008**

Ms Gillard (Minister for Education), pursuant to notice, presented a Bill for an Act to amend the law relating to education, and for related purposes.

*Document*

Ms Gillard presented an explanatory memorandum to the bill.

Bill read a first time.

Ms Gillard moved—That the bill be now read a second time.

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

**4 SCHOOLS ASSISTANCE BILL 2008**

Ms Gillard (Minister for Education), pursuant to notice, presented a Bill for an Act to grant financial assistance for non-government primary and secondary education for 2009 to 2012, and for related purposes.

*Document*

Ms Gillard presented an explanatory memorandum to the bill.

Bill read a first time.

Ms Gillard moved—That the bill be now read a second time.

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

**5 NATIONAL RENTAL AFFORDABILITY SCHEME BILL 2008**

Ms Plibersek (Minister for Housing), pursuant to notice, presented a Bill for an Act to provide for the establishment of the National Rental Affordability Scheme, and for related purposes.

*Document*

Ms Plibersek presented an explanatory memorandum to the bill.

Bill read a first time.

Ms Plibersek moved—That the bill be now read a second time.

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

**6 NATIONAL RENTAL AFFORDABILITY SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2008**

Ms Plibersek (Minister for Housing) presented a Bill for an Act to amend the *Income Tax Assessment Act 1997* in relation to the National Rental Affordability Scheme, and for related purposes.

*Document*

Ms Plibersek presented an explanatory memorandum to the bill.

Bill read a first time.

Ms Plibersek moved—That the bill be now read a second time.

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

**7 SOCIAL SECURITY LEGISLATION AMENDMENT (EMPLOYMENT SERVICES REFORM) BILL 2008**

Mr O'Connor (Minister for Employment Participation), pursuant to notice, presented a Bill for an Act to amend the law relating to social security, and for related purposes.

*Document*

Mr O'Connor presented an explanatory memorandum to the bill.

Bill read a first time.

Mr O'Connor moved—That the bill be now read a second time.

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

**8 NATIONAL MEASUREMENT AMENDMENT BILL 2008**

Dr Emerson (Minister representing the Minister for Innovation, Industry, Science and Research), pursuant to notice, presented a Bill for an Act to amend the law in relation to measurement, and for related purposes.

*Document*

Dr Emerson presented an explanatory memorandum to the bill.

Bill read a first time.

Dr Emerson 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.

**9 DAIRY ADJUSTMENT LEVY TERMINATION BILL 2008**

Mr A. S. Burke (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, presented a Bill for an Act to amend the *Dairy Produce Act 1986*, and for related purposes.

*Document*

Mr A. S. Burke presented an explanatory memorandum to the bill.

Bill read a first time.

Mr A. S. Burke 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.

**10 SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—GENERAL LAW REFORM) 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—*And on the amendment moved thereto by Ms Ley, viz.*—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) nevertheless recognises that partners in same-sex relationships ought not to be discriminated against on the basis of their sexuality, and ought to be treated on a similar basis to partners in heterosexual de facto relationships;
- (3) recognises the right of children who live in same-sex households not to be discriminated against; and
- (4) notes that the Opposition has referred the bill to the Senate Legal and Constitutional Affairs Committee for reporting by September 30 with a view to ensuring that, in removing discrimination against people in same-sex relationships:
- (a) the centrality of marriage is not devalued, whether by the use of inappropriate statutory language or otherwise;
  - (b) there is no unintended recognition of same sex marriage, including through amendments to the *Migration Act 1961*;
  - (c) the rights and status of children are properly protected; and
  - (d) the rights and status of people in interdependent relationships other than same-sex relationships are recognised and properly protected”—

Debate resumed.

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

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

AYES, 75

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

## NOES, 57

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

\* Tellers

*Pairs*

Mr Bevis                      Mr Abbott  
 Mr S. F. Smith              Mr Laming

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. 81, 9 September 2008, 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 Mr McClelland (Attorney-General), the bill was read a third time.

**11 MIGRATION AMENDMENT (NOTIFICATION REVIEW) 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Document*

Mr L. D. T. Ferguson (Parliamentary Secretary for Multicultural Affairs and Settlement Services) presented a supplementary explanatory memorandum to the bill.

On the motion of Mr L. D. T. Ferguson, by leave, Government amendments (1) to (12) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr L. D. T. Ferguson, by leave, the bill was read a third time.

**12 MESSAGE FROM THE GOVERNOR-GENERAL—TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008**

Message No. 82, 17 September 2008, from Her Excellency the Governor-General was announced recommending an appropriation for the purpose of requests by the Senate for amendments of a Bill for an Act to amend the law relating to taxation, and for related purposes.

**13 MESSAGE FROM THE SENATE—TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008**

Message No. 120, 23 September 2008, from the Senate was reported returning the Tax Laws Amendment (Luxury Car Tax) Bill 2008 with requests for amendments.

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

Mr Murphy (Parliamentary Secretary to the Minister for Trade) moved—That the requested amendments be made.

Debate ensued.

Question—That the requested amendments be made—put.

The House divided (the Deputy Speaker, Ms Bird, in the Chair)—

## AYES, 78

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

## NOES, 56

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

\* Tellers

*Pairs*

Mr Bevis	Mr Abbott
Mr S. F. Smith	Mr Laming

And so it was resolved in the affirmative.

**14 MESSAGES FROM THE SENATE**

Messages from the Senate, 23 September 2008, were reported returning the following bills without requests:

No. 121—A New Tax System (Luxury Car Tax Imposition—General) Amendment 2008.

No. 122—A New Tax System (Luxury Car Tax Imposition—Customs) Amendment 2008.

No. 123—A New Tax System (Luxury Car Tax Imposition—Excise) Amendment 2008.

**15 AUSLINK (NATIONAL LAND TRANSPORT) 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 Murphy (Parliamentary Secretary to the Minister for Trade), by leave, the bill was read a third time.

**16 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 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 Cheeseman addressing the House—

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

**17 QUESTIONS**

Questions without notice being asked—

*Member directed to leave*

At 2.32 p.m. the Member for O'Connor (Mr Tuckey) 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.

**18 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 4 of 2008–2009—Performance audit—The Business Partnership Agreement between the Department of Education, Employment and Workplace Relations (DEEWR) and Centrelink.

Ordered to be made a Parliamentary Paper.

**19 DOCUMENTS**

The following documents were presented:

Australian Research Council—Strategic plan for 2008-09 to 2010-11.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—

Further Government response to the Commonwealth Ombudsman's reports presented in 2008.

Personal identifiers 437/08 to 454/08—

Government response to the Commonwealth Ombudsman's reports.

Reports by the Commonwealth Ombudsman.

Reserve Bank of Australia—

Payments System Board—Report for 2007-08.

Report on equity and diversity for 2007-08.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the operation of the Act for the period 1 April to 30 June 2008, together with report for 2007-08.

**20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PENSIONERS**

The House was informed that Mrs May had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The urgent need for the Government to respond to rapidly growing pressures on single age pensioners, single service pensioners and Widow B pensioners”.

The proposed discussion having received the necessary support—

Mrs May addressed the House.

Discussion ensued.

Discussion concluded.

**21 MESSAGES FROM THE SENATE**

Messages from the Senate, 24 September 2008, were reported returning the following bills without amendment or requests:

No. 124—First Home Saver Accounts (Further Provisions) Amendment 2008.

No. 125—First Home Saver Account Providers Supervisory Levy Imposition 2008 (*without requests*).

**22 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 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 Bowen (Assistant Treasurer), the bill was read a third time.

**23 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (FURTHER 2008 BUDGET 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 by Mrs Markus 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:

- (1) notes the Coalition’s support for the provisions concerning the maternity immunisation allowance and child support;
- (2) notes the Coalition’s agreement to setting at 50 years of age eligibility for partner service pension for the partners of veterans who are in receipt of the equivalent of or less than the special rate but above the general rate disability, or who have at least 80 impairment points; and
- (3) condemns the Government’s stubborn determination to insist that from 1 January 2009 partners who are separated but not divorced from their veteran spouse and who have not reached the age for the age pension, will have their partner service pension eligibility cease 12 months after being separated or immediately if the veteran enters a marriage-like relationship”.

Debate continued.

**24 ADJOURNMENT**

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

Debate ensued.

Question—put and passed.

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

**DOCUMENTS**

The following documents were deemed to have been presented on 24 September 2008:

Australian Bureau of Statistics Act—Australian Bureau of Statistics Proposal—2008 No. 9.

Australian Federal Police Act—Regulations—Select Legislative Instrument—2008 No. 181 [F2008L03474].

Aviation Transport Security Act—Regulations—Select Legislative Instrument—2008 No. 190 [F2008L03477].

Christmas Island Act—List of Western Australian Acts for the period 16 March to 15 September 2008.

Civil Aviation Act—

Civil Aviation Safety Regulations—Exemptions—2008 Nos CASA EX40, CASA EX65 [F2008L02071], [F2008L03466].

Civil Aviation Safety Regulations—

Airworthiness Directive under Part 39-105—AD/EC 120—No 18 [F2008L03527].

Instrument under section 33—2008 No. 1 [F2008L03478].

Regulations—Select Legislative Instrument—2008 No. 191 [F2008L03484].

Cocos (Keeling) Islands Act—List of Western Australian Acts for the period 16 March to 15 September 2008.

Corporations Act—ASIC Class Orders—2008 Nos 506, 751, 752, 753 [F2008L03496], [F2008L03520], [F2008L03525], [F2008L03526].

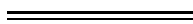
Family Law Act—Regulations—Select Legislative Instruments—2008 Nos 182, 183 [F2008L03471], [F2008L03470].

Health Insurance Act—Regulations—Select Legislative Instrument—2008 No. 188 [F2008L03166].

High Court of Australia Act—Proclamation—2008—High Court (Precincts) [F2008L03485].

Trade Practices Act—Regulations—Select Legislative Instrument—2008 No. 195 [F2008L03475].

Tradex Scheme Act—Regulations—Select Legislative Instrument—2008 No. 193 [F2008L03469].

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Abbott, Mr Baldwin, Mr Bevis, Mrs Gash\*, Dr Jensen, Mr Laming, Mrs Mirabella\*, Ms Rishworth, Mr Rudd and Mr S. F. Smith.

\* On leave



**B. C. WRIGHT**

Acting Clerk of the House of Representatives



2008

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

No. 48

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 24 SEPTEMBER 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 **AUSLINK (NATIONAL LAND TRANSPORT) 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.

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*Suspension of meeting*

At 10.52 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 11.04 a.m., the proceedings were resumed.

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Debate continued.

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 **AUSTRALIAN ORGAN AND TISSUE DONATION AND TRANSPLANTATION AUTHORITY 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.

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*Suspension of meeting*

At 12.57 p.m., a division having been called in the House, the proceedings were suspended and the Deputy Speaker left the Chair.

*Resumption of meeting*

At 4 p.m., the Deputy Speaker resumed the Chair.

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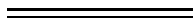
Debate continued.

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

**5 ADJOURNMENT**

On the motion of Mr Raguse, the Main Committee adjourned at 7.30 p.m.

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



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