

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 91

MONDAY, 25 MAY 2009

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- 1 The House met, at 12 noon, pursuant to adjournment. The Speaker (Mr Jenkins) took the Chair, and read Prayers.
- 2 **MESSAGE FROM THE GOVERNOR-GENERAL—EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008**
Message No. 185, 13 May 2009, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of amendments to a Bill for an Act to amend the law relating to compensation and social security, and for other purposes.
- 3 **MESSAGE FROM THE SENATE—EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008**
Message No. 263, 14 May 2009, from the Senate was reported returning the Employment and Workplace Relations Amendment Bill 2008 with amendments.
Ordered—That the amendments be considered immediately.
On the motion of Dr Kelly (Parliamentary Secretary for Defence Support), the amendments were agreed to.
- 4 **PRIVATE MEMBERS' MOTIONS—PRESENTED BY SPEAKER**
The Speaker presented copies of the terms of the following private Members' motions:
Mr Somlyay—Australian Defence Force personnel and 'Undeclared Operations' (*see item No. 8, Minutes of Proceedings of the Main Committee*).
Mr Ripoll—Chronic disease (*see item No. 9, Minutes of Proceedings of the Main Committee*).
Mr Turnour—Baha'i detainees in Iran (*see item No. 10, Minutes of Proceedings of the Main Committee*).
In accordance with standing order 41(h) the motions were made orders of the day and referred to the Main Committee.
- 5 **MAIN COMMITTEE—HOUR OF NEXT MEETING**
The Speaker reported that the Deputy Speaker had fixed 4 p.m. today for the next meeting of the Main Committee.
- 6 **BILLS REFERRED TO MAIN COMMITTEE**
Mr Price (Chief Government Whip), by leave, moved—That the following bills be referred to the Main Committee for further consideration:
Therapeutic Goods Amendment (Medical Devices and Other Measures) 2008;
Law and Justice (Cross Border and Other Amendments) 2009;
Social Security Legislation Amendment (Digital Television Switch-over) 2009; and
Health Workforce Australia 2009.
Question—put and passed.

7 APPROPRIATION BILL (NO. 1) 2009-2010—BUDGET DEBATE

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.

It being 2 p.m., the debate was interrupted in accordance with standing order 97, and the resumption of the debate made an order of the day for a later hour this day.

8 MINISTERIAL ARRANGEMENTS

Mr Rudd (Prime Minister) informed the House that, during the absence overseas of Mr M. J. Ferguson (Minister for Resources and Energy), Mr A. S. Burke (Minister for Agriculture, Fisheries and Forestry) would answer questions on his behalf.

9 QUESTIONS

Questions without notice were asked.

10 AUDITOR-GENERAL'S REPORTS

The Speaker presented the following documents:

Auditor-General—Audit reports of 2008–2009—Performance audits—

No. 32—Management of the tendering process for the construction of the Joint Operation Headquarters: Department of Defence.

No. 33—Administration of the Petroleum Resource Rent Tax: Australian Taxation Office.

No. 34—The Australian Taxation Office's management of serious non-compliance.

No. 35—Management of the Movement Alert List: Department of Immigration and Citizenship.

No. 36—Settlement Grants Program: Department of Immigration and Citizenship.

No. 37—Online availability of Government entities' documents tabled in the Australian Parliament.

Reports ordered to be made Parliamentary Papers.

11 DOCUMENTS

The following documents were presented:

Department of Families, Housing, Community Services and Indigenous Affairs—White paper—The road home: A national approach to reducing homelessness.

Department of the Environment, Water, Heritage and the Arts—Report for 2007-08—Corrigendum.

Public Sector Superannuation Scheme (PSS) and the Commonwealth Superannuation Scheme (CSS)—Report—PSS and CSS Long Term Cost, 2008.

12 DOCUMENT—MOTION TO TAKE NOTE OF DOCUMENT

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

Department of Families, Housing, Community Services and Indigenous Affairs—White Paper—The road home: A national approach to reducing homelessness.

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

13 APPROPRIATION BILL (NO. 1) 2009-2010—BUDGET DEBATE

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 Hull addressing the House—

It being 8.30 p.m., the debate was interrupted in accordance with standing order 34, Mrs Hull 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 the next sitting.

14 PETITIONS—STANDING COMMITTEE—PRESENTATION OF PETITIONS AND MINISTERS' RESPONSES—STATEMENT BY MEMBER

Mrs Irwin (Chair) presented petitions and Ministers' responses to petitions previously presented to the House.

Mrs Irwin made a statement in connection with petitions.

15 ECONOMICS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE

Mr C. R. Thomson (Chair) presented the following documents:

Economics—Standing Committee—Review of the Reserve Bank of Australia annual report 2008 (First report)—

Report, March 2009.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

Mr C. R. Thomson moved—That the House take note of the report.

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.

Mr C. R. Thomson, by leave, moved—That the order of the day be referred to the Main Committee for debate.

Question—put and passed.

16 FAMILY, COMMUNITY, HOUSING AND YOUTH—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE

Ms A. L. Ellis (Chair) presented the following documents:

Family, Community, Housing and Youth—Standing Committee—Who cares ...? Report on the inquiry into better support for carers—

Report, incorporating additional comments and an erratum, April 2009.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

The time allotted for making statements on the report having expired—

Ms A. L. Ellis moved—That the House take note of the report.

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.

Ms A. L. Ellis, by leave, moved—That the order of the day be referred to the Main Committee for debate.

Question—put and passed.

17 MIGRATION—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE

Mr Danby (Chair) presented the following documents:

Migration—Joint Standing Committee—Immigration detention in Australia: Community-based alternatives to detention—

Report, incorporating additional comments, a dissenting report and a minority report, May 2009.

Evidence received by the committee.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

Mr Danby moved—That the House take note of the report.

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.

Mr Danby, by leave, moved—That the order of the day be referred to the Main Committee for debate.
Question—put and passed.

18 EQUAL RIGHTS AND OPPORTUNITIES

Mr Georgiou, pursuant to notice, moved—That the House:

- (1) reaffirms its commitment to:
 - (a) the right of all Australians to enjoy equal rights and opportunities and be treated with equal respect regardless of race, colour, culture, creed or ethnic origin;
 - (b) maintaining an immigration policy wholly non discriminatory on grounds of race, colour, culture, creed or ethnic origin;
 - (c) the process of reconciliation between Indigenous and non Indigenous Australians, and to closing the gap that lies between us in life expectancy, educational achievement and economic opportunity; and
 - (d) multiculturalism and to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding loyalty to our nation, obedience to its laws, and commitment to its democratic beliefs and institutions; and
- (2) denounces intolerance in any form on the grounds of race, colour, culture, creed or ethnic origin as incompatible with the kind of society we are and want to be.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

19 ADJOURNMENT

It being 9.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensuing—

Petition

Dr Stone presented the following petition approved by the Standing Committee on Petitions:

Water supply scheme, Victoria—105 petitioners.

Debate continued.

Question—put and passed.

And then the House, at 9.59 p.m., adjourned until 2 p.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 25 May 2009:

A New Tax System (Goods and Services Tax) Act—Determination—2009 Recipient created tax invoice—Embedded agreement amending legislative instrument [F2009L01772].

Appropriation Act (No. 1) 2007-2008—Determination to reduce appropriation upon request—2008-09 No. 26 [F2009L02002].

Appropriation Act (No. 1) 2008-2009—Determination to reduce appropriation upon request—2008-09 No. 24 [F2009L01996].

Appropriation Act (No. 2) 2008-2009—Determination to reduce appropriation upon request—2008-09 No. 25 [F2009L02000].

Australian Postal Corporation Act—Regulations—Select Legislative Instrument—2009 No. 79 [F2009L01620].

Aviation Transport Security Act—Regulations—Select Legislative Instrument—2009 No. 85 [F2009L01814].

Building and Construction Industry Improvement Act—Regulations—Select Legislative Instrument—2009 No. 86 [F2009L01816].

Charter of the United Nations Act—

Declaration—2009 UN sanction enforcement law—Amendment (No. 2) [F2009L01811].

Regulations—Select Legislative Instrument—2009 No. 88 [F2009L01810].

Civil Aviation Act—

Civil Aviation Regulations—Exemption—2009 No. CASA EX37 [F2009L01400].

Civil Aviation Safety Regulations—Airworthiness Directives under—
Part 39-105—

AD/AKRO—No. 1—Amendment (No. 1)—Cancellation [F2009L01854].

AD/AS 355—No. 60—Amendment (No. 5) [F2009L01853].

AD/AT—No. 27—Amendment (No. 2) [F2009L01852].

AD/B767—No. 251 [F2009L01841].

AD/DO 328—No. 73 [F2009L01838].

AD/FN-333—No. 2—Cancellation [F2009L01896].

AD/GBK 117—No. 24 [F2009L02011].

AD/HU 369—

No. 52—Cancellation [F2009L01790].

No. 57—Amendment (No. 2)—Cancellation [F2009L01789].

No. 63—Cancellation [F2009L01788].

No. 66—Cancellation [F2009L01786].

No. 74—Cancellation [F2009L01785].

AD/LC40—No. 3 [F2009L01828].

AD/PA-42—No. 5—Cancellation [F2009L01784].

AD/PA-44—No. 15—Cancellation [F2009L01783].

AD/SWSA226—

No. 1—Cancellation [F2009L01743].

No. 5—Cancellation [F2009L01742].

No. 6—Cancellation [F2009L01741].

No. 11—Cancellation [F2009L01740].

No. 12—Cancellation [F2009L01739].

No. 13—Cancellation [F2009L01738].

No. 14—Cancellation [F2009L01737].

No. 15—Cancellation [F2009L01736].

No. 16—Cancellation [F2009L01729].

No. 18—Cancellation [F2009L01728].

No. 22—Amendment (No. 1)—Cancellation [F2009L01727].

No. 27—Cancellation [F2009L01725].

No. 31—Cancellation [F2009L01724].

No. 33—Cancellation [F2009L01723].

No. 35—Cancellation [F2009L01722].

AD/TSA-600—

No. 10—Cancellation [F2009L01682].

No. 11—Cancellation [F2009L01681].

No. 15—Cancellation [F2009L01680].

No. 18—Cancellation [F2009L01679].

No. 24—Cancellation [F2009L01721].

No. 29—Cancellation [F2009L01866].

No. 34—Cancellation [F2009L01865].

No. 37—Cancellation [F2009L01677].

No. 40—Amendment (No. 1)—Cancellation [F2009L01864].

No. 42—Amendment (No. 1)—Cancellation [F2009L01676].

No. 44—Cancellation [F2009L01675].

Part 39-106—AD/DHE—

No. 17—Cancellation [F2009L01902].

No. 21—Cancellation [F2009L01900].

No. 22—Cancellation [F2009L01899].

No. 23—Cancellation [F2009L01898].

No. 24—Cancellation [F2009L01897].

Commonwealth Authorities and Companies Act—Notice under section 45—Formation of a company by the Commonwealth—A.C.N. 136 533 741 Limited.

- Commonwealth Authorities and Companies Amendment Act 2008*—Proclamation under subsection 2 (1) fixing 1 July 2009 as the day on which item 42 of Schedule 1 to the Act commences [F2009L01781].
- Corporations Act—ASIC Class Orders—2009 Nos 339, 340, 393 [F2009L01831], [F2009L01833], [F2009L02048].
- Crimes (Currency) Act—Direction under section 29—2009 Disposal of forfeited articles [F2009L02015].
- Criminal Code Act—Regulations—Select Legislative Instrument—2009 No. 77 [F2009L01297].
- Currency Act—Determination—2009 Perth Mint (No. 2) [F2009L01975].
- Customs Act—Orders—
Tariff Concession—
2008 Nos 0802086, 0802231, 0802636, 0803627, 0804339, 0828890 [F2009L01655], [F2009L01656], [F2009L01657], [F2009L01658], [F2009L01659], [F2009L01660].
2009 Nos 0839657, 0840418, 0840865, 0841436, 0841590, 0842801, 0842987, 0843279, 0843452, 0843776, 0843777, 0843778, 0843780, 0843784, 0843786, 0843890, 0843974, 0844020, 0844023, 0844051, 0844063, 0844193, 0844244, 0844402, 0900155, 0900638, 0900748, 0901467 [F2009L01468], [F2009L01777], [F2009L01776], [F2009L01459], [F2009L01460], [F2009L01775], [F2009L01778], [F2009L01760], [F2009L01773], [F2009L01467], [F2009L01771], [F2009L01768], [F2009L01770], [F2009L01767], [F2009L01764], [F2009L01759], [F2009L01758], [F2009L01757], [F2009L01756], [F2009L01761], [F2009L01755], [F2009L01762], [F2009L01754], [F2009L01763], [F2009L01416], [F2009L02001], [F2009L01418], [F2009L01421].
Tariff Concession Revocation—2009 Nos 1, 2, 3, 4, 5, 6, 7 [F2009L01661], [F2009L01662], [F2009L01663], [F2009L01665], [F2009L01667], [F2009L01670], [F2009L01671].
- Customs Administration Act—Regulations—Select Legislative Instrument—2009 No. 78 [F2009L01782].
- Dairy Produce Act—Declaration—2009 Dairy adjustment levy termination [F2009L01809].
- Environment Protection and Biodiversity Conservation Act—Regulations—Select Legislative Instrument—2009 No. 80 [F2009L01795].
- Fair Work Act—Regulations—Select Legislative Instrument—2009 No. 81 [F2009L01819].
- Fair Work Act 2009*—Proclamation under subsection 2 (1) fixing 26 May 2009 as the day on which sections 3 to 40 of the Act commence [F2009L01818].
- Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Act—Regulations—Select Legislative Instrument—2009 No. 82 [F2009L01731].
- Financial Management and Accountability Act—
Determinations transferring appropriations—2009 Nos 6, 7, 8, 9 [F2009L02008], [F2009L02003], [F2009L02006], [F2009L02007].
Regulations—Select Legislative Instrument—2009 No. 83 [F2009L01812].
- Fisheries Management Act—Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—Direction—2009 Closures (No. 2) [F2009L02016].
- Health Insurance Act—Determination under section 3C—2009 Follow up service (Indigenous persons) [F2009L02023].
- Higher Education Support Act—VET provider—Notice of approval—2009 No. 21 [F2009L02009].
- Insurance Act—Determination—2009 Prudential standard (No. 1) [F2009L01817].
- Interstate Road Transport Act—Determination—2009 Amounts to be debited from the Interstate Road Transport Account (No. 1) [F2009L01797].
- Lands Acquisition Act—Statements under section 125(5)—May 2009.
- Migration Act—
Migration Regulations—
Instruments—2009—
Addresses for applications for offshore parent visas, No. IMMI 09/046 [F2009L01827].
Class of persons, No. IMMI 09/027 [F2009L01652].
Definition of academic year, No. IMMI 09/040 [F2009L01654].
Notice—2009 Minimum salary levels and occupations for the temporary business long stay visa, No. IMMI 09/032 [F2009L01242].

Regulations—Select Legislative Instrument—2009 No. 84 [F2009L01746].

Primary Industries (Customs) Charges Act—Regulations—Select Legislative Instrument—2009 No. 74 [F2009L01733].

Primary Industries (Excise) Levies Act—Regulations—Select Legislative Instrument—2009 No. 75 [F2009L01732].

Primary Industries and Energy Research and Development Act—Regulations—Select Legislative Instrument—2009 No. 73 [F2009L01792].

Primary Industries Levies and Charges Collection Act—Regulations—Select Legislative Instrument—2009 No. 76 [F2009L01735].

Remuneration Tribunal Act—Remuneration Tribunal—Determinations—2009 Nos 5, 6, 7 [F2009L01820], [F2009L01822], [F2009L01824].

Social Security Act—Determination—2009 Australian Government disaster recovery payment (No. 4) [F2009L01830].

Taxation Administration Act—Rulings—
2008—PR No. 70 (Addendum).
2009—
CR Nos 23, 24, 25, 26.
PR Nos 31, 32, 33, 34, 35, 36, 37.
SGR No. 2.

Telecommunications Act 1997—Determination under section 99—2009 Telecommunications service provider (Mobile premium services) Revocation [F2009L02010].

Telecommunications (Carrier Licence Charges) Act—Determinations under—
paragraph 15(1)(a)—2009 Costs attributable to telecommunications functions and powers [F2009L02012].
paragraph 15(1)(c)—2009 Recovery of ITU budget contribution [F2009L02013].
paragraph 15(1)(ca)—2009 Recovery of amounts paid under section 136C of the *Telecommunications Act 1997* [F2009L02014].

Trade Practices Act—Regulations—Select Legislative Instrument—2009 No. 87 [F2009L01832].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr M. J. Ferguson and Mr McMullan.

B. C. WRIGHT
Acting Clerk of the House of Representatives

2008-09

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 91

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

MONDAY, 25 MAY 2009

1 The Main Committee met at 4.03 p.m.

2 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos 1, 2 and 3, government business, be postponed until the next sitting.

3 LAW AND JUSTICE (CROSS BORDER AND OTHER AMENDMENTS) 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.

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 SOCIAL SECURITY LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) 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.

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 COMMUNICATIONS—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 Ms Neal—That the House take note of the document (*presented on 19 March 2009*), viz.—

Communications—Standing Committee—Phoning home: Inquiry into international mobile roaming—Report, March 2009—

Debate resumed.

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

6 TREATIES—JOINT 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 K. J. Thomson—That the House take note of the document (*presented on 19 March 2009*), viz.—

Treaties—Joint Standing Committee—Report 100: Treaties tabled on 25 June 2008 (2)—Report, incorporating a dissenting report, March 2009—

Debate resumed.

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

7 MEMBERS' STATEMENTS

Members' statements being made—

Petition

Ms Livermore presented the following petition approved by the Standing Committee on Petitions:

University funding—17,354 petitioners.

Members' statements continued.

8 AUSTRALIAN DEFENCE FORCE PERSONNEL AND 'UNDECLARED OPERATIONS'

The order of the day having been read for the resumption of the debate on the motion of Mr Somlyay—
That the House:

- (1) recognises and commends service undertaken by all those who have served the Australian Defence Force (ADF) and the people of Australia in the name of Australia;
- (2) takes note of service undertaken by ADF personnel on 'Undeclared Operations' on behalf of the Australian Government and the Australian people;
- (3) commends personnel on 'Undeclared Operations' for their duty on behalf of all Australians by working to serve, protect and defend Australian citizens against perceived threats;
- (4) acknowledges the risks associated with 'Undeclared Operations' and notes that the personnel recruited understood the significant risks involved in their work; and
- (5) calls upon the Department of Defence to reconsider declaring such missions as 'Active Service' (*see item No. 4, Votes and Proceedings*)—

Debate resumed.

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

9 CHRONIC DISEASE

The order of the day having been read for the resumption of the debate on the motion of Mr Ripoll—
That the House:

- (1) notes that:
 - (a) chronic disease is one of the country's most critical health challenges;
 - (b) more than 50 per cent of the Australian population already suffers from a chronic or long term condition of some form; and
 - (c) the rise of these diseases poses both a major risk to the long term health of millions of Australians and a frontline economic challenge; and
- (2) supports:
 - (a) the Government's continued commitment to preventative health strategies and closing the gap in indigenous life expectancy;
 - (b) initiatives to support the role of the primary care system on our local communities; and
 - (c) the increased role the private sector currently plays in delivering health and medical services (*see item No. 4, Votes and Proceedings*)—

Debate resumed.

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

10 BAHA'I DETAINEES IN IRAN

The order of the day having been read for the resumption of the debate on the motion of Mr Turnour—
That the House:

- (1) notes with serious concern that:
 - (a) seven Baha'i community members in Iran have been charged with spying, insulting religious sanctities and propaganda against the Islamic Republic, and that these charges could attract the death penalty; and
 - (b) the Baha'i detainees have not been given any access to legal representation and have not been subject to due legal process;
- (2) calls on Iran to respect rights to freedom of religion and the peaceful exercise of freedom of expression and association, in accordance with international human rights conventions; and
- (3) calls on Iran to release the seven Baha'i detainees without delay (*see item No. 4, Votes and Proceedings*)—

Debate resumed.

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

11 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 192B, the order of the day having been read for the resumption of the debate on the question—That grievances be noted—

Debate ensued.

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

12 ADJOURNMENT

At 9.27 p.m. the Deputy Speaker adjourned the Main Committee and fixed 4 p.m. tomorrow for the next meeting of the Main Committee.

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B. C. WRIGHT
Clerk of the Main Committee