

2010-11

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 82

WEDNESDAY, 23 NOVEMBER 2011

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

**2 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED**

Mr Hunt moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Flinders from moving the following motion forthwith:

That this House calls on the Government to:

- (1) immediately release the GTEM carbon tax model;
- (2) release the assumptions underpinning it; and
- (3) redo the modelling before Parliament rises so as to reflect the real world given that:
  - (a) the international environment is radically different from that claimed by the ALP. In particular the Canadian Foreign Minister and the United States leadership have made it clear that neither country will be adopting a carbon tax prior to 2015-16;
  - (b) it now appears there will be no binding global treaty until 2020;
  - (c) reports have shown the European ETS has had almost zero impact on the environment, but at a cost of up to \$287 billion Australian dollars;
  - (d) the Government's assumption that "the modelling assumes comparable carbon pricing in other major economies from 2015-16" has collapsed; and
  - (e) the consequence will be Australians paying the highest carbon tax in the world for no environmental benefit while also sending \$3.5 billion offshore to foreign carbon traders.

Debate ensued.

*Closure of Member moved*

Mr Albanese (Leader of the House) moved—That the Member be no longer heard.

Question—put.

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

## AYES, 67

Mr Adams	Mr Dreyfus	Dr M. J. Kelly	Mr Ripoll
Mr Albanese	Mrs Elliot	Ms King	Ms Rishworth
Ms Bird	Ms Ellis	Dr Leigh	Ms Rowland
Mr Bowen	Dr Emerson	Ms Livermore	Ms Roxon
Mr Bradbury	Mr L. D. T. Ferguson	Mr Lyons	Mr Rudd
Ms Brodtmann	Mr Fitzgibbon	Ms Macklin	Ms Saffin
Ms A. E. Burke	Mr Garrett	Mr Marles	Mr Shorten
Mr A. S. Burke	Mr Georganas	Mr Melham	Mr Sidebottom
Mr Butler	Mr Gibbons	Mr Mitchell	Mr S. F. Smith
Mr Byrne	Ms Gillard	Mr Murphy	Ms Smyth
Mr Champion	Mr Gray	Mr Neumann	Mr Snowdon
Mr Cheeseman	Ms Grierson	Mr O'Connor	Mr Swan
Mr Clare	Mr Griffin	Ms O'Neill	Mr Symon
Mr Combat	Ms Hall*	Ms Owens	Mr C. R. Thomson
Mr Crean	Mr Hayes	Ms Parke	Ms Vamvakinou
Mr Danby	Mr Husic*	Mr Perrett	Mr Zappia
Mrs D'Ath	Mr S. P. Jones	Ms Plibersek	

## NOES, 71

Mr Abbott	Mr Entsch	Mr Macfarlane	Mr Scott
Mr Alexander	Mr Fletcher	Ms Marino	Mr Secker*
Mr K. J. Andrews	Mr Forrest	Mr Matheson	Mr Slipper
Mrs K. L. Andrews	Mr Frydenberg	Mrs Mirabella	Mr A. D. H. Smith
Mr Baldwin	Ms Gambaro	Mr Morrison	Mr Somlyay
Mr Bandt	Mrs Gash	Mr Neville	Dr Southcott
Mr Billson	Mrs Griggs	Mr Oakeshott	Dr Stone
Mrs B. K. Bishop	Mr Hartsuyker	Mr O'Dowd	Mr Tehan
Ms J. I. Bishop	Mr A. G. Hawke	Ms O'Dwyer	Mr Truss
Mr Briggs	Mr Hockey	Mrs Prentice	Mr Tudge
Mr Broadbent	Mr Hunt	Mr Pyne	Mr Turnbull
Mr Buchholz	Mr Irons	Mr Ramsey	Mr van Manen
Mr Chester	Dr Jensen	Mr Randall	Mr Vasta
Mr Christensen	Mr E. T. Jones	Mr Robb	Dr Washer
Mr Cobb	Mr Keenan	Mr Robert	Mr Wilkie
Mr Coulton*	Mr C. Kelly	Mr Wyatt Roy	Mr Windsor
Mr Crook	Ms Ley	Mr Ruddock	Mr Wyatt
Mr Dutton	Mr McCormack	Mr Schultz	

\* Tellers

*Pairs*

Mr K. J. Thomson	Mr Ciobo
Mr McClelland	Mr Haase
Mr M. J. Ferguson	Mr Laming
Ms Collins	Mr Simpkins

And so it was negatived.

Mr Billson (seconder) addressing the House—

*Closure of Member moved*

Mr Albanese moved—That the Member be no longer heard.

Question—put.

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

## AYES, 67

Mr Adams	Mr Dreyfus	Dr M. J. Kelly	Mr Ripoll
Mr Albanese	Mrs Elliot	Ms King	Ms Rishworth
Ms Bird	Ms Ellis	Dr Leigh	Ms Rowland
Mr Bowen	Dr Emerson	Ms Livermore	Ms Roxon
Mr Bradbury	Mr L. D. T. Ferguson	Mr Lyons	Mr Rudd
Ms Brodtmann	Mr Fitzgibbon	Ms Macklin	Ms Saffin
Ms A. E. Burke	Mr Garrett	Mr Marles	Mr Shorten
Mr A. S. Burke	Mr Georganas	Mr Melham	Mr Sidebottom
Mr Butler	Mr Gibbons	Mr Mitchell	Mr S. F. Smith
Mr Byrne	Ms Gillard	Mr Murphy	Ms Smyth
Mr Champion	Mr Gray	Mr Neumann	Mr Snowdon
Mr Cheeseman	Ms Grierson	Mr O'Connor	Mr Swan
Mr Clare	Mr Griffin	Ms O'Neill	Mr Symon
Mr Combat	Ms Hall*	Ms Owens	Mr C. R. Thomson
Mr Crean	Mr Hayes	Ms Parke	Ms Vamvakinou
Mr Danby	Mr Husic*	Mr Perrett	Mr Zappia
Mrs D'Ath	Mr S. P. Jones	Ms Plibersek	

## NOES, 72

Mr Abbott	Mr Entsch	Mr McCormack	Mr Ruddock
Mr Alexander	Mr Fletcher	Mr Macfarlane	Mr Schultz
Mr K. J. Andrews	Mr Forrest	Ms Marino	Mr Scott
Mrs K. L. Andrews	Mr Frydenberg	Mrs Markus	Mr Secker*
Mr Baldwin	Ms Gambaro	Mr Matheson	Mr Slipper
Mr Bandt	Mrs Gash	Mrs Mirabella	Mr A. D. H. Smith
Mr Billson	Mrs Griggs	Mr Morrison	Mr Somlyay
Mrs B. K. Bishop	Mr Hartsuyker	Mr Neville	Dr Southcott
Ms J. I. Bishop	Mr A. G. Hawke	Mr Oakeshott	Dr Stone
Mr Briggs	Mr Hockey	Mr O'Dowd	Mr Tehan
Mr Broadbent	Mr Hunt	Ms O'Dwyer	Mr Truss
Mr Buchholz	Mr Irons	Mrs Prentice	Mr Tudge
Mr Chester	Dr Jensen	Mr Pyne	Mr Turnbull
Mr Christensen	Mr E. T. Jones	Mr Ramsey	Mr van Manen
Mr Cobb	Mr Keenan	Mr Randall	Mr Vasta
Mr Coulton*	Mr C. Kelly	Mr Robb	Dr Washer
Mr Crook	Mr Laming	Mr Robert	Mr Wilkie
Mr Dutton	Ms Ley	Mr Wyatt Roy	Mr Wyatt

\* Tellers

*Pairs*

Mr K. J. Thomson	Mr Ciobo
Mr McClelland	Mr Haase
Mr M. J. Ferguson	Mrs Moylan
Ms Collins	Mr Simpkins

And so it was negatived.

The time allowed by standing order 1 for debate on the motion for the suspension of standing orders having expired and a question not having been proposed to the House, the motion lapsed.

**3 BILL REFERRED TO MAIN COMMITTEE**

Mr Fitzgibbon (Chief Government Whip) moved—That the Business Names Registration (Application of Consequential Amendments) Bill 2011 be referred to the Main Committee for further consideration.

Question—put and passed.

**4 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER**

The Speaker presented the following document:

Australian Parliamentary Delegation to the 124th Inter-Parliamentary Union Assembly to Panama and bilateral visit to Brazil, 4-23 April 2011—Report, November 2011—and made a statement in connection with the report.

**5 ROAD SAFETY REMUNERATION BILL 2011**

Mr Albanese (Minister for Infrastructure and Transport), pursuant to notice, presented a Bill for an Act to make provision in relation to remuneration-related matters to improve safety in the road transport industry, 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 K. J. Andrews), and the resumption of the debate made an order of the day for the next sitting.

**6 ROAD SAFETY REMUNERATION (CONSEQUENTIAL AMENDMENTS AND RELATED PROVISIONS) BILL 2011**

Mr Albanese (Minister for Infrastructure and Transport), pursuant to notice, presented a Bill for an Act to make consequential amendments and provide for other matters in connection with the *Road Safety Remuneration Act 2011*, 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 K. J. Andrews), and the resumption of the debate made an order of the day for the next sitting.

**7 STRONGER FUTURES IN THE NORTHERN TERRITORY BILL 2011**

Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), pursuant to notice, presented a Bill for an Act to build stronger futures for Aboriginal people in the Northern Territory, and for related purposes.

*Document*

Ms Macklin presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**8 STRONGER FUTURES IN THE NORTHERN TERRITORY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2011**

Ms Macklin (Minister for Families, Housing, Community Services and Indigenous Affairs), pursuant to notice, presented a Bill for an Act to amend laws, and deal with transitional matters, in connection with the *Stronger Futures in the Northern Territory Act 2011*, and for related purposes.

*Document*

Ms Macklin presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**9 CRIMES LEGISLATION AMENDMENT (POWERS AND OFFENCES) BILL 2011**

Mr O'Connor (Minister for Justice), pursuant to notice, presented a Bill for an Act to amend various Acts relating to the enforcement of the criminal law, and for other 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 (Mr Randall), and the resumption of the debate made an order of the day for the next sitting.

**10 CUSTOMS AMENDMENT (ANTI-DUMPING IMPROVEMENTS) BILL (NO. 2) 2011**

Mr O'Connor (Minister for Home Affairs), pursuant to notice, presented a Bill for an Act to amend the *Customs Act 1901*, 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 (Mr Randall), and the resumption of the debate made an order of the day for the next sitting.

**11 ACCESS TO JUSTICE (FEDERAL JURISDICTION) AMENDMENT BILL 2011**

Mr O'Connor (Minister for Home Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to courts and tribunals, 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 (Mr Randall), and the resumption of the debate made an order of the day for the next sitting.

**12 NUCLEAR TERRORISM LEGISLATION AMENDMENT BILL 2011**

Mr O'Connor (Minister for Home Affairs), pursuant to notice, presented a Bill for an Act to implement aspects of the International Convention for the Suppression of Acts of Nuclear Terrorism, and for other 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 (Mr Randall), and the resumption of the debate made an order of the day for the next sitting.

**13 ANTARCTIC TREATY (ENVIRONMENT PROTECTION) AMENDMENT BILL 2011**

Mr A. S. Burke (Minister for Sustainability, Environment, Water, Population and Communities), pursuant to notice, presented a Bill for an Act to amend the *Antarctic Treaty (Environment Protection) Act 1980*, and for other 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 B. K. Bishop), and the resumption of the debate made an order of the day for the next sitting.

**14 SOCIAL SECURITY LEGISLATION AMENDMENT BILL 2011**

Mr Garrett (Minister for School Education, Early Childhood and Youth), pursuant to notice, presented a Bill for an Act to amend the law relating to social security, and for related purposes.

*Document*

Mr Garrett presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**15 AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2011**

Mr Garrett (Minister representing the Minister for Innovation, Industry, Science and Research), pursuant to notice, presented a Bill for an Act to amend the *Australian Research Council Act 2001*, and for related purposes.

*Document*

Mr Garrett presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**16 EXCISE AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011**

Mr Shorten (Minister for Financial Services and Superannuation), pursuant to notice, presented a Bill for an Act to amend the *Excise Act 1901*, and for other purposes.

*Document*

Mr Shorten presented an explanatory memorandum to the bill and Customs Amendment (Reducing Business Compliance Burden) Bill 2011.

Bill read a first time.

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

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

**17 CUSTOMS AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011**

Mr Shorten (Minister for Financial Services and Superannuation), pursuant to notice, presented a Bill for an Act to amend the *Customs Act 1901*, and for other purposes.

Bill read a first time.

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

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

**18 INSURANCE CONTRACTS AMENDMENT BILL 2011**

Mr Shorten (Minister for Financial Services and Superannuation), pursuant to notice, presented a Bill for an Act to amend the *Insurance Contracts Act 1984*, and for related purposes.

*Document*

Mr Shorten presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**19 TAX LAWS AMENDMENT (2011 MEASURES NO. 9) BILL 2011**

Mr Shorten (Minister for Financial Services and Superannuation) presented a Bill for an Act to amend the law relating to taxation and superannuation, and for other purposes.

*Document*

Mr Shorten presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**20 ELECTORAL AND REFERENDUM AMENDMENT (MAINTAINING ADDRESS) BILL 2011**

Mr Gray (Special Minister of State), pursuant to notice, presented a Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

*Document*

Mr Gray presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**21 ILLEGAL LOGGING PROHIBITION BILL 2011**

Dr Kelly (Parliamentary Secretary for Agriculture, Fisheries and Forestry), pursuant to notice, presented a Bill for an Act to combat illegal logging, and for related purposes.

*Document*

Dr Kelly presented an explanatory memorandum to the bill.

Bill read a first time.

Dr Kelly moved—That the bill be now read a second time.

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

**22 NATIONAL HEALTH AMENDMENT (FIFTH COMMUNITY PHARMACY AGREEMENT INITIATIVES) BILL 2011**

Ms Roxon (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the *National Health Act 1953*, and for related purposes.

*Document*

Ms Roxon presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**23 PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS BILL 2011**

Ms Roxon (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to provide for a system of access to electronic health records, and for related purposes.

*Document*

Ms Roxon presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**24 PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS (CONSEQUENTIAL AMENDMENTS) BILL 2011**

Ms Roxon (Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to make amendments consequential on the enactment of the *Personally Controlled Electronic Health Records Act 2011*, and for related purposes.

*Document*

Ms Roxon presented an explanatory memorandum to the bill.

Bill read a first time.

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

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

**25 PARLIAMENTARY ZONE—HIGH COURT OF AUSTRALIA SOUTH WESTERN FORECOURT LANDSCAPE WORKS, AND INSTALLATION OF A RAISED CONCRETE BENCH SEAT AT THE SOUTHERN END OF THE CEREMONIAL RAMP AT THE ENTRANCE TO THE HIGH COURT OF AUSTRALIA—APPROVAL OF PROPOSAL**

Mr Clare (Minister for Defence Materiel) for Mr Crean (Minister for the Arts), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approve the following proposal for work in the Parliamentary Zone which was presented to the House on 21 November 2011, namely: High Court of Australia south western forecourt landscape works, and installation of a raised concrete bench seat at the southern end of the Ceremonial Ramp at the entrance to the High Court of Australia.

Question—put and passed.

**26 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Mr Oakeshott (Chair) presented the following document:

Public Accounts and Audit—Joint Committee—Report 426: Ninth biannual hearing with the Commissioner of Taxation—Report, November 2011.

In accordance with standing order 39(f) the report was made a Parliamentary Paper.

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

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

Question—put and passed.

**27 AGRICULTURE, RESOURCES, FISHERIES AND FORESTRY—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Mr Adams (Chair) presented the following documents:

Agriculture, Resources, Fisheries and Forestry—Standing Committee—Seeing the forest through the trees: Inquiry into the future of the Australian Forestry Industry—Report, November 2011.

Minutes of proceedings.

In accordance with standing order 39(f) the report was made a Parliamentary Paper.

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

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

Question—put and passed.

**28 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE**

Mr Simpkins (Deputy Chair) presented the following documents:

National Capital and External Territories—Joint Standing Committee—Etched in stone? Inquiry into the administration of the *National Memorials Ordinance 1928*—Report, November 2011.

Minutes of proceedings.

In accordance with standing order 39(f) the report was made a Parliamentary Paper.

Mr Simpkins and Ms Brodtmann, by leave, made statements in connection with the report.

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

Question—put and passed.

**29 MESSAGE FROM THE SENATE—AVIATION TRANSPORT SECURITY AMENDMENT (AIR CARGO) BILL 2011**

Message No. 265, 22 November 2011, from the Senate was reported returning the Aviation Transport Security Amendment (Air Cargo) Bill 2011 with an amendment.

Ordered—That the amendment be considered immediately.

On the motion of Mr Albanese (Minister for Infrastructure and Transport), the amendment was agreed to.

**30 BROADCASTING SERVICES AMENDMENT (REVIEW OF FUTURE USES OF BROADCASTING SERVICES BANDS SPECTRUM) BILL 2011—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 Clare (Minister for Defence Materiel), by leave, the bill was read a third time.

**31 COAL MINING INDUSTRY (LONG SERVICE LEAVE) LEGISLATION AMENDMENT BILL 2011—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 Clare (Minister for Defence Materiel), by leave, the bill was read a third time.

**32 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (SIGNIFICANT INCIDENT DIRECTIONS) BILL 2011—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 Clare (Minister for Defence Materiel), by leave, the bill was read a third time.

**33 BUSINESS NAMES REGISTRATION (APPLICATION OF CONSEQUENTIAL AMENDMENTS) BILL 2011—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 Clare (Minister for Defence Materiel), by leave, the bill was read a third time.

**34 MESSAGES FROM THE SENATE**

Messages from the Senate, 22 November 2011, were reported returning the following bills without amendment:

No. 264—Crimes Legislation Amendment (No. 2) 2011.

No. 266—Veterans' Affairs Legislation Amendment (Participants in British Nuclear Tests) 2011.

No. 267—Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oils in the Antarctic Area) 2011.

**35 DOCUMENT**

Mr Clare (Minister for Defence Materiel) presented the following document:

Stronger Futures in the Northern Territory Bill 2011—Correction to the explanatory memorandum.

**36 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT (FAMILY PARTICIPATION MEASURES) BILL 2011**

Message No. 255, 21 November 2011, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the social security law, and for related purposes.

Bill read a first time.

*Document*

Mr Crean (Minister for Regional Australia, Regional Development and Local Government) presented a revised explanatory memorandum to the bill.

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

Debate, by leave, ensued.

Mr Husic addressing the House—

It being 1.45 p.m., the debate was interrupted in accordance with standing order 43, Mr Husic 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.

**37 MEMBERS' STATEMENTS**

Members' statements were made.

**38 QUESTIONS**

Questions without notice being asked—

*Suspension of standing and sessional orders moved*

Mr Abbott (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Warringah moving immediately—That this House censure the Prime Minister for the deceptive, dysfunctional and directionless government she leads which doesn't trust the people, doesn't consult the people but which always consults Bob Brown and the Greens and is now headed for a crisis mini budget.

Debate ensuing—

*Member directed to leave*

At 2.43 p.m. the Member for Bowman (Mr Laming) was directed, under standing order 94, to leave the Chamber for one hour for interjecting, and he accordingly left the Chamber.

Debate continued.

The time allowed by standing order 1 for debate on the motion having expired—

Question—put.

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

## AYES, 70

Mr Abbott	Mr Fletcher	Ms Marino	Mr Scott
Mr Alexander	Mr Forrest	Mrs Markus	Mr Secker*
Mr K. J. Andrews	Mr Frydenberg	Mr Matheson	Mr Simpkins
Mrs K. L. Andrews	Ms Gambaro	Mrs Mirabella	Mr Slipper
Mr Baldwin	Mrs Gash	Mr Morrison	Mr A. D. H. Smith
Mr Billson	Mrs Griggs	Mrs Moylan	Mr Somlyay
Mrs B. K. Bishop	Mr Hartsuyker	Mr Neville	Dr Southcott
Ms J. I. Bishop	Mr A. G. Hawke	Mr O'Dowd	Dr Stone
Mr Briggs	Mr Hockey	Ms O'Dwyer	Mr Tehan
Mr Broadbent	Mr Hunt	Mrs Prentice	Mr Truss
Mr Buchholz	Mr Irons	Mr Pyne	Mr Tudge
Mr Chester	Dr Jensen	Mr Ramsey	Mr Turnbull
Mr Christensen	Mr E. T. Jones	Mr Randall	Mr van Manen
Mr Cobb	Mr Keenan	Mr Robb	Mr Vasta
Mr Coulton*	Mr C. Kelly	Mr Robert	Dr Washer
Mr Crook	Ms Ley	Mr Wyatt Roy	Mr Wyatt
Mr Dutton	Mr McCormack	Mr Ruddock	
Mr Entsch	Mr Macfarlane	Mr Schultz	

## NOES, 73

Mr Adams	Mr Dreyfus	Ms King	Ms Rowland
Mr Albanese	Mrs Elliot	Dr Leigh	Ms Roxon
Mr Bandt	Ms Ellis	Ms Livermore	Mr Rudd
Ms Bird	Dr Emerson	Mr Lyons	Ms Saffin
Mr Bowen	Mr L. D. T. Ferguson	Ms Macklin	Mr Shorten
Mr Bradbury	Mr M. J. Ferguson	Mr Marles	Mr Sidebottom
Ms Brodtmann	Mr Fitzgibbon	Mr Melham	Mr S. F. Smith
Ms A. E. Burke	Mr Garrett	Mr Mitchell	Ms Smyth
Mr A. S. Burke	Mr Georganas	Mr Murphy	Mr Snowdon
Mr Butler	Mr Gibbons	Mr Neumann	Mr Swan
Mr Byrne	Ms Gillard	Mr Oakeshott	Mr Symon
Mr Champion	Mr Gray	Mr O'Connor	Mr C. R. Thomson
Mr Cheeseman	Ms Grierson	Ms O'Neill	Ms Vamvakinou
Mr Clare	Mr Griffin	Ms Owens	Mr Wilkie
Ms Collins	Ms Hall*	Ms Parke	Mr Windsor
Mr Combet	Mr Hayes	Mr Perrett	Mr Zappia
Mr Crean	Mr Husic*	Ms Plibersek	
Mr Danby	Mr S. P. Jones	Mr Ripoll	
Mrs D'Ath	Dr M. J. Kelly	Ms Rishworth	

\* Tellers

*Pairs*

Mr K. J. Thomson	Mr Ciobo
Mr McClelland	Mr Haase

And so it was negatived.

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 Questions without notice concluded.
**39 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following document:

Auditor-General—Audit report No. 14 of 2011–2012—Performance audit—Indigenous protected areas: Department of Sustainability, Environment, Water, Population and Communities.

Ordered to be made a Parliamentary Paper.

**40 DOCUMENTS**

The following documents were presented:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2010-11—

Native title.

Social justice.

Committee reports—Government responses to parliamentary committee reports—Response to the schedule tabled by the Speaker on 7 July 2011.

Family, Community, Housing and Youth—House of Representatives Standing Committee—Avoid the Harm – Stay Calm: Report on the inquiry into the impact of violence on young Australians—Government response.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—2011 Personal identifiers 644/11 to 647/11, 650/11, 651/11, 656/11, 660/11, 663/11 to 665/11 and 668/11—

Commonwealth and Immigration Ombudsman's reports.

Government response to Ombudsman's reports.

**41 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS**

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

Committee reports—Government responses to parliamentary committee reports—Response to the schedule tabled by the Speaker on 7 July 2011.

Family, Community, Housing and Youth—House of Representatives Standing Committee—Avoid the Harm – Stay Calm: Report on the inquiry into the impact of violence on young Australians—Government response.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—2011 Personal identifiers 644/11 to 647/11, 650/11, 651/11, 656/11, 660/11, 663/11 to 665/11 and 668/11—

Commonwealth and Immigration Ombudsman's reports.

Government response to Ombudsman's reports.

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

**42 SOCIAL POLICY AND LEGAL AFFAIRS—STANDING COMMITTEE—MEMBERSHIP**

The House was informed that the Chief Opposition Whip had nominated Mr Entsch and Mr Christensen to be supplementary members of the Standing Committee on Social Policy and Legal Affairs.

Mr Albanese (Leader of the House), by leave, moved—That Mr Entsch and Mr Christensen be appointed supplementary members of the Standing Committee on Social Policy and Legal Affairs for the purpose of the committee's inquiry into insurance response to natural disasters.

Question—put and passed.

**43 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SMALL BUSINESS**

The House was informed that Mr Billson had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The impact of increased taxes on small business".

The proposed discussion having received the necessary support—

Mr Billson addressed the House.

Discussion ensued.

Discussion concluded.

**44 PRIVILEGES AND MEMBERS' INTERESTS COMMITTEE—REPORT—STATEMENT BY MEMBER**

Ms A. E. Burke (Chair) presented the following document:

Privileges and Members' Interests Committee—Draft code of conduct for Members of Parliament: Discussion paper—Report, November 2011.

In accordance with standing order 39(f) the report was made a Parliamentary Paper.

Ms A. E. Burke, by leave, made a statement in connection with the report.

**45 IMPLEMENTATION OF AN EFFECTIVE AID PROGRAM FOR AUSTRALIA—MINISTERIAL STATEMENT**

Mr Rudd (Minister for Foreign Affairs), by leave, made a ministerial statement on the implementation of an effective aid program for Australia and presented the following document:

The implementation of an effective aid program for Australia—Statement by the Minister for Foreign Affairs, the Hon Kevin Rudd MP, 23 November 2011.

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

Mr Rudd, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Ms J. I. Bishop (Deputy Leader of the Opposition) speaking for a period not exceeding 13 minutes.

Question—put and passed.

Ms J. I. Bishop addressed the House.

**46 APPROPRIATIONS AND ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER**

The Speaker presented the following document:

Appropriations and Administration—Standing Committee—Report No. 2: Annual Report 2010-11—Report, November 2011.

In accordance with standing order 39(f) the report was made a Parliamentary Paper.

The Speaker made a statement in connection with the report.

**47 PRIVILEGE—STATEMENT BY SPEAKER**

The Speaker made the following statement—

On Tuesday, that is yesterday, the member for Mackellar raised as a question to me whether certain statements by the Assistant Treasurer in relation to the superannuation guarantee legislation should be referred to the Committee of Privileges and Members' Interests as a possible matter of contempt of the House. This was a follow-up to an earlier matter raised by the Member suggesting that the House had been deliberately misled by the Assistant Treasurer in his second reading speech on the superannuation guarantee legislation on 2 November.

On Tuesday, the Member for Mackellar submitted that in relation to the superannuation guarantee legislation there were inconsistencies between the minister's second reading speech in the House, a statement on his website and a statement made on a radio program, and that the minister was trying to mislead people.

Deliberately misleading the House is one of the matters that can be found to be contempt. While claims that members have deliberately misled the House have been raised as matters of privilege or contempt, no such matter has yet been referred to the Committee of Privileges and Members' Interests. In this case, the Member for Mackellar appears to be alleging a misleading of the public more generally.

I have examined material provided by the Member for Mackellar in relation to her submission to me, and the Hansard record of the occasions on which the matter has been raised in the House, including the minister's personal explanation on 3 November in response to the claim I referred to earlier.

I think this is another example of where explanations have been called up in debating points. It would seem that an early resolution of this matter might have been assisted if the minister's personal explanation made to the House on 3 November more carefully reflected upon what had been said in his speech. This could still be rectified by the Assistant Treasurer.

Nevertheless, I would think that the occasion in the House in the early hours of this morning, when the superannuation guarantee legislation was debated and passed by the House, now puts beyond doubt the stated scope of that legislation. The Member for Mackellar took the debating opportunity this morning to again make the points she had raised with me. This, I note, is consistent with remarks I have made on other occasions that such differences as these are best pursued by Members using the various forms of the House available to Members.

For these reasons, on the evidence available to me, it is not clear that a prima facie case has been made out, such as would cause me to give precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests.

**48 SOCIAL SECURITY LEGISLATION AMENDMENT (FAMILY PARTICIPATION MEASURES) BILL 2011**

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—Mr Katter and Mr Bandt dissenting—bill read a second time.

*Consideration in detail*

Bill, by leave, taken as a whole.

Ms Ley, by leave, moved Opposition amendments (1) and (2) together.

Debate continued.

Amendments negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Bowen (Minister for Immigration and Citizenship), by leave, the bill was read a third time.

**49 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT AMENDMENT (TRANSITION TO FAIR WORK) BILL 2011**

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 Brodtmann addressing the House—

**50 ADJOURNMENT**

It being 7 p.m.—The question was proposed—That the House do now adjourn.

Debate ensuing—

*Petition*

Ms O'Dwyer presented the following petition approved by the Standing Committee on Petitions:

Broadcasting of lawn bowls on free-to-air television—37,374 petitioners.

Debate continuing—

*Petition*

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

Importation of primates for research purposes—10,364 petitioners.

Debate continued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until 9 a.m. tomorrow.

**DOCUMENTS**

The following documents were deemed to have been presented on 23 November 2011:

A New Tax System (Family Assistance) (Administration) Act—Determination—2011 Child care benefit (Breach of conditions for continued approval)—Amendment (No. 1) [F2011L02393].

Civil Aviation Act—Civil Aviation Safety Regulations—Manual of Standards—Part 147—2011 Amendment (No. 2) [F2011L02392].

Defence Act—Section 51X—Utilisation of the Defence Force in relation to the visit by the President of the United States of America—Operation Norwich—Report, 21 November 2011 and order, 3 November 2011.

Environment Protection and Biodiversity Conservation Act—Instruments under section 303DC—14 November 2011 [2] [F2011L02398], [F2011L02399].

Federal Financial Relations Act—Determination under section 16—National partnership payments—2011 No. 41 [F2011L02391].

Higher Education Support Act—VET provider—Notice of approval—2011 No. 21 [F2011L02394].

Lands Acquisition Act—Statement under section 125—November 2011.

Personal Property Securities Act—

Determinations—2011—

Migrated security interests and effective registration [F2011L02395].

Migration time and registration commencement time [F2011L02397].

Regulations—Select Legislative Instrument—2011 No. 176 [F2011L02030]—Revised explanatory statement.

Veterans' Entitlements Act—Principles—2011 Family law affected income stream [F2011L02396].

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#### **ATTENDANCE**

All Members attended (at some time during the sitting) except \*Mr Ciobo, Mr Haase, Mr McClelland and \*Mr K. J. Thomson.

\* On leave

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

2010-11

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

No. 82

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 23 NOVEMBER 2011

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1 A division having been called in the House, the Main Committee met at 9.33 a.m.

2 **MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements were made.

3 **BUSINESS NAMES REGISTRATION (APPLICATION OF CONSEQUENTIAL AMENDMENTS) BILL 2011**

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

*Document*

Mr Bradbury (Parliamentary Secretary to the Treasurer) presented an explanatory memorandum to the bill.

Mr Bradbury 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 **POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 1, government business, be postponed until a later hour this day.

5 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—PARLIAMENTARY JOINT 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 Parke—That the House take note of the document (*presented on 21 November 2011*), viz.—

Australian Commission for Law Enforcement Integrity—Parliamentary Joint Committee—Inquiry into integrity testing—Report, November, 2011—

Debate resumed.

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*Suspension of meeting*

At 10.52 a.m., the Deputy Speaker left the Chair due to the lack of a quorum.

*Resumption of meeting*

At 10.57 a.m., the Deputy Speaker resumed the Chair, and a quorum being present—

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Debate continued.

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

**6 INFRASTRUCTURE AND 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 Bird—That the House take note of the document (*presented on 21 November 2011*), viz.—

Infrastructure and Communications—Standing Committee—Finding the right balance: Cabin crew ratios on Australian aircraft—Report, incorporating a dissenting report, October 2011—

Debate resumed.

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

**7 ADJOURNMENT**

Mr Husic moved—That the Main Committee do now adjourn.

Debate ensuing—

*Document*

Mr Hayes, by leave, presented the following document:

Parliamentary Joint Committee on Law Enforcement—Study leave report—Europe, 23 September to 10 October 2011—Mr Chris Hayes MP.

Debate continued.

Question—put and passed.

At 1 p.m., the Deputy Speaker adjourned the Main Committee until 9.30 a.m. tomorrow.

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**DAVID ELDER**  
Clerk of the Main Committee