

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 38

MONDAY, 1 SEPTEMBER 2008

1 The House met, at 12 noon, pursuant to adjournment. The Speaker (Mr Jenkins) took the Chair, and read Prayers.

2 **PRIVATE MEMBERS' MOTIONS—PRESENTED BY SPEAKER**

The Speaker presented copies of the terms of the following private Members' motions:

Ms Vamvakinou—Palestinian-Israeli conflict (*see item No. 3, Minutes of Proceedings of the Main Committee*).

Mr Randall—Franchisees (*see item No. 4, Minutes of Proceedings of the Main Committee*).

Mr Ripoll—Infrastructure.

In accordance with standing order 41(h) the motions were made orders of the day and referred to the Main Committee.

3 **MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2008**

Message No. 101, 28 August 2008, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the law relating to migration, and for other purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

4 **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—*And on the amendment moved thereto by Mr Dutton, viz.*—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 resumed.

Mrs Hull addressing the House—

It being 2 p.m., the debate was interrupted in accordance with standing order 97, 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 a later hour this day.

5 **QUESTIONS**

Questions without notice were asked.

6 **REFORM OF EMPLOYMENT SERVICES IN AUSTRALIA—MINISTERIAL STATEMENT**

Mr O'Connor (Minister for Employment Participation), by leave, made a ministerial statement relating to the reform of employment services in Australia.

Suspension of standing and sessional orders—Time for speech

Mr O'Connor, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Dr Southcott speaking for a period not exceeding sixteen minutes.

Question—put and passed.

Dr Southcott addressed the House.

7 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—*And on the amendment moved thereto by Mr Dutton (see item No. 4, page 485)*—

Debate resumed.

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

A division having been called for, in accordance with standing order 133 the division was deferred until 8 p.m.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

8 MESSAGE FROM THE SENATE

Message No. 105, 1 September 2008, from the Senate was reported informing the House that Senator Fielding had been appointed a member of the Parliamentary Joint Committee on the Australian Crime Commission.

9 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (EMERGENCY RESPONSE CONSOLIDATION) 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 Mr Abbott, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House questions the approach reflected in this bill and:

- (1) calls on the federal Government to impose a blanket ban on all pornographic material in prescribed areas;
- (2) calls on the federal Government to prohibit the transport of pornographic material through any prescribed area; and
- (3) urges the federal Government to leave in place the permit system amendments that have enabled access to public land”—

Debate resumed.

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

A division having been called for, in accordance with standing order 133 the division was deferred until 8 p.m.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

10 HORSE DISEASE RESPONSE LEVY 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.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

11 TRADE PRACTICES LEGISLATION AMENDMENT BILL 2008—DEFERRED DIVISION

The order of the day having been read for the further consideration of the bill—

The following question, on which a division had been called for and deferred in accordance with standing order 133, was put, *viz.*—

Question—That the words proposed to be omitted stand part of the question (*see item No. 7, p. 486*)

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

AYES, 72

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

NOES, 55

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

* Tellers

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.

Leave granted for third reading to be moved immediately.

On the motion of Mr Murphy (Parliamentary Secretary to the Minister for Trade), the bill was read a third time.

12 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (EMERGENCY RESPONSE CONSOLIDATION) BILL 2008—DEFERRED DIVISION

The order of the day having been read for the further consideration of the bill—

The following question, on which a division had been called for and deferred in accordance with standing order 133, was put, *viz.*—

Question—That the words proposed to be omitted stand part of the question (*see item No. 9, p. 486*)

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

AYES, 72

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

NOES, 57

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

* Tellers

And so it was resolved in the affirmative.

It being past 8.30 p.m., the debate was interrupted in accordance with standing order 34, and the resumption of the debate made an order of the day for the next sitting.

13 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 the petitions.

14 EMERGENCY ASSISTANCE FUND FOR THE LOWER LAKES AND COORONG REGION OF SOUTH AUSTRALIA BILL 2008

Dr Nelson (Leader of the Opposition), pursuant to notice, presented a Bill for an Act concerning the provision of emergency assistance for the communities of the Lower Lakes and Coorong region of South Australia.

Document

Dr Nelson presented an explanatory memorandum to the bill.

Dr Nelson made a statement in relation to the bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting, in accordance with standing order 41.

15 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE—REPORTS—STATEMENT BY MEMBER

Ms Grierson (Chair) presented the following documents:

Public Accounts and Audit—Joint Committee—

Report 411—Progress on equipment acquisition and financial reporting in Defence—Report, August 2008.

Report 412—Audit reports reviewed during the 41st Parliament—Report, August 2008.

Ordered—That the reports be made Parliamentary Papers.

Ms Grierson made a statement in connection with the reports.

16 PRIMARY INDUSTRIES AND RESOURCES—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF DOCUMENT—REFERENCE TO MAIN COMMITTEE

Mr Adams (Chair) presented the following documents:

Primary Industries and Resources—Standing Committee—Down Under: Greenhouse Gas Storage—Review of the draft Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill—

Report, August 2008.

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—

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 moved—That the order of the day be referred to the Main Committee for debate.

Question—put and passed.

17 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Secker presented the following documents:

National Capital and External Territories—Joint Standing Committee—The Way Forward: Inquiry into the role of the National Capital Authority—

Report, July 2008.

Minutes of proceedings.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

18 CORPORATIONS AND FINANCIAL SERVICES—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Ripoll (Chair) presented the following documents:

Corporations and Financial Services—Parliamentary Joint Committee—Statutory oversight of the Australian Securities and Investments Commission—

Report, August 2008.

Evidence received by the committee.

Report ordered to be made a Parliamentary Paper.

Statements in connection with the report were made.

19 URANIUM SALES TO INDIA

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

- (1) recognises the strategic importance of India to 21st century global geo-politics; and
- (2) encourages the Australian Government to reverse its short-sighted decision to cancel Australia's uranium sales to India.

Debate ensued.

Mr Dreyfus addressing the House—

20 ADJOURNMENT

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

Debate ensued.

The House continuing to sit until 10 p.m.—The Speaker adjourned the House until 2 p.m. tomorrow.

DOCUMENTS

The following documents were deemed to have been presented on 1 September 2008:

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives under Part 39-105—AD/EC 225—No. 3 [F2008L03223].

AD/HU 369—No. 121—Amendment (No. 1) [F2008L03242].

AD/S-PUMA—No. 78—Amendment (No. 1) [F2008L03222].

Corporations Act—Accounting standards—2008 Amendment AASB 7 [F2008L03231].

Customs Act—Orders—

Tariff Concession—2008 Nos 0720625, 0802394, 0802555, 0802666, 0802771, 0802963, 0803010, 0803237, 0803243, 0803608, 0803626, 0803925, 0804296, 0804311, 0804335, 0804345, 0804348, 0804353, 0804357, 0804363, 0804764, 0806087, 0807192, 0807510, 0807796, 0807826, 0807949, 0807953, 0808248, 0808249, 0809125, 0809131, 0809365 [F2008L03198], [F2008L03011], [F2008L03199], [F2008L03200], [F2008L03201], [F2008L03203], [F2008L03204], [F2008L03099], [F2008L03098], [F2008L03205], [F2008L03206], [F2008L03105], [F2008L03093], [F2008L03094], [F2008L03090], [F2008L03092], [F2008L03088], [F2008L03089], [F2008L03086], [F2008L03087], [F2008L03225], [F2008L03109], [F2008L03154], [F2008L03134], [F2008L03159], [F2008L03158], [F2008L03157], [F2008L03127], [F2008L03163], [F2008L03162], [F2008L03149], [F2008L03148], [F2008L03211].

Tariff Concession Revocation—2008 Nos 64, 65, 66, 68, 69 [F2008L03212], [F2008L03213], [F2008L03214], [F2008L03216], [F2008L03217].

Financial Management and Accountability Act—Determinations transferring appropriations—2008 Nos 64, 65 [F2008L03218], [F2008L03221].

Taxation Administration Act—

Determination—2008 GSTD No. 2.

Rulings—

1994—TR No. 12 [Withdrawal].

2007—FTR No. 1 (Addendum).

2008—

CR—No. 55.

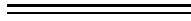
TR—Nos 5, 6, 7.

Therapeutic Goods Act—Standard—Poisons—2008 Amendment (No. 2) [F2008L03261].

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Butler, Ms King*, Mr Laming, Mr McMullan, Mrs Mirabella*, Mrs Vale and Mr Zappia.

* On leave



I. C. HARRIS
Clerk of the House of Representatives

2008

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 38

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

MONDAY, 1 SEPTEMBER 2008

1 The Main Committee met at 6.42 p.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 PALESTINIAN–ISRAELI CONFLICT

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

- (1) recognises the social, economic and human cost of the current Palestinian Israeli conflict;
- (2) notes the broader implications of the Palestinian Israeli conflict in terms of regional stability as well as diplomatic relations in the Middle East;
- (3) condemns all forms of violence as an obstacle to peace;
- (4) supports the renewal of diplomatic efforts to negotiate a just and lasting peace and recognises the efforts of the Quartet led Road Map to peace in the Middle East;
- (5) notes the Middle East peace initiative formally announced by Saudi Arabia's Crown Prince Abdullah during a meeting of the Arab League Summit in Beirut in March 2003;
- (6) acknowledges that a negotiated settlement to the Palestinian Israeli conflict must necessarily involve both parties reaching agreement on final status issues, including the status of Jerusalem, the Right of Return for Palestinian refugees, settlements, security, borders and water;
- (7) supports the Australian Government's recent decision to increase Australia's development assistance program to the Palestinian Territories; and
- (8) believes that Australia has an important role to play as a middle power in encouraging peace initiatives between Palestinians and Israelis that are consistent with Australia's commitment to multilateral diplomacy, responsible international citizenship and the principles of international law (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

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.

4 FRANCHISEES

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

- (1) recognises the severe financial distress and hardship faced by a number of current and former franchisees throughout Australia as a direct result of franchisor conduct;
- (2) acknowledges that franchisors must be held accountable for their unconscionable conduct, including non disclosure, through a more stringent and determined application of existing Trade Practices legislation;

- (3) notes that there are many franchisees that have no adequate or available means to redress their grievances without recourse or expensive and often unaffordable litigation; and
- (4) considers the introduction of provisions, similar to those available in industrial relations legislation, for mediation, conciliation and arbitration, at no cost to the franchisee (*see item No. 2, Votes and Proceedings*)—

Debate resumed.

Document

Mr Randall, by leave, presented the following document:

Mediation between franchisor and franchisee—Copy of email from Sue Brown to Mr Randall's office, 1 September 2008.

Debate continued.

Suspension of meeting

At 8.11 p.m. a division having been called in the House, the proceedings were suspended.

Resumption of meeting

At 8.35 p.m. the proceedings were resumed.

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.

5 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.

The time allotted for the debate having expired—

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

6 ADJOURNMENT

On the motion of Ms Hall, the Main Committee adjourned at 9.36 p.m.

The Deputy Speaker fixed 9.30 a.m. on Wednesday, 3 September 2008 for the next meeting of the Main Committee.

B. C. WRIGHT
Clerk of the Main Committee