

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 47

TUESDAY, 23 SEPTEMBER 2008

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (Mr Jenkins) took the Chair, and read Prayers.

**2 MINISTERIAL ARRANGEMENTS**

Ms Gillard (Acting Prime Minister) informed the House that, during the absence overseas of Mr Rudd (Prime Minister), she would answer questions on his behalf.

**3 QUESTIONS**

Questions without notice being asked—

*Suspension of standing and sessional orders moved*

Mr Turnbull (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition from moving immediately—That the House of Representatives:

- (1) recognises that the Prime Minister and his Government:
  - (a) have acknowledged that it is virtually impossible for single age pensioners to meet essential expenses on the current pension rate, yet have refused to act and instead expect struggling pensioners to wait until yet another review is completed; and
  - (b) have a responsibility to act immediately to ensure that the entire pension payment system appropriately addresses these pressures;
- (2) affirms the urgency of the Coalition's pension bill in proposing to:
  - (a) increase the single age pension, single age service pension and the Widow B pension by \$30 per week;
  - (b) provide immediate relief to single age pensioners, single age service pensioners and Widow B pensioners struggling with the rising cost of living pressures; and
  - (c) provide the first step in ensuring that the Government acts immediately and accepts its responsibilities to take the urgent action required to assist all pensioners;
- (3) demands that the Government:
  - (a) allow the Opposition proposal to be debated immediately and in doing so, reflect the will of the Senate in passing the Urgent Relief for Single Age Pensioners Bill 2008 last night; and
  - (b) recognise the urgency of the Coalition's bill and support its enactment without further delay; and
- (4) should it refuse to deal with the Coalition's bill, demands that the Acting Prime Minister immediately introduce the Urgent Relief for Single Age Pensioners Bill 2008 in the House of Representatives with full knowledge that it will pass through this place and through the Senate.

Debate ensued.

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, 57

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

NOES, 78

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

\* Tellers

*Pairs*

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

And so it was negatived.

Questions without notice continued.

## 4 DOCUMENTS

Mr Swan (Treasurer) added to an answer to a question without notice and presented the following documents:

U.S. bailout plan calms markets, but struggle looms over details—Article from the *Wall Street Journal*, 20 September 2008.

Response to ministerial statement on the economy—Extract from *House of Representatives Hansard*—Ms J. Bishop, 22 September 2008.

#### 5 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 3 of 2008–2009—Performance audit—Establishment and management of the Communications Fund: Department of Broadband, Communications and the Digital Economy; Department of Finance and Deregulation.

Ordered to be made a Parliamentary Paper.

#### 6 DOCUMENT

The following document was presented:

*Surveillance Devices Act 2004*—Commonwealth Ombudsman's report on inspections of surveillance device records for the periods 1 January to 30 June 2007—Australian Crime Commission and New South Wales Police.

#### 7 GOOGONG DAM—MINISTERIAL STATEMENT

Mr Tanner (Minister for Finance and Deregulation), by leave, made a ministerial statement relating to Googong Dam.

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

Mr Tanner, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Robb speaking for a period not exceeding eight minutes.

Question—put and passed.

Mr Robb addressed the House.

#### 8 DEFENCE MORTIMER REVIEW—MINISTERIAL STATEMENT

Mr Fitzgibbon (Minister for Defence), by leave, made a ministerial statement relating to the Defence Mortimer Review.

*Document*

Mr Fitzgibbon presented the following document:

Going to the next level: The report of the Defence procurement and sustainment review, 18 September 2008.

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

Mr Fitzgibbon, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Baldwin speaking for a period not exceeding twenty minutes.

Question—put and passed.

Mr Baldwin addressed the House.

#### 9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC AND FINANCIAL CHALLENGES

The House was informed that Ms J. Bishop (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's failure to provide leadership on the economic and financial challenges facing Australia".

The proposed discussion having received the necessary support—

Ms J. Bishop addressed the House.

Discussion ensued.

The time allotted under standing order 1 having expired, the discussion was interrupted.

#### 10 MESSAGE FROM THE SENATE—URGENT RELIEF FOR SINGLE AGE PENSIONERS BILL 2008

Message No. 118, 22 September 2008, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986* to increase payments to single age pensioners by \$30 per week, and for related purposes.

*Constitutional provisions and House practice in respect of money bills—Statement by Speaker and document*

The Speaker made a statement concerning constitutional provisions and House practice in respect of money bills and presented a copy of the advice he had received from the Clerk of the House. Copies of the advice had been provided to the Leader of the House and the Leader of the Opposition.

The Speaker stated that the issue had been the subject of considerable discussion for several days.

The bill transmitted by the Senate does give rise to some important issues in terms of the role and responsibilities of the House of Representatives.

The advice presented by the Speaker goes into the interpretation and application of the constitutional provisions, particularly those set out in sections 53 and 56 of the Constitution and the practice of the House in these matters.

As the Speaker understands it, this bill provides for increases in payments that are funded by means of standing appropriations in the Social Security (Administration) Act and the Veterans' Entitlements Act.

The Speaker understands further that the practice has been that such bills originate in the House, and that they require a message from the Governor-General in accordance with section 56 of the Constitution.

Mr Albanese (Leader of the House) moved—That the House:

- (1) notes the statement of the Speaker concerning the constitutional issues associated with this bill;
- (2) is of the opinion that a bill which is intended to have the effect, and which would, if enacted, have the effect of increasing expenditure under a standing appropriation:
  - (a) should be introduced in the House of Representatives; and
  - (b) would require a message from the Governor-General in accordance with section 56 of the Constitution; and
- (3) believes that it is not in accordance with the constitutional provisions concerning the powers of the houses in respect of legislation as they have been applied in the House for such a measure to have originated in the Senate, and therefore declines to consider the Urgent Relief for Single Age Pensioners transmitted from the Senate.

Mr Pyne moving an amendment—

*Closure*

Mr Albanese moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 78

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

## NOES, 55

Mr Andrews	Mr Hartsuyker	Mr Morrison	Mr Simpkins
Fran Bailey	Mr A. G. Hawke	Mrs Moylan	Mr Slipper
Mr Baldwin	Mr D. P. M. Hawker	Dr Nelson	Mr A. D. H. Smith
Mr Billson	Mrs Hull*	Mr Neville	Mr Somlyay
Mrs B. K. Bishop	Mr Hunt	Mr Oakeshott	Dr Southcott
Ms J. I. Bishop	Mr Irons	Mr Pyne	Dr Stone
Mr Broadbent	Dr Jensen	Mr Ramsey	Mr Truss
Mr Chester	Mr Johnson*	Mr Randall	Mr Tuckey
Mr Ciobo	Mr Keenan	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 Windsor
Mr Georgiou	Mrs Markus	Mr Scott	Mr Wood
Mr Haase	Mrs May	Mr Secker	

\* Tellers

*Pairs*

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

And so it was resolved in the affirmative.

And the question—That the motion moved by the Leader of the House be agreed to—being accordingly put—

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

## AYES, 78

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

## NOES, 56

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

\* Tellers

*Pairs*

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

And so it was resolved in the affirmative.

**11 BILL REFERRED TO MAIN COMMITTEE**

Mr Price (Chief Government Whip), by leave, moved—That the Australian Organ and Tissue Donation and Transplantation Authority Bill 2008 be referred to the Main Committee for further consideration.

Question—put and passed.

**12 MESSAGE FROM THE SENATE**

Message No. 119, 23 September 2008, from the Senate was reported informing the House that Senator Cormann had been discharged from attendance on the Joint Standing Committee on Foreign Affairs, Defence and Trade, and Senator Johnston had been appointed a member of the committee.

**13 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.

Mr Butler addressing the House—

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#### 14 ADJOURNMENT

It being 8.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

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

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#### DOCUMENTS

The following documents were deemed to have been presented on 23 September 2008:

Aged Care Act—

Determinations under—

section 44-5A—2008 ACA Ch. 3 No. 23 [F2008L03508].

section 44-6—2008 ACA Ch. 3 No. 24 [F2008L03509].

section 44-12—2008 ACA Ch. 3 No. 25 [F2008L03510].

section 44-16—2008—

ACA Ch. 3 No. 26 [F2008L03511].

ACA Ch. 3 No. 27 [F2008L03512].

ACA Ch. 3 No. 29 [F2008L03514].

section 44-28—2008 ACA Ch. 3 No. 28 [F2008L03513].

Principles under section 96-1—2008 User rights—Amendment (No. 2) [F2008L03516].

Civil Aviation Act—Regulations—Select Legislative Instrument—2008 No. 192 [F2008L03483].

Corporations Act—Regulations—Select Legislative Instrument—2008 No. 194 [F2008L03458].

Defence Act—Regulations—Select Legislative Instrument—2008 No. 184 [F2008L03462].

Defence (Visiting Forces) Act—Regulations—Select Legislative Instrument—2008 No. 187 [F2008L03468].

Defence Force Discipline Act—

Regulations—Select Legislative Instrument—2008 No. 185 [F2008L03463].

Rules—Select Legislative Instrument—2008 No. 196 [F2008L03493].

Defence Force Discipline Appeals Act—Regulations—Select Legislative Instrument—2008 No. 186 [F2008L03464].

Health Insurance Act—Determinations under section 3—2008—

Nos HIB 11, HIB 12, HIB 13, HIB 14, HIB 16, HIB 17 [2008L03498], [F2008L03499], [F2008L03500], [F2008L03501], [F2008L03503], [F2008L03504].

Private Health Insurance Act—Rules—2008—

Benefit requirements—Amendment (No. 3) [F2008L03505].

Complying product—Amendment (No. 2) [F2008L03506].

Taxation Administration Act—

Determinations—2008—TD No. 22 (Erratum).

Rulings—2008—

CR—Nos 58, 59.

PR—No. 64.

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**ATTENDANCE**

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

\* On leave

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**I. C. HARRIS**  
Clerk of the House of Representatives



2008

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

No. 47

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**TUESDAY, 23 SEPTEMBER 2008**

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1 The Main Committee met at 4 p.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.

*Document*

Mr Irons, by leave, presented the following document:

Road funding—'Federal Labor will fix John Howard's \$92 million funding shortfall on Great Eastern Highway'—Joint media release by Mr M. J. Ferguson, Mr Wilkie and Ms Jackson, 29 October 2007.

Debate continued.

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*Suspension of meeting*

At 6.01 p.m., a division having been called in the House, the proceedings were suspended.

*Resumption of meeting*

At 6.20 p.m., the proceedings were resumed.

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Debate continued.

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

4 **ADJOURNMENT**

On the motion of Mr Melham, the Main Committee adjourned at 6.30 p.m.

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

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