

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 69

THURSDAY, 4 DECEMBER 2008

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- 1 The House met, at 9 a.m., pursuant to adjournment. The Speaker (Mr Jenkins) took the Chair, and read Prayers.
- 2 **MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED ADDITIONAL EXPENDITURE AND APPROPRIATION FOR YEAR 2008-2009—APPROPRIATION BILL (NO. 3) 2008-2009**
Message No. 124, 25 November 2008, from Her Excellency the Governor-General was announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the purposes of Appropriation Bill (No. 3) 2008-2009.
Mr Tanner (Minister for Finance and Deregulation) presented a Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.
Bill read a first time.
Mr Tanner 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.
- 3 **MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED ADDITIONAL EXPENDITURE FOR YEAR 2008-2009—APPROPRIATION BILL (NO. 4) 2008-2009**
Message No. 125, 25 November 2008, from Her Excellency the Governor-General was announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the purposes of Appropriation Bill (No. 4) 2008-2009.
Mr Tanner (Minister for Finance and Deregulation) presented a Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.
Bill read a first time.
Mr Tanner 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.
- 4 **TAX LAWS AMENDMENT (TAXATION OF FINANCIAL ARRANGEMENTS) BILL 2008**
Mr Bowen (Assistant Treasurer) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.
Document
Mr Bowen presented an explanatory memorandum to the bill.
Bill read a first time.
Mr Bowen 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.

5 MESSAGE FROM THE SENATE—BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2008

Message No. 188, 3 December 2008, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the law relating to broadcasting, and for other purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for a later hour this day.

6 SUSPENSION OF STANDING ORDERS 31 AND 33

Mr Albanese (Leader of the House), pursuant to notice, moved—That standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business) be suspended for this sitting.

Debate ensued.

Question—put and passed.

7 PRIVILEGE—ALLEGED UNAUTHORISED DISCLOSURE OF COMMITTEE REPORT

Mr Raguse (Chair—Committee of Privileges and Members' Interests) referred to the matter of privilege raised on 23 October 2008, in relation to the alleged unauthorised disclosure of the details of the committee's report entitled "Report on the issue of the exchange between the Member for Robertson and the Member for Indi on 28 May 2008 and the subsequent withdrawal and apology by the Member for Robertson on 29 May 2008".

Mr Raguse reported that the committee had considered the matter in accordance with the Speaker's request and had concluded that an unauthorised disclosure had occurred, but that the unauthorised disclosure had had no effect on the immediate inquiry conducted by the committee. Mr Raguse reported that the committee would take the matter into account in its review of the committee's procedures.

8 PRIVILEGES AND MEMBERS' INTERESTS COMMITTEE—DOCUMENT

Mr Raguse (Chair) presented the following document:

Privileges and Members' Interests Committee—Register of Members' Interests for the 42nd Parliament—Notifications of alterations of interests and statements of registrable interests received during the period 25 June to 3 December 2008.

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

Ms Grierson (Chair) presented the following document:

Public Accounts and Audit—Joint Committee—Report 413—The efficiency dividend and small agencies: Size does matter—Report, December 2008.

Ordered to be made a Parliamentary Paper.

Ms Grierson, by leave, made a statement in connection with the report.

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

Question—put and passed.

10 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr K. J. Thomson (Chair) presented the following document:

Treaties—Joint Standing Committee—Report 97: Treaties tabled on 16 September 2008—Report, December 2008.

Ordered to be made a Parliamentary Paper.

Mr K. J. Thomson, by leave, made a statement in connection with the report.

11 FAIR WORK 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 (Ms Roxon—Minister for Health and Ageing), and the resumption of the debate made an order of the day for a later hour this day.

12 NATIONAL SECURITY—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF DOCUMENT

Mr Rudd (Prime Minister), by leave, made a ministerial statement relating to national security and presented the following document:

National security statement—Speech to the Parliament by the Prime Minister, 4 December 2008.

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

Suspension of standing and sessional orders—Time for speech

Mr Albanese, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Turnbull (Leader of the Opposition) speaking for a period not exceeding 40 minutes.

Question—put and passed.

Mr Turnbull addressed the House.

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

Mr Byrne (Parliamentary Secretary to the Prime Minister) moved—That the order of the day be referred to the Main Committee for debate.

Question—put and passed.

13 FAIR WORK 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 (Mr Albanese—Leader of the House), and the resumption of the debate made an order of the day for a later hour this day.

14 DEATH OF FORMER MEMBER (THE HONOURABLE FRANCIS (FRANK) DANIEL CREAN)—CONDOLENCE MOTION—REPORT FROM MAIN COMMITTEE

The Speaker reported that the order of the day relating to the Prime Minister's motion of condolence in connection with the death of the Honourable Francis (Frank) Daniel Crean had been debated in the Main Committee and returned to the House, and presented a certified copy of the motion.

Ordered—That further proceedings be made an order of the day for a later hour this day.

15 SUSPENSION OF STANDING AND SESSIONAL ORDERS—CONDOLENCE MOTION

Mr Albanese (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent:

- (1) the report from the Main Committee relating to the condolence motion on the death of the Honourable Frank Crean being considered at 2 p.m.;
- (2) the Member for Hotham and the Member for Berowra speaking to the motion; and
- (3) at the conclusion of the consideration of the motion, question time proceeding.

Question—put and passed.

16 DEATH OF FORMER MEMBER (THE HONOURABLE FRANCIS (FRANK) DANIEL CREAN)—MOTION OF CONDOLENCE

The order of the day having been read for the resumption of the debate on the motion of Mr Rudd (Prime Minister)—That the House record its deep regret at the death, on 2 December 2008, of the Honourable Frank Crean, former Federal Treasurer and Deputy Prime Minister of the Commonwealth of Australia, and place on record its appreciation of his long public service and tender its profound sympathy to his family in their bereavement—

Debate resumed.

All Members present having risen, in silence—

Question—passed.

17 QUESTIONS

Questions without notice being asked—

Documents

Ms Gillard (Minister for Education) presented the following documents:

Australian Curriculum, Assessment and Reporting Authority Bill 2008—Summing up speech, House of Representatives, 26 November 2008.

Schools Assistance Bill 2008—

Amendments made by the Senate—Senate amendment No. 4—Extract from House of Representatives statement of reasons for disagreement with certain proposed amendments, 3 December 2008.

Commitment on record to curriculum flexibility—Extract from second reading speech by Minister for Education, 21 October 2008.

Consideration of—

Liberal amendments in the House of Representatives—Extract from speech by Minister for Education, 21 October 2008.

Senate message—Extract of speech by the Minister for Education, 3 December 2008.

E&OE transcript—Transcripts of—

ABC Adelaide interview, 8.30 a.m. Monday, 1 December 2008.

ABC Radio National breakfast interview, 7.30 a.m. Tuesday, 2 December 2008.

ABC2 News breakfast interview, 8.40 a.m. Thursday, 4 December 2008.

World class national curriculum essential element of bill—Media release by the Minister for Education.

2008 Curriculum Corporation Conference, Melbourne, 10 November 2008—Copy of speech by Minister for Education.

Questions without notice continued.

18 DOCUMENT—STATEMENT BY SPEAKER

The Speaker presented the following document:

Committee reports—Schedule of Government responses to the reports of House of Representatives and joint committees, for the period 26 June to 4 December 2008, and reports presented to which responses are outstanding, 4 December 2008.

The Speaker made a statement in connection with the document.

19 DOCUMENT

Mr Albanese (Leader of the House) presented the following document:

Committee reports—Government responses to parliamentary committee reports—Response to the schedule tabled by the Speaker on 26 June 2008.

Mr Albanese, by leave, made a statement in connection with the document.

20 AUDITOR-GENERAL'S REPORT

The Speaker presented the following document:

Auditor-General—Audit report No. 11 of 2008–2009—Performance audit—Disability employment services: Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations.

Ordered to be made a Parliamentary Paper.

21 DOCUMENTS

The following documents were presented:

Department of Defence—Special purpose flights—Schedule for the period January to June 2008.

Department of Finance and Deregulation—Reports—

Former parliamentarians' travel paid by the department for the period January to June 2008.

Parliamentarians' overseas study travel reports for the period January to June 2008.

Parliamentarians' travel paid by the department for the period January to June 2008.

Economics, Finance and Public Administration—Standing Committee—Report—Servicing our future—Inquiry into the current and future directions of Australia’s services export sector—Government response.

Finance—Mid-year economic and fiscal outlook for 2008-09.

Fisheries Research and Development Corporation—Report for 2007-08.

Health and Ageing—Standing Committee—Report—The best start: Report on the inquiry into the health benefits of breastfeeding—Government response, December 2008.

National Rural Advisory Council—Report for 2006-07.

Treaties—Multilateral—Explanatory statements—2008—

No. 6—Amendment, adopted 17 November 2008, to annex I of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping in Sport of 19 October 2005.

No. 7—Amendment, adopted 17 November 2008, to annex II of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping in Sport of 19 October 2005.

Water Amendment Bill 2008—Further supplementary explanatory memorandum.

Workplace Ombudsman—Report for 2007-08.

22 DOCUMENTS—MOTION TO TAKE NOTE OF DOCUMENTS

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

Finance—Mid-year economic and fiscal outlook for 2008-09.

Water Amendment Bill 2008—Further supplementary explanatory memorandum.

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

23 DOCUMENTS

Mr Tanner (Minister for Finance and Deregulation) presented the following documents:

Appropriation Bill (No. 3) 2008-2009—Explanatory memorandum.

Appropriation Bill (No. 4) 2008-2009—Explanatory memorandum.

24 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC STRATEGY

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 decision to put political strategy before economic strategy, resulting in a war on inflation that exacerbated the economic slowdown, and its active consideration of plunging the Commonwealth into debt to bail out incompetent State governments”.

The proposed discussion having received the necessary support—

Ms J. Bishop addressed the House.

Discussion ensued.

Discussion concluded.

25 MESSAGES FROM THE SENATE

Messages from the Senate, 4 December 2008, were reported:

(a) returning the Water Amendment Bill 2008 and informing the House that the Senate does not insist upon its amendments Nos 2 to 8, 10, 11 and 13 to 15 disagreed to by the House of Representatives, and has agreed to the amendment made by the House to Senate amendment No. 16—Message No. 189; and

(b) returning the Schools Assistance Bill 2008 and informing the House that the Senate does not insist on its amendment No. 4 disagreed to by the House—Message No. 190.

26 FAIR WORK 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 (Mr Perrett), and the resumption of the debate made an order of the day for a later hour this day.

27 PUBLICATIONS COMMITTEE—REPORT

Mr Hayes (Chair) presented the following document:

PUBLICATIONS COMMITTEE REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate. Having considered documents presented to the Parliament since 13 November, it recommends that the following be made Parliamentary Papers:

Administrative Review Council—Report No. 49—Administrative accountability in business areas subject to complex and specific regulation, November 2008.

Aged Care Act 1997—Report on the operation of the Act for 2007-08.

Anglo-Australian Telescope Board—Report for 2007-08.

Australian Fisheries Management Authority—Report for 2007-08.

Commonwealth Ombudsman—Activities under Part V of the *Australian Federal Police Act 1979*—Report for 2007-08.

Department of Immigration and Citizenship—Report for 2007-08—Corrections.

Equal Opportunity for Women in the Workplace Agency—Report for 2007-08.

Great Barrier Reef Marine Park Authority—Report for 2007-08.

Murray-Darling Basin Commission—Report for 2007-08.

National Health and Medical Research Council—Report for 2007-08.

Remuneration Tribunal—Report for 2007-08.

Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004—Report on financial assistance granted to each State in respect of 2007.

Screenrights—Report for 2007-08.

Sugar Research and Development Corporation—Report for 2007-08.

CHRIS HAYES MP

Chair

4 December 2008

On the motion of Mr Hayes, by leave, the report was agreed to.

28 FAIR WORK BILL 2008

The order of the day having been read for the resumption of the debate on the question—That the bill be now read a second time—

Debate resumed.

Question—put and passed—bill read a second time.

Message from the Governor-General

Message No. 116, 25 November 2008, from Her Excellency the Governor-General was announced recommending an appropriation for the purposes of the bill.

Leave granted for third reading to be moved immediately.

On the motion of Ms Gillard (Minister for Employment and Workplace Relations), the bill was read a third time.

29 LEAVE OF ABSENCE TO ALL MEMBERS

Mr Albanese (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Debate ensued.

Question—put and passed.

30 SUSPENSION OF SITTING

At 8.18 p.m. the Speaker left the Chair.

31 RESUMPTION OF SITTING

The Speaker resumed the Chair at 8.30 p.m.

32 BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2008

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

Document

Mr Gray (Parliamentary Secretary for Regional Development and Northern Australia) presented a revised explanatory memorandum to the bill.

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

Debate, by leave, ensued.

Mr Billson was granted leave to continue his speech when the debate is resumed.

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

33 MESSAGE FROM THE SENATE—SAFE WORK AUSTRALIA BILL 2008

Message No. 195, 4 December 2008, from the Senate was reported returning the Safe Work Australia Bill 2008 and informing the House that the Senate had considered message No. 197 of the House relating to the bill and again insists on its amendments disagreed to by the House and desires the reconsideration of the bill by the House in respect of the amendments.

On the motion of Ms Gillard (Minister for Employment and Workplace Relations), the bill was laid aside, after debate.

34 MESSAGES FROM THE SENATE

Messages from the Senate, 4 December 2008, were reported:

- (a) informing the House that Senator Hanson-Young had been appointed a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade—Message No. 191; and
- (b) returning the COAG Reform Fund Bill 2008 without amendment—Message No. 194.

35 BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) 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.

Mr Billson was granted leave to continue his speech when the debate is resumed.

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

36 MESSAGE FROM THE SENATE—ROAD CHARGES LEGISLATION REPEAL AND AMENDMENT BILL 2008

Message No. 197, 4 December 2008, from the Senate was reported returning the Road Charges Legislation Repeal and Amendment Bill 2008 with requests for amendments.

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

Mr Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government) moved—That the requested amendments be made.

Debate ensued.

Mr Albanese addressing the House—

Closure moved

Mr Truss (Leader of the Nationals) moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 45

Fran Bailey	Mrs Hull*	Mrs Mirabella	Mr Simpkins
Mr Billson	Mr Hunt	Mr Morrison	Mr Somlyay
Mrs B. K. Bishop	Mr Irons	Dr Nelson	Dr Southcott
Mr Briggs	Mr Johnson*	Mr Pearce	Dr Stone
Mr Chester	Mr Keenan	Mr Pyne	Mr Truss
Mr Cobb	Mr Laming	Mr Ramsey	Mr Tuckey
Mr Coulton	Ms Ley	Mr Robb	Mrs Vale
Mr Forrest	Mr Lindsay	Mr Robert	Dr Washer
Mr Haase	Mr Macfarlane	Mr Ruddock	Mr Wood
Mr Hartsuyker	Ms Marino	Mr Schultz	
Mr A. G. Hawke	Mrs Markus	Mr Scott	
Mr Hockey	Mrs May	Mr Secker	

NOES, 68

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

* Tellers

Pairs

Mr S. F. Smith	Mrs Gash
Ms Vamvakinou	Mrs Moylan
Mr McMullan	Mr Ciobo
Ms Jackson	Mr A. D. H. Smith
Ms King	Mr Baldwin
Mr Fitzgibbon	Mr Georgiou
Mrs Elliot	Mr Hawker
Ms Roxon	Dr Jensen
Mr Byrne	Ms J. Bishop

And so it was negatived.

Debate ensued.

Question—That the requested amendments be made—put and passed.

37 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the following bill without requests:

4 December 2008—Message No. 196—Interstate Road Transport Charge Amendment Bill (No. 2) 2008.

38 BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) 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.

Mr Sidebottom was granted leave to continue his speech when the debate is resumed.

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

39 MESSAGE FROM THE SENATE—NATION-BUILDING FUNDS BILL 2008

Message No. 192, 4 December 2008, from the Senate was reported returning the Nation-building Funds Bill 2008 with amendments.

Ordered—That the amendments be considered immediately.

Mr Tanner (Minister for Finance and Deregulation) moved—That the amendments be disagreed to.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Ms A. E. Burke, in the Chair)—

AYES, 67

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

NOES, 48

Fran Bailey	Mr Hockey	Mrs May	Mr Scott
Mr Billson	Mrs Hull*	Mrs Mirabella	Mr Secker
Mrs B. K. Bishop	Mr Hunt	Mr Morrison	Mr Simpkins
Ms J. I. Bishop	Mr Irons	Dr Nelson	Mr Slipper
Mr Briggs	Mr Johnson*	Mr Neville	Mr Somlyay
Mr Chester	Mr Keenan	Mr Pearce	Dr Southcott
Mr Cobb	Mr Laming	Mr Pyne	Dr Stone
Mr Coulton	Ms Ley	Mr Ramsey	Mr Truss
Mr Forrest	Mr Lindsay	Mr Robb	Mr Tuckey
Mr Haase	Mr Macfarlane	Mr Robert	Mrs Vale
Mr Hartsuyker	Ms Marino	Mr Ruddock	Dr Washer
Mr A. G. Hawke	Mrs Markus	Mr Schultz	Mr Wood

* Tellers

Pairs

Mr S. F. Smith	Mrs Gash
Ms Vamvakinou	Mrs Moylan
Mr McMullan	Mr Ciobo
Ms Jackson	Mr A. D. H. Smith
Ms King	Mr Baldwin
Mr Fitzgibbon	Mr Georgiou
Mrs Elliot	Mr Hawker
Ms Roxon	Dr Jensen

And so it was resolved in the affirmative.

Mr Tanner presented reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to the amendments of the Senate

These amendments require that, where advice from the Fund advisory boards supports infrastructure expenditure estimated to be above a threshold amount of \$50,000,000 (or a lower amount prescribed in regulations), the advice be referred to a new Parliamentary Joint Committee on Nation-building for consideration and report.

These amendments are not supported because the Nation-building Funds Bill 2008 already provides for rigour, transparency and scrutiny in relation to the evaluation and payment processes for the Building Australia Fund (BAF), the Education Investment Fund (EIF) and the Health and Hospitals Fund (HHF). Spending on specific projects will be assessed by independent advisory boards against evaluation criteria. The evaluation criteria are legislative instruments which are disallowable by the Parliament.

The Government will consider which of the projects will be funded through the budget process and it will include details of infrastructure payments in the budget documentation.

Parliamentary transparency and scrutiny for payments from the Funds will also be provided by the general drawing rights limit, which will be included in the annual Appropriations Acts for the financial years 2009-10 onwards. The general drawing rights limit restricts the total amount that may be paid out in a financial year to support relevant infrastructure expenditure, which gives the Parliament a mechanism by which it may oversight the rate at which amounts are being expended.

On the basis that the arrangements provide for rigour, transparency and scrutiny in the evaluation and payment framework, the establishment of a new committee imposes an unnecessary further review of payments from the Funds that is not required to ensure the efficacy of the funding decisions.

The amendments also propose that portfolio Ministers must provide to both Houses a written statement of reasons for a recommendation of a payment from the Funds. The amendments further propose that a portfolio Minister must not make a recommendation unless he or she has received advice from the Fund advisory board on whole of life costs being met by the asset owner and that the project will not require upfront fees; also that in giving that advice, Fund advisory boards also take into account the application of the Competitive Neutrality Guidelines, if applicable.

Due to the rigour, transparency and scrutiny provided in the Nation-building Funds Bill 2008, these amendments are not required and are therefore not supported. As well, these amendments will delay the accelerated implementation of the Nation-building Funds, an important step to protect Australians against the fall-out from the global financial crisis. Managing whole of life costs are already factored into the evaluation process, and are reflected in the interim EIF evaluation criteria and interim HHF evaluation criteria.

It also needs to be recognised that upfront fees are appropriate in certain circumstances. Prohibiting upfront fees could lead to less co-investment from certain sectors, such as with higher education institutions. The Commonwealth's interests would be protected through Funding Agreements, as with other grants. Existing policy obligations will also apply to the Funds where relevant, including in relation to competitive neutrality.

The amendments also propose that determinations to credit the Funds are disallowable instruments. Normally such determinations would be regarded as administrative, rather than legislative, in character. However, to provide transparency to the Parliament, these crediting determinations have been made non-disallowable instruments. These arrangements are the same as those in the Future Fund Act 2006 and the Higher Education Endowment Fund Act 2007. Therefore, these amendments are not supported.

The disclosure of advice from Infrastructure Australia and other advisory boards through further amendments are not supported. Arrangements contained in the Nation-building Funds Bill 2008 provide for rigour and transparency in making payments. Additionally, these amendments could result in commercial in confidence information being disclosed, which could affect how applicants participate.

The amendments also oppose the proposal to transfer the balance of the Communications Fund to the BAF.

Not transferring the balance of the Communications Fund to the BAF will affect the delivery of the proposed National Broadband Network (NBN). The NBN is expected to deliver significantly improved telecommunication services to rural and remote areas. The inability to utilise the capital will severely restrict the nature and extent of the telecommunications infrastructure able to be provided to all areas of Australia.

Accordingly, the House of Representatives does not accept the amendments.

On the motion of Mr Tanner, the reasons were adopted.

40 MESSAGE FROM THE SENATE—NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008

Message No. 193, 4 December 2008, from the Senate was reported returning the Nation-building Funds (Consequential Amendments) Bill 2008 with amendments.

Ordered—That the amendments be considered immediately.

Mr Tanner (Minister for Finance and Deregulation) moved—That the amendments be disagreed to.

Question—put.

The House divided (the Deputy Speaker, Ms A. E. Burke, in the Chair)—

AYES, 67

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

NOES, 48

Fran Bailey	Mr Hockey	Mrs May	Mr Scott
Mr Billson	Mrs Hull*	Mrs Mirabella	Mr Secker
Mrs B. K. Bishop	Mr Hunt	Mr Morrison	Mr Simpkins
Ms J. I. Bishop	Mr Irons	Dr Nelson	Mr Slipper
Mr Briggs	Mr Johnson*	Mr Neville	Mr Somlyay
Mr Chester	Mr Keenan	Mr Pearce	Dr Southcott
Mr Cobb	Mr Laming	Mr Pyne	Dr Stone
Mr Coulton	Ms Ley	Mr Ramsey	Mr Truss
Mr Forrest	Mr Lindsay	Mr Robb	Mr Tuckey
Mr Haase	Mr Macfarlane	Mr Robert	Mrs Vale
Mr Hartsuyker	Ms Marino	Mr Ruddock	Dr Washer
Mr A. G. Hawke	Mrs Markus	Mr Schultz	Mr Wood

* Tellers

Pairs

Mr S. F. Smith	Mrs Gash
Ms Vamvakinou	Mrs Moylan
Mr McMullan	Mr Ciobo
Ms Jackson	Mr A. D. H. Smith
Ms King	Mr Baldwin
Mr Fitzgibbon	Mr Georgiou
Mrs Elliot	Mr Hawker
Ms Roxon	Dr Jensen

And so it was resolved in the affirmative.

Mr Tanner presented reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to the amendments of the Senate

The amendments are consequential to amendments to the Nation Building Fund Bill 2008 which oppose the proposal to transfer the balance of the Communications Fund to the BAF.

Not transferring the balance of the Communications Fund to the BAF will affect the delivery of the proposed National Broadband Network (NBN). The NBN is expected to deliver significantly improved telecommunication services to rural and remote areas. The inability to utilise the capital will severely restrict the nature and extent of the telecommunications infrastructure able to be provided to all areas of Australia.

Accordingly, the House of Representatives does not accept the amendments.

On the motion of Mr Tanner, the reasons were adopted.

41 MESSAGE FROM THE GOVERNOR-GENERAL—TEMPORARY RESIDENTS' SUPERANNUATION LEGISLATION AMENDMENT BILL 2008

Message No. 126, 3 December 2008, from Her Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments to a Bill for an Act to amend legislation in relation to temporary residents' superannuation, and for related purposes.

42 MESSAGE FROM THE SENATE—TEMPORARY RESIDENTS' SUPERANNUATION LEGISLATION AMENDMENT BILL 2008

Message No. 198, 4 December 2008, from the Senate was reported returning the Temporary Residents' Superannuation Legislation Amendment Bill 2008 with requests for amendments.

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

On the motion of Mr Albanese (Leader of the House), the requested amendments were made.

43 BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) 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—

Several Members rising to address the House—

Closure

Mr Albanese (Leader of the House) 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, 69

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

NOES, 48

Fran Bailey	Mr Hockey	Mrs May	Mr Scott
Mr Billson	Mrs Hull*	Mrs Mirabella	Mr Secker
Mrs B. K. Bishop	Mr Hunt	Mr Morrison	Mr Simpkins
Ms J. I. Bishop	Mr Irons	Dr Nelson	Mr Slipper
Mr Briggs	Mr Johnson*	Mr Neville	Mr Somlyay
Mr Chester	Mr Keenan	Mr Pearce	Dr Southcott
Mr Cobb	Mr Laming	Mr Pyne	Dr Stone
Mr Coulton	Ms Ley	Mr Ramsey	Mr Truss
Mr Forrest	Mr Lindsay	Mr Robb	Mr Tuckey
Mr Haase	Mr Macfarlane	Mr Robert	Mrs Vale
Mr Hartsuyker	Ms Marino	Mr Ruddock	Dr Washer
Mr A. G. Hawke	Mrs Markus	Mr Schultz	Mr Wood

* Tellers

Pairs

Mr S. F. Smith	Mrs Gash
Ms Vamvakinou	Mrs Moylan
Mr McMullan	Mr Ciobo
Ms Jackson	Mr A. D. H. Smith
Ms King	Mr Baldwin
Mr Fitzgibbon	Mr Georgiou
Mrs Elliot	Mr Hawker
Ms Roxon	Dr Jensen

And so it was resolved in the affirmative.

And the question—That the bill be now read a second time—was put accordingly, and passed.

Bill read a second time.

Consideration in detail

Bill, by leave, taken as a whole.

Document

Mr Albanese presented a supplementary explanatory memorandum to the bill.

Mr Albanese, by leave, moved Government amendments (1) to (7) together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 68

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

NOES, 48

Fran Bailey	Mr Hockey	Mrs May	Mr Scott
Mr Billson	Mrs Hull*	Mrs Mirabella	Mr Secker
Mrs B. K. Bishop	Mr Hunt	Mr Morrison	Mr Simpkins
Ms J. I. Bishop	Mr Irons	Dr Nelson	Mr Slipper
Mr Briggs	Mr Johnson*	Mr Neville	Mr Somlyay
Mr Chester	Mr Keenan	Mr Pearce	Dr Southcott
Mr Cobb	Mr Laming	Mr Pyne	Dr Stone
Mr Coulton	Ms Ley	Mr Ramsey	Mr Truss
Mr Forrest	Mr Lindsay	Mr Robb	Mr Tuckey
Mr Haase	Mr Macfarlane	Mr Robert	Mrs Vale
Mr Hartsuyker	Ms Marino	Mr Ruddock	Dr Washer
Mr A. G. Hawke	Mrs Markus	Mr Schultz	Mr Wood

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Mr S. F. Smith	Mrs Gash
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Mr McMullan	Mr Ciobo
Ms Jackson	Mr A. D. H. Smith
Ms King	Mr Baldwin
Mr Fitzgibbon	Mr Georgiou
Mrs Elliot	Mr Hawker
Ms Roxon	Dr Jensen

And so it was resolved in the affirmative.

Question—That the bill, as amended, be agreed to—put.

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

AYES, 68

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

NOES, 48

Fran Bailey	Mr Hockey	Mrs May	Mr Scott
Mr Billson	Mrs Hull*	Mrs Mirabella	Mr Secker
Mrs B. K. Bishop	Mr Hunt	Mr Morrison	Mr Simpkins
Ms J. I. Bishop	Mr Irons	Dr Nelson	Mr Slipper
Mr Briggs	Mr Johnson*	Mr Neville	Mr Somlyay
Mr Chester	Mr Keenan	Mr Pearce	Dr Southcott
Mr Cobb	Mr Laming	Mr Pyne	Dr Stone
Mr Coulton	Ms Ley	Mr Ramsey	Mr Truss
Mr Forrest	Mr Lindsay	Mr Robb	Mr Tuckey
Mr Haase	Mr Macfarlane	Mr Robert	Mrs Vale
Mr Hartsuyker	Ms Marino	Mr Ruddock	Dr Washer
Mr A. G. Hawke	Mrs Markus	Mr Schultz	Mr Wood

* Tellers

Pairs

Mr S. F. Smith	Mrs Gash
Ms Vamvakinou	Mrs Moylan
Mr McMullan	Mr Ciobo
Ms Jackson	Mr A. D. H. Smith
Ms King	Mr Baldwin
Mr Fitzgibbon	Mr Georgiou
Mrs Elliot	Mr Hawker
Ms Roxon	Dr Jensen

And so it was resolved in the affirmative.

Consideration in detail concluded.

On the motion of Mr Albanese, by leave, the bill was read a third time.

44 MESSAGES FROM THE SENATE

Messages from the Senate, 4 December 2008, were reported returning the following bills without amendment:

No. 199—Superannuation (Departing Australia Superannuation Payments Tax) Amendment 2008 (*without requests*).

No. 200—Corporations Amendment (Short Selling) 2008.

No. 201—Aged Care Amendment (2008 Measures No. 2) 2008.

No. 202—Tax Laws Amendment (Luxury Car Tax—Minor Amendments) 2008.

45 PHOTOGRAPH TAKEN BY THE MEMBER FOR DAWSON—STATEMENT BY SPEAKER

The Speaker made a statement concerning a photograph taken yesterday by the Member for Dawson.

46 SUSPENSION OF SITTING

At 11.07 p.m. the Speaker left the Chair.

FRIDAY, 5 DECEMBER 2008

47 RESUMPTION OF SITTING

The Speaker resumed the Chair at 9 a.m.

48 MESSAGES FROM THE SENATE

Messages from the Senate were reported:

- (a) returning the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008 without amendment—Message No. 203, 4 December 2008;
- (b) returning the Road Charges Legislation Repeal and Amendment Bill 2008 and informing the House that the Senate had agreed to the bill as amended by the House at the request of the Senate—Message No. 204, 4 December 2008;
- (c) returning the following bills and informing the House that the Senate does not insist on its amendments disagreed to by the House:
Nation-building Funds 2008—Message No. 205, 5 December 2008 a.m.; and
Nation-building Funds (Consequential Amendments) 2008—Message No. 206, 5 December 2008 a.m.; and
- (d) informing the House that Senator Nash had been discharged from attendance on the Parliamentary Joint Committee on Intelligence and Security and that Senator Coonan had been appointed a member of the committee—Message No. 208, 5 December 2008 a.m.

49 MESSAGE FROM THE SENATE—TEMPORARY RESIDENTS' SUPERANNUATION LEGISLATION AMENDMENT BILL 2008

Message No. 207, 5 December 2008 a.m., from the Senate was reported returning the Temporary Residents' Superannuation Legislation Amendment Bill 2008 with amendments.

Ordered—That the amendments be considered immediately.

On the motion of Mr Bowen (Assistant Treasurer), the amendments were agreed to, after debate.

50 MESSAGE FROM THE SENATE—BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2008

Message No. 209, 5 December 2008 a.m., from the Senate was reported returning the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008 and informing the House that the Senate had agreed to amendments Nos 1 and 3 made by the House, had disagreed to amendments Nos 2, 4, 5, 6 and 7 made by the House, and had made a consequential amendment.

Ordered—That the amendments be considered immediately.

Mr Albanese (Minister for Infrastructure, Transport, Regional Development and Local Government) moved—That the House does not insist on its amendments Nos 2, 4, 5, 6 and 7 disagreed to by the Senate and agrees to the consequential amendment made by the Senate.

Debate ensued.

Question—put and passed.

51 ADJOURNMENT

Mr Albanese (Leader of the House) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 10 a.m., adjourned until 2 p.m. on Tuesday, 3 February 2009.



DOCUMENTS

The following documents were deemed to have been presented on 4 December 2008:

Australian Radiation Protection and Nuclear Safety Act—Regulations—Select Legislative Instrument—2008 No. 234 [F2008L04264].

Customs Act—Regulations—Select Legislative Instrument—2008 No. 227 [F2008L04438].

Higher Education Support Act—VET provider—Notice of approval—2008 No. 8 [F2008L04549].

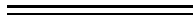
Indigenous Education (Targeted Assistance) Act—Regulations—Select Legislative Instrument—2008 No. 230 [F2008L04483].

Industrial Chemicals (Notification and Assessment) Act—Regulations—Select Legislative Instrument—2008 No. 236 [F2008L03863].

Parliamentary Entitlements Act—Regulations—Select Legislative Instrument—2008 No. 228 [F2008L04474].

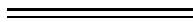
Quarantine Act—Proclamation—2008 Amendment No. 4 [F2008L04345].

Therapeutic Goods Legislation Amendment (Annual Charges) Act 2008—Proclamation under subsection 2(1) fixing 1 January 2009 as the day on which Schedule 1 to the Act commences [F2008L04263].

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Ciobo, Mr Costello, Mrs Gash*, Ms Jackson, Mr McMullan, Mrs Moylan, Mr Oakeshott*, Mr A. D. H. Smith, Mr S. F. Smith and Ms Vamvakinou.

* On leave



I. C. HARRIS

Clerk of the House of Representatives

2008

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 69

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 4 DECEMBER 2008

1 The Main Committee met at 9.30 a.m.

2 **MEMBERS' CONSTITUENCY STATEMENTS**

Members' constituency statements being made—

Petition

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

Bucketts Way passing lanes—1,344 petitioners.

Members' constituency statements continuing—

Document

Ms Hall, by leave, presented the following document:

Make poverty history—(*Receipt of document as a petition subject to approval by the Standing Committee on Petitions*).

Members' constituency statements continued.

3 **DEATH OF FORMER MEMBER (THE HONOURABLE FRANCIS (FRANK) DANIEL CREAN)—
CONDOLENCE MOTION MOVED BY THE PRIME MINISTER**

The order of the day having been read for the resumption of the debate on the motion of Mr Rudd (Prime Minister)—the House record its deep regret at the death, on 2 December 2008, of the Honourable Frank Crean, former Federal Treasurer and Deputy Prime Minister of the Commonwealth of Australia, and place on record its appreciation of his long public service and tender its profound sympathy to his family in their bereavement—

Debate resumed.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

Ms Hall moved that further proceedings be conducted in the House.

Question—put and passed.

4 **ADJOURNMENT**

Ms Hall moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.

At 1 p.m., the Deputy Speaker adjourned the Main Committee until 9.30 a.m. on Wednesday, 4 February 2009.

B. C. WRIGHT
Clerk of the Main Committee