

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 128

WEDNESDAY, 19 NOVEMBER 1997

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

2 **MIGRATION LEGISLATION AMENDMENT (STRENGTHENING OF PROVISIONS RELATING TO CHARACTER AND CONDUCT) BILL 1997**

The order of the day having been read for the further consideration in detail of the Bill—

Bill, as a whole—

Debate resumed on the Bill and on the amendments moved together by Mr M. J. Ferguson, viz.:

Schedule 1—

Item 21, page 7 (lines 19 to 24), omit proposed subsection 500 (6D).

Item 21, page 10 (line 4), omit “42 days”, substitute “90 days”.

Item 23, page 11 (line 3), omit:

“Decision of Minister—natural justice does not apply”

Item 23, page 11 (lines 14 to 16), omit proposed subsection 501 (5).

Item 23, page 14 (line 30), omit the heading to proposed subsection 501A(3).

Item 23, page 15 (lines 8 to 10), omit proposed subsection 501A(4).

Question—That the amendments be agreed to—put.

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

AYES, 40

Mr Adams	Mr M. J. Evans	Mr Lee	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr McClelland	Mr Price
Mr P. J. Baldwin	Mr E. L. Grace*	Mr McLeay	Mr Quick
Mr Beddall	Mr Griffin	Mr McMullan	Mr Sawford*
Mr Bevis	Mr Hatton	Mr Martin	Mr Sercombe*
Mr Breton	Mr Hollis	Mr Melham	Mr S. F. Smith
Mr Crean	Mr Jones	Mr A. A. Morris	Mr Tanner
Mrs Crosio	Mr Kerr	Mr P. F. Morris	Mr K. J. Thomson
Mr Dargavel	Mr Latham	Mr Mossfield	Mr Willis
Mr G. J. Evans	Dr Lawrence	Mr O'Connor	Mr Wilton

NOES, 85

Mr Abbott	Mr Dondas	Mr Lieberman	Mr Scott
Mr Anderson	Mrs Draper	Mr Lloyd	Mr Sinclair
Mr Andren	Mrs Elson	Mr McArthur*	Mr Slipper*
Mr J. N. Andrew	Mr Entsch	Mr McDougall	Mr A. C. Smith
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McGauran	Mr W. L. Smith
Mr Anthony	Mr Fahey	Mr McLachlan	Mr Somlyay
Mrs Bailey	Mr Filing	Mr Marek	Dr Southcott
Mr R. C. Baldwin	Mr Forrest	Mr Miles	Mrs Stone
Mr Barresi	Mrs Gallus	Mrs Moylan	Mr Taylor
Mr Bartlett	Ms Gambaro	Mr Mutch	Mr A. P. Thomson
Mr Billson	Mrs Gash	Mr Nairn	Mr Truss
Mrs Bishop	Mrs E. J. Grace	Mr Nehl	Mr Tuckey
Mr Bradford	Mr Hardgrave	Dr Nelson	Mr M. A. J. Vaile
Mr Broadbent	Mr Hawker	Mr Neville	Mrs D. S. Vale
Mr Brough	Mr Hicks*	Mr Nugent	Mr Wakelin
Mr Cadman	Mr Hockey	Mr Prosser	Mrs West
Mr E. H. Cameron	Ms Jeanes	Mr Pyne	Dr Wooldridge
Mr R. A. Cameron	Mrs Johnston	Mr Randall	Ms Worth
Mr Causley	Mr Jull	Mr Reid	Mr Zammit
Mr Charles	Mrs D. M. Kelly	Mr Reith	
Mr Cobb	Miss J. M. Kelly	Mr Ronaldson	
Mr Costello	Dr Kemp	Mr Ruddock	

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), by leave, the Bill was read a third time.

3 SOCIAL SECURITY LEGISLATION AMENDMENT (YOUTH ALLOWANCE) BILL 1997

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 Latham, 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) condemns the Government for:
 - (a) withdrawing support for 18 to 20 year olds in families with incomes as low as \$23,400 per annum; and
 - (b) abolishing payments for 16 and 17 year olds while also slashing education funding, labour market assistance and job opportunities; and
- (2) calls on the Government to introduce education and training opportunities so that every young Australian has access to the education and skills needed for full participation in the workplace and society”—

Debate resumed.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

4 QUESTIONS

Questions without notice were asked.

5 PAPERS

The following papers were presented:

Advance to the Minister for Finance for 1996-97—Statement of heads of expenditure and the amounts charged thereto pursuant to section 36A of the *Audit Act 1901*.

Copyright Act—Audio-Visual Copyright Society Ltd—Report for 1996-97.

Environment, Recreation and the Arts—House of Representatives Standing Committee—Report, June 1995—Inquiry into the proposal to drain and restore Lake Pedder—Government response, November 1997.

Law Reform Commission Act and Human Rights and Equal Opportunity Commission Act—Australian Law Reform Commission and Human Rights and Equal Opportunity Commission—Report No. 84—Seen and heard: priority for children in the legal process.

National Environment Protection Council Act—National Environment Protection Council—Report for 1996-97.

National Health Act—Nursing Home Standards Review Panels—Reports for 1996-97.

6 CHOGM AND VISIT TO INDONESIA—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr Howard (Prime Minister), by leave, made a ministerial statement on CHOGM and his visit to Indonesia and presented the following paper:

CHOGM and Prime Minister’s visit to Indonesia—Ministerial statement, 19 November 1997.

Mr Reith (Leader of the House) moved—That the House take note of the paper.
Debate ensued.

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

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MR ROBERT DUNN

The House was informed that Mr Melham had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s failure to take all necessary steps to secure the earliest return of Mr Robert Dunn to face justice in Australia”.

The proposed discussion having received the necessary support—

Mr Melham addressed the House.

Discussion ensued.

Discussion concluded.

8 REDEVELOPMENT OF FACILITIES FOR 51ST BATTALION FAR NORTH QUEENSLAND REGIMENT THROUGHOUT FAR NORTH QUEENSLAND AND TORRES STRAIT—APPROVAL OF WORK

Mr Fahey (Minister for Finance and Administration), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Redevelopment of facilities for the 51st Battalion Far North Queensland Regiment throughout Far North Queensland and the Torres Strait.

Question—put and passed.

9 CHARTER OF BUDGET HONESTY BILL 1996—SENATE’S MESSAGE NO. 371

The order of the day having been read for the consideration of message No. 371 from the Senate (*reported 17 November 1997*) returning the Charter of Budget Honesty Bill 1996 and insisting on the Senate amendments disagreed to by the House—

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) moved—That the House insists on disagreeing to the amendments insisted on by the Senate.

Debate ensued.

Question—put.

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

AYES, 85

Mr Abbott	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr Anderson	Mr R. D. C. Evans	Mr McDougall	Mr Slipper*
Mr J. N. Andrew	Mr Fahey	Mr McGauran	Mr W. L. Smith
Mr K. J. Andrews	Mr Filing	Mr McLachlan	Mr Somlyay
Mr Anthony	Mr Forrest	Mr Marek	Dr Southcott
Mrs Bailey	Mrs Gallus	Mr Miles	Mrs Stone
Mr R. C. Baldwin	Ms Gambaro	Mr Moore	Mrs Sullivan
Mr Barresi	Mrs Gash	Mrs Moylan	Mr Taylor
Mr Bartlett	Mrs E. J. Grace	Mr Mutch	Mr A. P. Thomson
Mr Billson	Mr Hardgrave	Mr Nairn	Mr Truss
Mrs Bishop	Mr Hawker	Mr Nehl	Mr Tuckey
Mr Bradford	Mr Hicks*	Dr Nelson	Mr M. A. J. Vaile
Mr Broadbent	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr Brough	Ms Jeanes	Mr Nugent	Mr Wakelin
Mr E. H. Cameron	Mrs Johnston	Mr Prosser	Mrs West
Mr R. A. Cameron	Mr Jull	Mr Pync	Mr Williams
Mr Causley	Mr Katter	Mr Randall	Dr Wooldridge
Mr Charles	Mrs D. M. Kelly	Mr Reid	Ms Worth
Mr Cobb	Miss J. M. Kelly	Mr Reith	Mr Zammit
Mr Costello	Dr Kemp	Mr Ronaldson	
Mrs Draper	Mr Lieberman	Mr Ruddock	
Mrs Elson	Mr Lloyd	Mr Scott	

NOES, 43

Mr Adams	Mr G. J. Evans	Mr Latham	Mr O'Connor
Mr Albanese	Mr M. J. Evans	Dr Lawrence	Mr O'Keefe
Mr Andren	Mr L. D. T. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr M. J. Ferguson	Mr McClelland	Mr Quick
Mr Beddall	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Brereton	Mr E. L. Grace*	Mr McMullan	Mr Sercombe*
Mr Brown	Mr Griffin	Mr Martin	Mr S. F. Smith
Mr Crean	Mr Hatton	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Hollis	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jenkins	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Jones	Mr Mossfield	

* Tellers

And so it was resolved in the affirmative.

On the motion of Mr Miles the Bill was laid aside.

10 TELECOMMUNICATIONS LEGISLATION AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had been unable to complete consideration of the Bill and returned the Bill for further consideration, and presented a certified copy of the Bill.

Question—That all words after “That” proposed to be omitted with a view to substituting the following words: “whilst not opposing the measure, the House is of the view that the Bill should be referred to the Standing Committee on

Industry, Science and Technology so that a public inquiry can be conducted by the Committee and the House given the benefit of the committee's advice on the effect of the Bill on the future development of electronic commerce in Australia with particular reference to:

- (1) the development of an encryption policy that promotes public and business confidence in the security of financial transactions conducted electronically;
- (2) the requirement for secure digital signatures; and
- (3) the impact on business of the Government's failure to support legally binding privacy standards for Australian companies" stand part of the question—put.

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

AYES, 84

Mr Abbott	Mrs Elson	Mr Lloyd	Mr Ruddock
Mr Anderson	Mr Entsch	Mr McArthur*	Mr Scott
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McDougall	Mr Sinclair
Mr K. J. Andrews	Mr Fahey	Mr McGauran	Mr Slipper*
Mr Anthony	Mr Forrest	Mr McLachlan	Mr W. L. Smith
Mrs Bailey	Mrs Gallus	Mr Marek	Mr Somlyay
Mr R. C. Baldwin	Ms Gambaro	Mr Miles	Dr Southcott
Mr Barresi	Mrs Gash	Mr Moore	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mrs Moylan	Mrs Sullivan
Mr Billson	Mr Hardgrave	Mr Mutch	Mr Taylor
Mrs Bishop	Mr Hawker	Mr Nairn	Mr A. P. Thomson
Mr Bradford	Mr Hicks*	Mr Nehl	Mr Truss
Mr Broadbent	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Brough	Ms Jeanes	Mr Neville	Mr M. A. J. Vaile
Mr E. H. Cameron	Mrs Johnston	Mr Nugent	Mrs D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Prosser	Mr Wakelin
Mr Causley	Mr Katter	Mr Pyne	Mrs West
Mr Charles	Mrs D. M. Kelly	Mr Randall	Mr Williams
Mr Cobb	Miss J. M. Kelly	Mr Reid	Dr Wooldridge
Mr Costello	Dr Kemp	Mr Reith	Ms Worth
Mrs Draper	Mr Lieberman	Mr Ronaldson	Mr Zammit

NOES, 44

Mr Adams	Mr M. J. Evans	Mr Kerr	Mr Mossfield
Mr Albanese	Mr L. D. T. Ferguson	Mr Latham	Mr O'Connor
Mr P. J. Baldwin	Mr M. J. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Beddall	Mr Filing	Mr Lee	Mr Price
Mr Brereton	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Brown	Mr E. L. Grace*	Ms Macklin	Mr Sawford*
Mr Crean	Mr Griffin	Mr McMullan	Mr Sercombe*
Mrs Crosio	Mr Hatton	Mr Martin	Mr S. F. Smith
Mr Dargavel	Mr Hollis	Mr Melham	Mr K. J. Thomson
Ms Ellis	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr G. J. Evans	Mr Jones	Mr P. F. Morris	Mr Wilton

* 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.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications, the Information Economy and the Arts), the following amendment was made:

Schedule 2, page 38 (after line 14), after item 24, insert:

24A Subclause 27(3)

Omit “(d)”, substitute “(a)”.

24B Subclause 27(4)

Omit “(e)”, substitute “(b)”.

24C Subclause 27(5)

Omit “(g)”, substitute “(d)”.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr W. L. Smith, by leave, the Bill was read a third time.

11 BROADCASTING SERVICES AMENDMENT BILL (NO. 2) 1997—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 W. L. Smith (Minister representing the Minister for Communications, the Information Economy and the Arts), by leave, the Bill was read a third time.

12 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

16 November 1997—Message No. 212—Native Title Amendment (Tribunal Appointments) 1997.

17 November 1997—Message No. 213—

Student and Youth Assistance (Sex Discrimination Amendment) 1997.

Superannuation Industry (Supervision) Amendment 1997.

Sydney Airport Demand Management 1997.

13 MESSAGES FROM THE SENATE

Messages from the Senate were reported returning the following Bills without amendment:

19 November 1997—Message—

No. 376—Defence Service Homes Amendment 1997.

No. 377—Customs Tariff Amendment (No. 5) 1997.

No. 378—Excise Tariff Amendment (No. 5) 1997.

No. 380—Farm Household Support Amendment (Restart and Exceptional Circumstances) 1997.

14 MESSAGE FROM THE SENATE—CORPORATIONS LAW AMENDMENT (ASX) BILL 1997

Message No. 379, 19 November 1997, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the Corporations Law.

Bill read a first time.

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

15 SOCIAL SECURITY LEGISLATION AMENDMENT (YOUTH ALLOWANCE) BILL 1997

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 Latham, 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) condemns the Government for:
 - (a) withdrawing support for 18 to 20 year olds in families with incomes as low as \$23,400 per annum; and
 - (b) abolishing payments for 16 and 17 year olds while also slashing education funding, labour market assistance and job opportunities; and
- (2) calls on the Government to introduce education and training opportunities so that every young Australian has access to the education and skills needed for full participation in the workplace and society”—

Debate resumed.

Mr Wakelin addressing the House—

16 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Paper

Mr Randall, by leave, presented the following paper:

Native Title Amendment Bill 1997—Joint legal opinion by D. F. Jackson, QC, and S. J. Gageler, 16 October 1997.

Debate continued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 19 November 1997:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals 1997 Nos. 19, 20.

Defence Act—Determinations 1997 Nos. 38, 39, 40, 41, 42.

Veterans' Entitlements Act—Instruments 1997 Nos. 88, 89, 90, 91, 92, 93, 94, 95, 96.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Fischer, Mr Georgiou and Dr Theophanous.

I. C. HARRIS
Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 128

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 19 NOVEMBER 1997

1 The Main Committee met at 10 a.m.

2 TELECOMMUNICATIONS LEGISLATION AMENDMENT BILL 1997

The order of the day having been read for the second reading—Mr W. L. Smith (Minister representing the Minister for Communications, the Information Economy and the Arts) moved—That the Bill be now read a second time.

Paper

Mr W. L. Smith presented an explanatory memorandum to the Bill.

Mr M. J. Evans moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the measure, the House is of the view that the Bill should be referred to the Standing Committee on Industry, Science and Technology so that a public inquiry can be conducted by the committee and the House given the benefit of the committee’s advice on the effect of the Bill on the future development of electronic commerce in Australia with particular reference to:

- (1) the development of an encryption policy that promotes public and business confidence in the security of financial transactions conducted electronically;
- (2) the requirement for secure digital signatures; and
- (3) the impact on business of the Government’s failure to support legally binding privacy standards for Australian companies”.

Debate continued.

On the motion of Mr E. J. Grace, further proceedings to be conducted in the House.

3 BROADCASTING SERVICES AMENDMENT BILL (NO. 2) 1997

The order of the day having been read for the second reading—Mr W. L. Smith (Minister representing the Minister for Communications, the Information Economy and the Arts) moved—That the Bill be now read a second time.

Paper

Mr W. L. Smith presented an explanatory memorandum to the Bill.

Debate ensued.

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

4 FAMILY AND COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT ON THE SEMINAR INTO ASPECTS OF YOUTH SUICIDE—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Slipper—That the House take note of the paper (*presented on 2 June 1997*), viz.:

Family and Community Affairs—Standing Committee—Report—Aspects of youth suicide—Summary of a seminar, May 1997—

Debate resumed.

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

5 ADJOURNMENT

On the motion of Mr Anthony, the Main Committee adjourned at 1.06 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.



B. C. WRIGHT

Clerk of the Main Committee