

1996-97-98

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 141

THURSDAY, 5 MARCH 1998

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

2 **PUBLIC SERVICE BILL 1997 [NO. 2]**

Dr Kemp (Minister Assisting the Prime Minister for the Public Service), pursuant to notice, presented a Bill for an Act to provide for the establishment and management of the Australian Public Service, and for other purposes.

Bill read a first time.

Dr Kemp moved—That the Bill be now read a second time.

Paper

Dr Kemp presented an explanatory memorandum to the Bill.

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

3 **PUBLIC EMPLOYMENT (CONSEQUENTIAL AND TRANSITIONAL) AMENDMENT BILL 1997 [NO. 2]**

Dr Kemp (Minister Assisting the Prime Minister for the Public Service), pursuant to notice, presented a Bill for an Act to deal with consequential and transitional matters arising from the repeal of the *Public Service Act 1922* and the enactment of the *Public Service Act 1997*, and for other purposes.

Bill read a first time.

Dr Kemp moved—That the Bill be now read a second time.

Paper

Dr Kemp presented an explanatory memorandum to the Bill.

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

4 LEGISLATIVE INSTRUMENTS BILL 1996 [NO. 2]

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act relating to the making, registration, Parliamentary scrutiny and periodic repeal of legislative instruments, and for related purposes.

Bill read a first time.

Mr Williams moved—That the Bill be now read a second time.

Paper

Mr Williams presented an explanatory memorandum to the Bill.

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

5 PRIVACY AMENDMENT BILL 1998

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Privacy Act 1988*, and for related purposes.

Bill read a first time.

Mr Williams moved—That the Bill be now read a second time.

Paper

Mr Williams presented an explanatory memorandum to the Bill.

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

6 CHARTER OF BUDGET HONESTY BILL 1996 [NO. 2]

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.

Consideration in detail

Bill, by leave, taken as a whole.

Mr K. J. Thomson, by leave, moved Opposition amendments (1) to (10) as circulated, together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 45

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

NOES, 85

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

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), by leave, the Bill was read a third time.

7 HEALTH LEGISLATION AMENDMENT BILL (NO. 2) 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—

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Health and Family Services), the Bill was read a third time.

8 HIGHER EDUCATION LEGISLATION AMENDMENT 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—

Debate having been resumed by Mr Latham—

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.

9 QUESTIONS

Questions without notice being asked—

Paper

Mr Crean, in accordance with standing order 321, having called for documents quoted from by Dr Kemp (Minister for Employment, Education, Training and Youth Affairs)—

Dr Kemp presented the following paper:

Job Network—Employment Interactive tender—Question time brief.

Questions without notice continuing—

Senator Bolkus—Motion of censure

Mr Costello (Treasurer), by leave, moved—That this House censures Senator Nick Bolkus for failing to observe the reasonable standards of behaviour for an alternate first law officer of the Commonwealth.

Mr Beazley (Leader of the Opposition) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “censures the Prime Minister for his:

- (1) repeated failure to prevent the Attorney-General—who as the highest law officer in the land has a responsibility not to mislead this House in matters of law enforcement—from impugning the character of Senator Bolkus;
- (2) repeated attempts to disguise the fact that the Attorney-General, as first law officer of the Commonwealth, has not ensured that Senator Vanstone and her staff are not investigated and held to account for leaking material on the Skase case without any regard to the possible damage they could cause to investigation of the Skase case at some stage prior to 5 January 1998 in order to resurrect Senator Vanstone’s ministerial fortunes; and

- (3) failure to discipline the Attorney-General for his breach of duty as first law officer in failing to take action to protect the integrity and reputation of the High Court (the Callinan matter)?”.

Debate continued.

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

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

AYES, 86

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

NOES, 44

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

* Tellers

And so it was resolved in the affirmative.

Question—That the motion be agreed to—put.

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

AYES, 86

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

NOES, 44

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

* Tellers

And so it was resolved in the affirmative.

Questions without notice concluded.

10 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 35 of 1997-98—Performance audit—DEETYA International Services: Department of Employment, Education, Training and Youth Affairs.

Ordered to be printed.

11 PAPERS

The following papers were presented:

Australian Sports Drug Agency Act—Australian Sports Drug Agency—Strategic Plan 1998-2001.

Foreign Investment Review Board—Report for 1996-97.

12 FOREIGN INVESTMENT REVIEW BOARD—REPORT—MOTION TO TAKE NOTE OF PAPER

Mr Reith (Leader of the House) moved—That the House take note of the following paper:

Foreign Investment Review Board—Report for 1996-97.

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

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EMPLOYMENT SERVICES

The House was informed that Mr M. J. Ferguson had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to provide appropriate employment services”.

The proposed discussion having received the necessary support—

Mr M. J. Ferguson addressed the House.

Discussion ensued.

Discussion concluded.

14 ADJOURNMENT NEGATIVED

It being 5.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Ruddock (Minister for Immigration and Multicultural Affairs) requiring the question to be put forthwith without debate—

Question—put and negatived.

15 CRIMES (SUPERANNUATION BENEFITS) AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, a Governor-General’s message recommending an appropriation had been reported, and the Bill had been agreed to with amendments (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

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

16 THERAPEUTIC GOODS LEGISLATION AMENDMENT BILL 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 Ruddock (Minister for Immigration and Multicultural Affairs), by leave, the Bill was read a third time.

17 MESSAGES FROM THE SENATE

Messages from the Senate, 5 March 1998, were reported returning the following Bills without amendment:

No. 434—Civil Aviation Legislation Amendment 1997.

No. 435—Flags Amendment 1996.

18 MESSAGE FROM THE SENATE—CRIMINAL CODE AMENDMENT BILL 1997

Message No. 433, 5 March 1998, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Criminal Code Act 1995*, and for related purposes.

Bill read a first time.

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

19 SOCIAL SECURITY LEGISLATION AMENDMENT (YOUTH ALLOWANCE CONSEQUENTIAL AND RELATED MEASURES) BILL 1998

Mr Ruddock (Minister representing the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the *Social Security Act 1991*, and for related purposes.

Bill read a first time.

Mr Ruddock moved—That the Bill be now read a second time.

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

20 AGED CARE AMENDMENT BILL 1998

Mr W. L. Smith (Minister for Family Services), pursuant to notice, presented a Bill for an Act to amend the *Aged Care Act 1997* and for other Acts, and for related purposes.

Bill read a first time.

Mr W. L. Smith moved—That the Bill be now read a second time.

Paper

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

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

21 COMMONWEALTH PLACES (MIRROR TAXES) BILL 1998

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to provide for the application of State taxing laws in relation to Commonwealth places, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the following Bills:

Commonwealth Places (Mirror Taxes) 1998;

Commonwealth Places Windfall Tax (Collection) 1998;

Commonwealth Places Windfall Tax (Imposition) 1998; and

Commonwealth Places (Consequential Amendments) 1998.

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

22 COMMONWEALTH PLACES WINDFALL TAX (COLLECTION) BILL 1998

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act relating to the imposition and collection of Commonwealth places windfall tax.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

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

23 COMMONWEALTH PLACES WINDFALL TAX (IMPOSITION) BILL 1998

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to impose Commonwealth places windfall tax, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

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

24 COMMONWEALTH PLACES (CONSEQUENTIAL AMENDMENTS) BILL 1998

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), pursuant to notice, presented a Bill for an Act to make consequential amendments relating to Commonwealth places.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

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

25 **ADJOURNMENT**

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) moved—
That the House do now adjourn.

Debate ensued.

The House continuing to sit until 6 p.m.—The Speaker adjourned the House until Monday next at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 5 March 1998:

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part 40—Amendment 27 February 1998.

Migration Act—Notices under section 96 27 (2) February 1998.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anderson, Ms Hanson, Mr S. F. Smith and Mrs Sullivan.

I. C. HARRIS
Clerk of the House of Representatives

1996-97-98

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 141

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 5 MARCH 1998

1 The Main Committee met at 9.40 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **CRIMES (SUPERANNUATION BENEFITS) AMENDMENT 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—

Debate resumed.

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

Message from the Governor-General

Message No. 234, 4 December 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Williams (Attorney-General), by leave, moved Government amendments (1) to (6) as circulated, together.

Paper

Mr Williams presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

4 THERAPEUTIC GOODS LEGISLATION AMENDMENT 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—

Debate resumed.

Suspension of sitting

At 11.09 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 11.19 a.m., the proceedings were resumed.

Debate continued.

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.

5 COMMUNICATIONS, TRANSPORT AND MICROECONOMIC REFORM—STANDING COMMITTEE—REPORT ON REVIEW OF FEDERAL ROAD FUNDING—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 Neville—That the House take note of the paper (*presented on 24 November 1997*), viz.:

Communications, Transport and Microeconomic Reform—Standing Committee—Report, October 1997—Planning not patching: An inquiry into Federal road funding—

Debate resumed.

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

6 LOCAL GOVERNMENT (FINANCIAL ASSISTANCE) ACT—REPORT—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 Reith (Leader of the House)—That the House take note of the paper (*presented on 27 November 1997*), viz.:

Local Government (Financial Assistance) Act—National Office of Local Government—Report for 1996-97—

Debate having been resumed by Mrs Crosio—

7 ADJOURNMENT

It being 12.30 p.m.—The question was proposed—That the Main Committee do now adjourn.

Debate ensued.

At 1 p.m. the Deputy Speaker adjourned the Main Committee until Wednesday, 11 March 1998, at 10 a.m.

B. C. WRIGHT
Clerk of the Main Committee