

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 55

WEDNESDAY, 11 AUGUST 1999



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

2 **SUPERANNUATION LEGISLATION AMENDMENT BILL (NO. 4) 1999**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, presented a Bill for an Act to amend the law relating to superannuation, and for related purposes.

Bill read a first time.

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

Paper

Mr Slipper presented an explanatory memorandum to the Bill.

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

3 **DEFENCE LEGISLATION AMENDMENT BILL (NO. 1) 1999**

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.

Mr Scott (Minister Assisting the Minister for Defence) moved—That the Bill be now read a third time.

Debate ensued.

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

4 **AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT BILL 1999**

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.

Member named

The Deputy Speaker named the Member for Denison (Mr Kerr) for defying the Chair.

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) moved—That the Member for Denison be suspended from the service of the House.

Mr Kerr having explained the terms he had actually used and confirming that he had not intended to imply illegal behaviour by any Member—

Motion—That the Member for Denison be suspended from the service of the House—withdrawn, by leave, and the matter was not further proceeded with.

Debate continued.

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr McClelland, by leave, moved Opposition amendments (1) and (2) together.

Debate continued.

Paper

Mr Williams (Attorney-General), by leave, presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Williams, by leave, the Bill was read a third time.

5 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL (NO. 2) 1999

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.

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.

6 PARLIAMENT HOUSE SWITCHBOARD SERVICE—STATEMENT BY SPEAKER—MOTION TO TAKE NOTE OF PAPER

The Speaker made a statement in response to a question asked of him on 30 June 1999 by Mr Martin concerning the Parliament House switchboard service and presented the following paper:

Parliament House switchboard service—Statement by Speaker, 11 August 1999.

Mr McMullan, by leave, moved—That the House take note of the statement.

Mr McMullan 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 the next sitting.

7 DEATH OF FORMER MEMBER (MR J. M. HALLETT)

The Speaker informed the House of the death, on 9 August 1999, of Mr John Mead Hallett, a Member of this House for the Division of Canning from 1963 to 1974.

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

8 QUESTIONS

Questions without notice being asked—

Paper

Mr Reith (Minister for Employment, Workplace Relations and Small Business) presented the following paper:

Employment policies—‘Job opportunities for all: Positive policies for a high employment society’—Copy of speech by Mr Beazley, 23 July 1999.

Questions without notice continued.

9 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Auditor-General—Audit report No. 7 of 1999-2000—Protective security audit—Operation of the classification system for protecting sensitive information.

Ordered to be printed.

10 PAPERS

The following papers were presented:

Republic Referendum—Joint Select Committee—Advisory report on Constitution Alteration (Establishment of Republic) 1999 and Presidential Nominations Committee Bill 1999—Government response.

Treaties—

Bilateral—

National interest analysis—Agreement on Social Security between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland, done at London on 1 October 1990, as amended on 22 April 1992—Notice of Intention to Terminate.

Text, together with national interest analyses—

Agreement between the Government of Australia and the Government of the United States of America on Mutual Antitrust Enforcement Assistance, done at Washington on 27 April 1999.

Agreement, done at Brussels on 8 July 1999, amending the Agreement Relating to Scientific and Technical Cooperation between Australia and the European Community of 23 February 1994.

Text, together with national interest analysis and regulation impact statement—

Agreement between the Government of Australia and the Government of the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Protocol, done at Canberra on 1 July 1999.

Protocol, done at Sydney on 2 August 1999, to amend the Agreement between the Government of Australia and the Government of Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, of 20 August 1980 and Exchange of Letters constituting an Agreement to extend the Application of Certain Provisions of Article 23 of the Agreement between the Government of Australia and the Government of Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, of 20 August 1980.

Multilateral—

Text, together with national interest analyses—

Food Aid Convention, 1999, done at London on 13 April 1999.

Fourth Amendment, done at Hong Kong on 23 September 1997, of the Articles of Agreement of the International Monetary Fund of 27 December 1945.

New [Second] Revised Text of the International Plant Protection Convention of 6 December 1951, done at Rome on 17 November 1997.

Text, together with national interest analysis and regulation impact statement—Agreement, done at Geneva on 20 March 1958, concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the basis of these Prescriptions, as amended with effect from 10 November 1967 and 16 October 1995.

11 SUSPENSION OF STANDING AND SESSIONAL ORDERS—INTRODUCTION AND PASSAGE OF BILL

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

- (a) the immediate introduction of a Bill for an Act to alter the Constitution to insert a preamble;
- (b) the passage of the Bill through all stages by 6.30 p.m. this day, without delay; and
- (c) the mover of the motion—That the Bill be now read a second time—being heard without interruption.

Debate ensued.

Question—put.

The House divided (the Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 77

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Scott
Mr Anderson	Mr Entsch	Mr Lloyd	Mr Secker
Mr Andren	Mr Fahey	Mr McArthur*	Mr Slipper
Mr K. J. Andrews	Mr Fischer	Mr I. E. Macfarlane	Mr Somlyay
Mr Anthony	Mr Forrest*	Mr McGauran	Dr Southcott
Fran Bailey	Mrs Gallus	Mrs May	Dr Stone
Mr Baird	Ms Gambaro	Mr Moore	Mr C. P. Thompson
Mr Barresi	Mrs Gash	Mrs Moylan	Mr A. P. Thomson
Mr Bartlett	Mr Georgiou	Mr Nairn	Mr Truss
Mr Billson	Mr Haase	Mr Nehl	Mr Tuckey
Mrs B. K. Bishop	Mr Hardgrave	Dr Nelson	Mr M. A. J. Vaile
Ms J. I. Bishop	Mr Hawker	Mr Neville	Mrs D. S. Vale
Mr Brough	Mr Hockey	Mr Nugent	Mr Wakelin
Mr Cadman	Mr Howard	Mr Prosser	Dr Washer
Mr Cameron	Mrs Hull	Mr Pyne	Mr Williams
Mr Causley	Mr Jull	Mr Reith	Dr Wooldridge
Mr Charles	Mrs D. M. Kelly	Mr Ronaldson	Ms Worth
Mr Costello	Jackie Kelly	Mr Ruddock	
Mr Downer	Dr Kemp	Mr St Clair	
Mr Draper	Mr Lawler	Mr Schultz	

NOES, 63

Mr Adams	Mr Fitzgibbon	Ms Livermore	Mr Ripoll
Mr Albanese	Mr Gibbons	Mr McClelland	Ms Roxon
Mr Beazley	Ms Gillard	Ms J. S. McFarlane	Mr Rudd
Mr Bevis	Mr Griffin	Ms Macklin	Mr Sawford*
Mr Breton	Ms Hall	Mr McLeay	Mr Sciacca
Ms Burke	Mr Hatton	Mr McMullan	Mr Sercombe*
Mr Cox	Ms Hoare	Mr Martin	Mr Sidebottom
Mr Crean	Mr Hollis	Mr Melham	Mr Smith
Mrs Crosio	Mr Horne	Mr Morris	Mr Snowdon
Mr Danby	Mrs Irwin	Mr Mossfield	Mr Swan
Mr Edwards	Mr Jenkins	Mr Murphy	Mr Tanner
Ms Ellis	Ms Kernot	Ms O'Byrne	Mr K. J. Thomson
Dr Emerson	Mr Kerr	Mr O'Connor	Mr Wilkie
Mr M. J. Evans	Mr Latham	Mr O'Keefe	Mr Wilton
Mr L. D. T. Ferguson	Dr Lawrence	Ms Plibersek	Mr Zahra
Mr M. J. Ferguson	Mr Lee	Mr Price	

* Tellers

Pairs

Mr Lindsay Mr G. J. Evans

And so it was resolved in the affirmative by an absolute majority.

12 CONSTITUTION ALTERATION (PREAMBLE) BILL 1999

Mr Howard (Prime Minister) presented a Bill for an Act to alter the Constitution to insert a preamble.

Bill read a first time.

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

Paper

Mr Howard presented an explanatory memorandum to the Bill.

Debate ensued.

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: “the House resolves:

- (1) that consideration of the proposal be adjourned for 7 days to give Australian citizens an opportunity to consider the matter and have an input into the contents of the preamble; and
- (2) that it should meet again at a special sitting on or before 20 August to enable the views of citizens to be considered before the House completes its consideration of the measure”.

Debate continued.

It being 6.30 p.m., the debate was interrupted in accordance with the resolution agreed to this day.

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

The House divided (the Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 77

Mr Abbott	Mr Entsch	Mr Lieberman	Mr Scott
Mr Anderson	Mr Fahey	Mr Lloyd	Mr Secker
Mr K. J. Andrews	Mr Fischer	Mr McArthur*	Mr Slipper
Mr Anthony	Mr Forrest*	Mr I. E. Macfarlane	Mr Somlyay
Fran Bailey	Mrs Gallus	Mr McGauran	Dr Southcott
Mr Baird	Ms Gambaro	Mrs May	Dr Stone
Mr Barresi	Mrs Gash	Mr Moore	Mr C. P. Thompson
Mr Bartlett	Mr Georgiou	Mrs Moylan	Mr A. P. Thomson
Mr Billson	Mr Haase	Mr Nairn	Mr Truss
Mrs B. K. Bishop	Mr Hardgrave	Mr Nehl	Mr Tuckey
Ms J. I. Bishop	Mr Hawker	Dr Nelson	Mr M. A. J. Vaile
Mr Brough	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr Cadman	Mr Howard	Mr Nugent	Mr Wakelin
Mr Cameron	Mrs Hull	Mr Prosser	Dr Washer
Mr Causley	Mr Jull	Mr Pyne	Mr Williams
Mr Charles	Mr Katter	Mr Reith	Dr Wooldridge
Mr Costello	Mrs D. M. Kelly	Mr Ronaldson	Ms Worth
Mr Downer	Jackie Kelly	Mr Ruddock	
Mrs Draper	Dr Kemp	Mr St Clair	
Mr Elson	Mr Lawler	Mr Schultz	

NOES, 66

Mr Adams	Mr Fitzgibbon	Mr McClelland	Ms Roxon
Mr Albanese	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Mr Andren	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Beazley	Mr Griffin	Mr McLeay	Mr Sciacca
Mr Bevis	Ms Hall	Mr McMullan	Mr Sercombe*
Mr Brereton	Mr Hatton	Mr Martin	Mr Sidebottom
Ms Burke	Ms Hoare	Mr Melham	Mr Smith
Mr Cox	Mr Hollis	Mr Morris	Mr Snowdon
Mr Crean	Mr Horne	Mr Mossfield	Mr Swan
Mrs Crosio	Mrs Irwin	Mr Murphy	Mr Tanner
Mr Danby	Mr Jenkins	Ms O'Byrne	Dr Theophanous
Mr Edwards	Ms Kernot	Mr O'Connor	Mr K. J. Thomson
Ms Ellis	Mr Kerr	Mr O'Keefe	Mr Wilkie
Dr Emerson	Mr Latham	Ms Plibersek	Mr Wilton
Mr M. J. Evans	Dr Lawrence	Mr Price	Mr Zahra
Mr L. D. T. Ferguson	Mr Lee	Mr Quick	
Mr M. J. Ferguson	Ms Livermore	Mr Ripoll	

* Tellers

Pairs

Mr Lindsay Mr G. J. Evans

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.

Question proposed—That the remaining stages of the Bill be agreed to and that the Bill be now read a third time.

Question—put.

The House divided (the Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 77

Mr Abbott	Mr Entsch	Mr Lieberman	Mr Scott
Mr Anderson	Mr Fahey	Mr Lloyd	Mr Secker
Mr K. J. Andrews	Mr Fischer	Mr McArthur*	Mr Slipper
Mr Anthony	Mr Forrest*	Mr I. E. Macfarlane	Mr Somlyay
Fran Bailey	Mrs Gallus	Mr McGauran	Dr Southcott
Mr Baird	Ms Gambaro	Mrs May	Dr Stone
Mr Barresi	Mrs Gash	Mr Moore	Mr C. P. Thompson
Mr Bartlett	Mr Georgiou	Mrs Moylan	Mr A. P. Thomson
Mr Billson	Mr Haase	Mr Nairn	Mr Truss
Mrs B. K. Bishop	Mr Hardgrave	Mr Nehl	Mr Tuckey
Ms J. I. Bishop	Mr Hawker	Dr Nelson	Mr M. A. J. Vaile
Mr Brough	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr Cadman	Mr Howard	Mr Nugent	Mr Wakelin
Mr Cameron	Mrs Hull	Mr Prosser	Dr Washer
Mr Causley	Mr Jull	Mr Pyne	Mr Williams
Mr Charles	Mr Katter	Mr Reith	Dr Wooldridge
Mr Costello	Mrs D. M. Kelly	Mr Ronaldson	Ms Worth
Mr Downer	Jackie Kelly	Mr Ruddock	
Mrs Draper	Dr Kemp	Mr St Clair	
Mrs Elson	Mr Lawler	Mr Schultz	

NOES, 66

Mr Adams	Mr Fitzgibbon	Mr McClelland	Ms Roxon
Mr Albanese	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Mr Andren	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Beazley	Mr Griffin	Mr McLeay	Mr Sciacca
Mr Bevis	Ms Hall	Mr McMullan	Mr Sercombe*
Mr Breton	Mr Hatton	Mr Martin	Mr Sidebottom
Ms Burke	Ms Hoare	Mr Melham	Mr Smith
Mr Cox	Mr Hollis	Mr Morris	Mr Snowdon
Mr Crean	Mr Horne	Mr Mossfield	Mr Swan
Mrs Crosio	Mrs Irwin	Mr Murphy	Mr Tanner
Mr Danby	Mr Jenkins	Ms O'Byrne	Dr Theophanous
Mr Edwards	Ms Kernot	Mr O'Connor	Mr K. J. Thomson
Ms Ellis	Mr Kerr	Mr O'Keefe	Mr Wilkie
Dr Emerson	Mr Latham	Ms Plibersek	Mr Wilton
Mr M. J. Evans	Dr Lawrence	Mr Price	Mr Zahra
Mr L. D. T. Ferguson	Mr Lee	Mr Quick	
Mr M. J. Ferguson	Ms Livermore	Mr Ripoll	

* Tellers

Pairs

Mr Lindsay Mr G. J. Evans

And so it was resolved in the affirmative.

The Speaker declared that the question—That the Bill be now read a third time—had been resolved in the affirmative by an absolute majority.

Bill accordingly read a third time.

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—COMMONWEALTH FINANCIAL MANAGEMENT

The House was informed that Mr Tanner had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The requirement for probity, integrity and transparency in Commonwealth financial management”.

The proposed discussion having received the necessary support—

Mr Tanner addressed the House.

Discussion ensued.

Adjournment negated

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

Mr Scott (Minister for Veterans’ Affairs) requiring the question to be put forthwith without debate—

Question—put and negated.

Discussion continued.

Discussion concluded.

14 ADJOURNMENT

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That the House do now adjourn.

Debate ensued.

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 11 August 1999:

Public Service Act—Determinations—1999 Nos. FAT 8, FAT 10.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr G. J. Evans, Ms Gerick, Mr Lindsay and Mrs Sullivan.

**I. C. HARRIS**

Clerk of the House of Representatives

1998-99

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 55

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 11 AUGUST 1999

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 COPYRIGHT AMENDMENT (COMPUTER PROGRAMS) BILL 1999

The order of the day having been read for the second reading—Mr Williams (Attorney-General) moved—That the Bill be now read a second time.

Paper

Mr Williams 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 CRIMINAL CODE AMENDMENT (SLAVERY AND SEXUAL SERVITUDE) BILL 1999

The order of the day having been read for the second reading—Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That the Bill be now read a second time.

Paper

Dr Stone 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.

5 JOINT SELECT COMMITTEE ON THE REPUBLIC REFERENDUM—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 Charles—That the House take note of the report (*presented on 9 August 1999*), viz.:

Joint Select Committee on the Republic Referendum—Advisory report on Constitution Alteration (Establishment of Republic) 1999 and the Presidential Nominations Committee Bill 1999, August 1999—

Debate resumed.

Paper

Mr Sidebottom, by leave, presented the following paper:

Constitution Alteration (Preamble) 1999—Proposal by Martin Kjar, 20 July 1999.

Ms Hall was granted leave to continue her speech when the debate is resumed.

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

6 ADJOURNMENT

On the motion of Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage), the Main Committee adjourned at 1 p.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.

B. C. WRIGHT
Clerk of the Main Committee