

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 78

TUESDAY, 19 OCTOBER 1999

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

2 QUESTIONS

Questions without notice being asked—

Paper

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

Trade unions—Letter from Mr T. Sheldon, State Secretary, New South Wales Branch, Transport Workers' Union of Australia, 6 October 1999.

Questions without notice continuing—

Minister for Health and Aged Care—Motion of censure

Mr Beazley (Leader of the Opposition), by leave, moved—That this House censures the Minister for Health and Aged Care for:

- (1) deliberately or carelessly causing a situation in which some radiologists were able to take advantage of inside Budget knowledge to buy or contract for new magnetic resonance imaging (MRI) machines in time to be eligible for taxpayer funded Medicare benefits, announced in the 1998 Budget;
- (2) enabling, through this inside Budget knowledge, some radiologists and manufacturers to enter into advantageous arrangements which were not the subject of adequate checks by the Minister to protect the Commonwealth budget;
- (3) failing to act appropriately when warned by his Department immediately before the 1998 Budget, and delaying investigating this problem until too late; and
- (4) since being first challenged on these issues in the House as early as 9 February 1999, giving deliberately misleading answers on his role in pre-

Budget MRI negotiations and not taking immediate action to investigate the serious allegations of inside Budget knowledge of the MRI decision.

Debate ensued.

Paper

Dr Wooldridge (Minister for Health and Aged Care), by leave, presented the following paper:

Dr Wooldridge—Diary, 5-12 May 1999.

Debate continued.

Question—put.

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

AYES, 58

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

NOES, 75

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

* Tellers

Pairs

Mr Downer	Mr McLeay
Mr Prosser	Ms Burke

And so it was negatived.

Questions without notice concluded.

3 PAPERS

The following papers were presented:

Airservices Australia—National Equity and Diversity Program 1998-2001—Progress Report for 1998-99.

Army and Air Force Canteen Service (AAFCANS)—Equal Employment Opportunity Program—Report for 1998-99.

Army and Air Force Canteen Service Board of Management—Report for 1998-99.

Australia New Zealand Food Authority—Report for 1998-99.

Australian Bureau of Statistics—Report for 1998-99.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 1998-99.

Australian Landcare Council—Report for 1998-99.

- Australian Maritime Safety Authority—Report for 1998-99.
- Australian National Maritime Museum—Report for 1998-99.
- Australian Sports Commission—Report for 1998-99.
- Australian Statistics Advisory Council—Report for 1998-99.
- Australian Wine and Brandy Corporation—Report for 1998-99.
- Australian Wool Research and Promotion Organisation—Report for 1998-99.
- Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 1998-99.
- Cotton Research and Development Corporation—Report for 1998-99.
- Defence Force Retirement and Death Benefits Authority—Report for 1998-99.
- Department of Finance and Administration—Service charters in the Australian public service—Report for period July 1997-June 1999.
- Department of Transport and Regional Services—Report for 1998-99.
- Film Australia Limited—Report for 1998-99.
- Grains Research and Development Corporation—Report for 1998-99.
- Health Insurance Commission—Report for 1998-99.
- Higher Education Funding Act—Report detailing determinations made under the Act in respect of 1998.
- Indigenous Land Corporation—Report for 1998-99.
- Inspector-General of Intelligence and Security—Report for 1998-99.
- Military Superannuation and Benefits Board of Trustees No.1—Report for 1998-99.
- National Archives of Australia and National Archives of Australia Advisory Council—Report for 1998-99.
- National Capital Authority—Report for 1998-99.
- National Competition Council—Report for 1998-99.
- National Registration Authority for Agricultural and Veterinary Chemicals—Report for 1998-99.
- National Science and Technology Centre (Questacon)—Report for 1998-99.
- Office of the Official Secretary to the Governor-General—Report for 1998-99.
- Private Health Insurance Administration Council—Report for 1998-99.
- Repatriation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Reports for 1998-99.
- Royal Australian Air Force Veterans' Residences Trust Fund—Report for 1998-99.
- Stevedoring Industry Finance Committee—Report for 1998-99.
- Sugar Research and Development Corporation—Report for 1998-99.
- Tobacco Research and Development Corporation—Report for 1998-99.
- Wool International—Report for 1998-99.

4 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Airservices Australia—National Equity and Diversity Program 1998-2001—Progress report for 1998-99.

Australian Maritime Safety Authority—Report for 1998-99.

Australian New Zealand Food Authority—Report for 1998-99.

Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 1998-99.

Health Insurance Commission—Report for 1998-99.

Private Health Insurance Administration Council—Report for 1998-99.

Stevedoring Industry Finance Committee—Report for 1998-99.

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

5 PAPER

The Speaker presented the following paper:

Australian National Audit Office—Report for 1998-99.

Ordered to be printed.

6 AFTA-CER MINISTERIAL MEETING AND VISITS TO SINGAPORE AND JAPAN—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr M. A. J. Vaile (Minister for Trade), by leave, made a ministerial statement on the AFTA-CER ministerial meeting and visits to Singapore and Japan and presented the following paper:

AFTA-CER ministerial meeting and visits to Singapore and Japan, 1-5 October 1999—Ministerial statement.

Mr McMullan, by leave, also made a statement with reference to the matter.

Mrs Sullivan (Parliamentary Secretary (Foreign Affairs)) moved—That the House take note of the paper.

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

7 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MAGNETIC RESONANCE IMAGING UNITS

The House was informed that Ms Macklin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to establish a Royal Commission into the leaking of the decision to extend Medicare rebates to Magnetic Resonance Imaging units under contract on the night of the 1998 Budget”.

The proposed discussion having received the necessary support—

Ms Macklin rising to address the House—

Mrs Sullivan (Parliamentary Secretary (Foreign Affairs)) moved—That the business of the day be called on.

Question—put and passed.

8 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—ANZAC HALL EXTENSION, AUSTRALIAN WAR MEMORIAL, CANBERRA

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Anzac Hall Extension, Australian War Memorial, Canberra.

Debate ensued.

Question—put and passed.

9 MATTERS REFERRED TO MAIN COMMITTEE

Mr Ronaldson (Chief Government Whip), by leave, moved—That the following orders of the day, committee and delegation reports, be referred to the Main Committee for debate:

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Report on a visit to the Northern Defence Bases—Motion to take note of paper: Resumption of debate;

Report on Bougainville peace process—Motion to take note of paper: Resumption of debate;

Treaties—Joint Standing Committee—

Report 26—Agreement to extend period of operation of Joint Defence Facility at Pine Gap—Motion to take note of paper: Resumption of debate;

Report 25—Treaties tabled on 11 August 1999—Motion to take note of paper: Resumption of debate; and

Migration—Joint Standing Committee—Report on immigration entry arrangements for the Olympic and Paralympic Games—Motion to take note of paper: Resumption of debate.

Question—put and passed.

10 SELECTION COMMITTEE—REPORT

Mr Nehl (Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 22 November 1999.

11 COMMITTEE OF PRIVILEGES—STANDING COMMITTEE

The House was informed that the Acting Chief Opposition Whip had nominated Mr Kerr to be a member of the Committee of Privileges.

Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources), by leave, moved—That Mr Kerr be appointed a member of the Committee of Privileges.

Question—put and passed.

12 FEDERAL MAGISTRATES 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—*And on the amendment moved thereto by Mr McClelland, 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) believes that the Federal Magistrates Service proposed in the Bill is unlikely to reduce the delays currently being experienced in the Family Court unless significant additional resources are provided;
- (2) calls upon the Government to work with the Family Court of Australia to address the problems identified in the discussion paper entitled *Review of the Federal Civil Justice System* released by the Australian Law Reform Commission; and
- (3) calls for an inquiry by the House of Representatives Legal and Constitutional Affairs Committee into the need to establish standard procedures and case management techniques for Court administration, relying on best practice models”—

Debate resumed.

Debate adjourned (Mrs D. M. Kelly), and the resumption of the debate made an order of the day for a later hour this day.

13 FEDERAL MAGISTRATES 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—*And on the amendment moved thereto by Mr McClelland (see item No. 12)*—

Debate resumed.

Amendment negatived.

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.

Mr McClelland, by leave, moved Opposition amendments (1) and (3) to (8) together.

Debate continued.

Amendments negatived.

Mr McClelland moved Opposition amendment (2).

Debate continued.

Amendment negatived.

Mr McClelland moved Opposition amendment (9).

Debate continued.

Amendment negatived.

Mr McClelland, by leave, moved Opposition amendments (10) and (11) together.

Debate continued.

Amendments negatived.

Mr McClelland moved Opposition amendment (12).

Debate continued.

Amendment negatived.

Mr McClelland, by leave, moved Opposition amendments (13) and (14) together.

Debate continued.

Amendments negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Williams (Attorney-General), by leave, the Bill was read a third time.

14 **FEDERAL MAGISTRATES (CONSEQUENTIAL AMENDMENTS) 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—

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), (8) and (10) together.

Debate continued.

Amendments negatived.

Mr McClelland, by leave, moved Opposition amendments (2) to (7) together.

Debate continued.

Amendments negatived.

Mr McClelland moved Opposition amendment (9).

Debate continued.

Amendment negatived.

Mr McClelland moved Opposition amendment (11).

Debate continued.

Question—put.

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

AYES, 59

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

NOES, 73

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Downer	Mr McLeay
Mr Prosser	Ms Burke

And so it was negatived.

Question—That the Bill be agreed to—put.

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

AYES, 71

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

NOES, 59

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Downer	Mr McLeay
Mr Prosser	Ms Burke

And so it was resolved in the affirmative—Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Williams (Attorney-General), by leave, the Bill was read a third time.

15 MESSAGE FROM THE SENATE—CORPORATE LAW ECONOMIC REFORM PROGRAM BILL 1998

A message from the Senate was reported returning the following Bill with amendments:

18 October 1999—Message No. 229—Corporate Law Economic Reform Program 1998.

Ordered—That the amendments be considered at the next sitting.

16 MESSAGE FROM THE SENATE—FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (1999 BUDGET AND OTHER MEASURES) BILL 1999

A message from the Senate was reported returning the following Bill with amendments:

18 October 1999—Message No. 230—Family and Community Services Legislation Amendment (1999 Budget and Other Measures) 1999.

Ordered—That the amendments be considered at the next sitting.

17 MESSAGE FROM THE SENATE—STEVEDORING LEVY (COLLECTION) AMENDMENT BILL 1999

A message from the Senate was reported returning the following Bill with amendments:

19 October 1999—Message No. 232—Stevedoring Levy (Collection) Amendment 1999.

Ordered—That the amendments be considered at the next sitting.

18 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos. 3 to 7, government business, be postponed until a later hour this day.

19 MESSAGE FROM THE SENATE—PUBLIC SERVICE BILL 1999

The order of the day having been read for the consideration of the amendments made by the Senate—

On the motion of Dr Kemp (Minister Assisting the Prime Minister for the Public Service), amendment (2) was agreed to, after debate.

On the motion of Dr Kemp, amendment (1) was disagreed to, after debate.

Dr Kemp presented reasons, which were circulated, and are as follows:

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

The Amendment proposes to change Clause 22 of the Bill. In particular the Amendment proposes to change the provision that allows regulations to be made to prescribe limitations on the extension of employment for a specified

term. The Amendment would substitute provisions that prohibit the engagement of persons in those categories, or the extension of engagement of people engaged for a specified term until regulations are made dealing with those issues.

The Public Service Bill 1999 (PS Bill) provides for the establishment and management of the Australian Public Service (APS) and is to replace the *Public Service Act 1922* and the *Merit Protection (Australian Government Employees) Act 1984*. The PS Bill's accompanying legislation is the Public Employment (Consequential and Transitional) Amendment Bill 1999.

The two Bills were introduced into the House of Representatives on 30 March 1999 and the Second Reading debate was adjourned, as required by standing orders. The Second Reading debate on the Bills was resumed and completed on 27 September 1999. The Bills proceeded in cognate debate together with the Parliamentary Service Bill 1999. The Bills passed through the House of Representatives following the passage of Government amendments and were debated in the Senate on 14 October 1999.

During the debate the Senate passed an amendment to clause 22 of the PS Bill. The Bill has been referred back to the House of Representatives.

Clause 22 of the PS Bill deals with categories of employment and provides that persons employed in the APS can be engaged;

- on an ongoing basis; or
- for a specified term or the duration of a specified task; or
- for duties that are irregular or intermittent.

The effect of the Senate Amendment to clause 22 is to provide that an Agency Head would only be able to engage persons for a specified term or the duration of a specified task, or extend an engagement for a specified term, in circumstances prescribed in the Public Service Regulations.

The Amendment is unacceptable to the House because it could operate to effectively prohibit the employment of persons in the APS on other than an ongoing basis unless Regulations are made which deliver the Opposition's agenda on this matter.

The House appreciates that Government and the Opposition have held lengthy discussions on the use of these forms of employment in the APS.

The House notes that the Government has modified its position considerably on this issue. The House notes that the Government is adamant that APS agencies should have the flexibility to engage APS employees for an initial period of up to 18 months with the capacity to extend to a total period of up to three years to meet peaks and troughs in workloads, temporary demands for particular skills and to replace ongoing employees who are on leave or who are working elsewhere in the APS. That proposal is consistent with the recommendations of the McLeod report on the Review of the Public Service Act that was endorsed by the Opposition when they were in government.

Indeed, under the Bill the proposed maximum period of engagement for persons engaged for a specified term is less than that recommended in the McLeod

report which considered that the maximum period should be able to be extended to five years.

In addition the subordinate legislation will require that:

- where such employment is to last for longer than twelve months, the employment opportunity must be advertised and a merit selection process must be conducted; and
- an opportunity will be provided for any ongoing staff employed in the Agency where the vacancy exists to express interest and be considered before a new employee is engaged for a specified term or task.

Contrary to the Opposition's claims, clause 22 of the Bill will not lead to the casualisation of the APS.

The Bill explicitly states that the usual basis for engagement will be as an ongoing employee, while the APS values, which Agency Heads and APS employees are obliged to comply with, include a commitment to workplaces:

- which are fair, flexible safe and rewarding and free from discrimination;
- that promote equity in employment in a career based service; and
- where there is communication, consultation co-operation and input from employees on matters that affect their workplace.

The Amendment, if accepted, would be likely to result in even less people being employed under the Public Service Act as Agency Heads will be forced to contract out short term work. This will mean that people, especially young people and women, will no longer have the opportunity to work in the APS for a short period of time to improve their chances of ongoing employment or to meet their family/work responsibilities.

Accordingly, the House opposes Senate Amendment No. 1 to clause 22 of the Public Service Bill 1999.

On the motion of Dr Kemp, the reasons were adopted.

20 MESSAGE FROM THE SENATE—PUBLIC EMPLOYMENT (CONSEQUENTIAL AND TRANSITIONAL) AMENDMENT BILL 1999

The order of the day having been read for the consideration of the amendments made by the Senate—

On the motion of Dr Kemp (Minister Assisting the Prime Minister for the Public Service), the amendments were agreed to.

21 MESSAGE FROM THE SENATE—PARLIAMENTARY SERVICE BILL 1999

The order of the day having been read for the consideration of the amendments made by the Senate—

On the motion of Dr Kemp (Minister Assisting the Prime Minister for the Public Service), amendments (1), (3) and (4) were agreed to.

On the motion of Dr Kemp, amendment (2) was disagreed to.

Dr Kemp presented reasons, which were circulated, and are as follows:

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

The Amendment proposes to change Clause 22 of the Bill. The Amendment proposes to change the provision that allows determinations to be made to prescribe limitations on the extension of employment for a specified term. The Amendment would substitute provisions that prohibit the engagement of persons in those categories, or the extension of engagement of people engaged for a specified term until determinations are made dealing with those issues.

The Parliamentary Service Bill 1999 provides for the establishment and management of the Parliamentary Service as a separate entity from the Australian Public Service and is to replace the *Public Service Act 1922* and the *Merit Protection (Australian Government Employees) Act 1984*.

The Bill was introduced into the House of Representatives on 30 March 1999 and the Second Reading debate was adjourned, as required by standing orders. The Second Reading debate on the Bill was resumed and completed on 27 September 1999. The Bill proceeded in cognate debate together with the Public Service Bill 1999 and the Public Employment (Consequential and Transitional) Bill 1999. The Bills passed through the House of Representatives following the passage of amendments and were debated in the Senate on 14 October 1999.

During the debate the Senate passed an amendment to clause 22 of the Parliamentary Service Bill and the Bill has been referred back to the House of Representatives.

Clause 22 of the Parliamentary Service Bill deals with categories of employment and provides that persons employed in the Parliamentary Service can be engaged:

- on an ongoing basis; or
- for a specified term or the duration of a specified task; or
- for duties that are irregular or intermittent.

The effect of the Senate Amendment to clause 22 is to provide that a Secretary would only be able to engage persons for a specified term or the duration of a specified task, or extend an engagement for a specified term, in circumstances prescribed in the determinations.

The Amendment is unacceptable to the House because it could operate to effectively prohibit the employment of persons in the Parliamentary Service on other than an ongoing basis unless determinations are made which deliver the Opposition's agenda on this matter.

The House appreciates that the Government and the Opposition have held lengthy discussions on the use of these forms of employment in the Parliamentary Service.

The House notes that the Government has modified its position considerably on this issue and that Parliamentary Departments should have the flexibility to engage employees for an initial period of up to 18 months with the capacity to extend to a total period of up to three years to meet peaks and troughs in workloads, temporary demands for particular skills and to replace ongoing

employees who are on leave or who are working elsewhere in the Parliamentary Service. That proposal is consistent with the recommendations of the McLeod report on the Review of the Public Service Act which was endorsed by the Opposition when they were in government.

Indeed, the proposed maximum period of engagement for persons engaged for a specified term is less than that recommended in the McLeod report which considered that the maximum period should be able to be extended to five years.

In addition the subordinate legislation will require that:

- where such employment is to last for longer than twelve months, the employment opportunity must be advertised and a merit selection process must be conducted; and
- an opportunity will be provided for any ongoing staff employed in the Parliamentary Department where the vacancy exists to express interest in performing the duties and be considered on their merits before a new employee is engaged for a specified term or task.

Contrary to the Oppositions' claims, clause 22 of the Bill will not lead to the casualisation of the Parliamentary Service.

The Bill explicitly states that the usual basis for engagement will be as an ongoing employee, while the Parliamentary Service values, which Secretaries and Parliamentary Service employees are obliged to comply with, include a commitment to workplaces:

- which are fair, flexible safe and rewarding and free from discrimination;
- that promote equity in employment in a career based service; and
- where there is communication, consultation co-operation and input from employees on matters that affect their workplace.

The Amendment, if accepted, would be likely to result in even less people being employed under the Parliamentary Service Act as Secretaries will be forced to contract out short term work. This will mean that people, especially young people and women, will no longer have the opportunity to work in the Parliamentary Service for a short period of time to improve their chances of ongoing employment or to meet their family/work responsibilities.

Accordingly, the House opposes Senate Amendment No. 2 to clause 22 of the Parliamentary Service Bill 1999.

On the motion of Dr Kemp, the reasons were adopted.

22 MESSAGE FROM THE SENATE—FURTHER 1998 BUDGET MEASURES LEGISLATION AMENDMENT (SOCIAL SECURITY) BILL 1999

Message No. 231, 18 October 1999, from the Senate was reported returning the Further 1998 Budget Measures Legislation Amendment (Social Security) Bill 1999 and acquainting the House that the Senate had agreed to the bill as amended by the House at the request of the Senate, with the amendments indicated by the annexed schedule, and had agreed to the amendments made by the House.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Anthony (Minister for Community Services), amendments (1) to (16) and (18) to (27) were agreed to, after debate.

On the motion of Mr Anthony, amendment (17) was disagreed to, after debate.

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

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

The House of Representatives does not agree with Senate Amendment 17 because:

- (1) the “grandfather” clause is inconsistent with the fiscal objectives of the CDEP package contained in the Bill which implement important features of the Spicer Report and which are supported by ATSIC; and
- (2) the amendment is incorrectly drafted for the purpose for which it was stated to be intended. If the aim of the amendment was to “grandfather” the lone parents affected by the Bill, then the amendment goes too far. By negating the entire Item 53 in the Bill in relation to lone parents, it has the effect of disentiitling that group from eligibility for the CDEP Participation Supplement.

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

23 **EQUAL OPPORTUNITY FOR WOMEN IN THE WORKPLACE 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—*And on the amendment moved thereto by Ms Macklin, 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 expresses its concern about the nature of the bill and its contribution to the stripping back of Government support for Australian women and the community organisations that represent them, in particular:

- (1) the weakening of industrial relations legislation and organisations that aim to improve women’s employment prospects and workplace treatment, particularly through the Workplace Relations Act and reductions in the power of the Australian Industrial Relations Commission;
- (2) the weakening of organisations that exist to provide women with suitable avenues of redress for discrimination, including the Affirmative Action Agency and the Human Rights and Equal Opportunity Commission;
- (3) failure to respond to major reports, particularly the Human Rights and Equal Opportunity Commission Report, *Pregnant and Productive*;
- (4) failure to send appropriate representation to international forums discussing women’s policy, particularly to the recent International Labour Organisation’s conference on maternity leave provisions;
- (5) the weakening of the role of government organisations that aim to improve the sensitivity of government policies to women, particularly the Office of the Status of Women;

- (6) the de-funding of community groups which represent women, including the Girl Guides, the Women's Electoral Lobby, the Older Women's Network and the Catholic Women's League;
- (7) failure to consult with a wide range of women's organisations, particularly through the reduction in the numbers now attending the national round table consultations;
- (8) cuts to child care, education and health-services which women depend upon to be able to work, to raise a family and to improve their living standards;
- (9) the development of taxation policies which do not deliver an equal benefit to women and which redistribute more of the burden of taxation onto women through the Goods and Services Tax; and
- (10) the de-funding of the social safety net by stealth which impacts significantly on women as women are more dependent upon social security and the Government's refusal to release a secret welfare discussion paper containing plans to cut payments to sole parents and people with disabilities"—

Debate resumed.

Ms Gillard addressing the House—

24 ADJOURNMENT

It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed

And then the House, at 11 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 19 October 1999:
Civil Aviation Act—Civil Aviation Regulations—Instrument 1999 No. CASA 1012.

Defence (Visiting Forces) Act—Regulations—Statutory Rules 1999 No. 233.

National Health Act—

Determination 1999 National Health (Maximum Percentage of Discounting of Contributions to Organisations), 12 October.

Instrument—Guidelines—National Health (Loyalty Bonus Scheme), 13 October 1999.

**ATTENDANCE**

All Members attended (at some time during the sitting) except Ms Burke*, Mrs Crosio, Mr Downer, Mr McLeay, Mr Prosser* and Mr Somlyay.

* On leave



I. C. HARRIS

Clerk of the House of Representatives