

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 106

WEDNESDAY, 12 APRIL 2000

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 PRIVACY AMENDMENT (PRIVATE SECTOR) BILL 2000

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to privacy, 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 McClelland), and the resumption of the debate made an order of the day for the next sitting.

3 PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT BILL 2000

Mr Truss (Minister for Agriculture, Fisheries and Forestry) presented a Bill for an Act to amend the *Primary Industries (Excise) Levies Act 1999*, and for related purposes.

Bill read a first time.

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

Paper

Mr Truss 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.

4 AVIATION LEGISLATION AMENDMENT BILL (NO. 2) 2000

Mr Truss (Minister for Agriculture, Fisheries and Forestry), for Mr Anderson (Minister for Transport and Regional Services), pursuant to notice, presented a Bill for an Act to amend legislation relating to aviation, and for related purposes.

Bill read a first time.

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

Paper

Mr Truss 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.

5 MESSAGE FROM THE GOVERNOR-GENERAL—A NEW TAX SYSTEM (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2000

Message No. 186, 3 April 2000, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments of a Bill for an Act to amend legislation providing for assistance to families, and for related purposes.

6 A NEW TAX SYSTEM (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2000—SENATE'S REQUESTS

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

On the motion of Mr Anthony (Minister for Community Services), the requested amendments were made, after debate.

7 TAXATION LAWS AMENDMENT BILL (NO. 10) 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 by Mr K. J. Thomson who moved, as an amendment—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 with:

- (1) recent revelations about the administration of the Australian Taxation Office;
- (2) the misleading claims of the Government concerning its taxation proposals;
- (3) the flawed implementation process of the various new taxation arrangements;
- (4) the role of the Tax Office in the transition to the new taxation arrangements; and
- (5) the fundamental unfairness and complexity of so much of the new tax arrangements”.

Debate continued.

Debate adjourned (Dr Kemp—Minister for Education, Training and Youth Affairs), and the resumption of the debate made an order of the day for the next sitting.

8 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT BILL 2000

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.

9 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw

At 2.38 p.m. the Member for Paterson (Mr Horne) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continuing—

Paper

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

Beazley, Kim—The accidental leader—Copy of article published in the *Bulletin*, 18 April 2000.

Questions without notice continued.

10 MEMBER ORDERED TO WITHDRAW

At 3.17 p.m. the Member for Hotham (Mr Crean—Deputy Leader of the Opposition) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

11 PRIVILEGE—COMPLAINT OF BREACH

Ms J. S. McFarlane raised, as a matter of privilege, the actions of an officer of the Australian Taxation Office in relation to questions she had placed on the Notice Paper.

The Speaker stated that he would consider the matter and report to the House at a later time.

12 PAPERS

The following papers were presented:

Commonwealth Grants Commission—General revenue grant relativities—Report 2000 update.

Department of Health and Aged Care—Private Health Insurance Premium Increases—Quarter commencing 1 January 2000.

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT POLICIES

The House was informed that Ms Kernot had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The social disadvantage and exclusion in Australia resulting from Government policies”.

The proposed discussion having received the necessary support—

Ms Kernot addressed the House.

Discussion ensued.

Discussion concluded.

14 FUEL SALES GRANTS BILL 2000

Mr Costello (Treasurer), by leave, presented a Bill for an Act to provide for grants for certain sales of fuels, and for related purposes.

Bill read a first time.

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

Paper

Mr Costello presented an explanatory memorandum to the following Bills:

Fuel Sales Grants 2000;

Product Grants and Benefits Administration 2000; and

Fuel Sales Grants (Consequential Amendments) 2000.

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

15 PRODUCT GRANTS AND BENEFITS ADMINISTRATION BILL 2000

Mr Costello (Treasurer), by leave, presented a Bill for an Act to provide for assessment and payment of certain grants and benefits, and for related purposes.

Bill read a first time.

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

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

16 FUEL SALES GRANTS (CONSEQUENTIAL AMENDMENTS) BILL 2000

Mr Costello (Treasurer) presented a Bill for an Act to amend the *Taxation Administration Act 1953*, and for related purposes.

Bill read a first time.

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

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

17 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the following Bill without amendment:

12 April 2000—Message No. 356—Australian Wool Research and Promotion Organisation Amendment (Funding and Wool Tax) 2000.

18 APPROPRIATION (DR CARMEN LAWRENCE'S LEGAL COSTS) BILL 1999-2000—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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

19 POOLED DEVELOPMENT FUNDS 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.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources), the Bill was read a third time.

20 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Pyne (Chair) presented the following papers:

Procedure—Standing Committee—*e-motions*: The electronic transaction of questions, answers and notices of motion and related matters—

Report, 5 April 2000.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Pyne and Mr Price, by leave, made statements in connection with the report.

Mr Pyne, by leave, moved—That the House take note of the report.

Mr Pyne 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.

21 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT BILL 2000

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. 187, 13 March 2000, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Anthony (Minister for Community Services), the Bill was read a third time.

22 BILL REFERRED TO MAIN COMMITTEE

Mr Scott (Minister for Veterans' Affairs), by leave, moved—That the Taxation Laws Amendment Bill (No. 10) 1999 be referred to the Main Committee for further consideration.

Question—put and passed.

23 HEALTH LEGISLATION AMENDMENT BILL (NO. 4) 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.

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

24 MESSAGE FROM THE SENATE—A NEW TAX SYSTEM (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2000

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

12 April 2000—Message No. 358—A New Tax System (Family Assistance and Related Measures) 2000.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Anthony (Minister for Community Services), amendments Nos 1 and 5 were agreed to.

Mr Anthony moved—That amendments Nos 2, 3 and 4 be disagreed to.

Debate ensued.

Question—put.

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

AYES, 76

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

NOES, 60

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Hardgrave	Mr Swan

And so it was resolved in the affirmative.

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

Reasons of the House of Representatives for disagreeing to the amendments Nos 2, 3 and 4 of the Senate

Senate amendments Nos 2, 3 and 4 are not acceptable for the following reasons:

1. The Parliament passed legislation which introduced the 10 per cent threshold for sharing of Family Tax Benefit in June last year.
2. The existing 10 per cent threshold is a reasonable test of material care, recognising that parents with this level of care incur significant costs in caring for their child. Recent Australian research shows that parents with this level of care or more incur relatively significant costs due to the need to provide a bedroom, furnishings, food, clothes, health care and entertainment.
3. The Senate amendments would move the sharing threshold to 30%, and allow sharing of payment at a lower level on application but only with the agreement of both separated parents. The amendments would give power to one parent with between 70% and 90% care to affect the financial situation of their former partner who has up to 30% care of the child.
4. The amendments would put at risk the entitlements of parents who have substantial ongoing care arrangements of a child such as every weekend, or every second weekend plus half the school holidays.
5. To ensure fairness, it is essential that a parent's entitlement to family assistance be determined by the Family Assistance Office, and not be dependent on the discretion of a former partner.
6. The amendments would jeopardise the proper implementation of the family assistance legislation and result in increased administrative costs.

Accordingly, the House does not accept these amendments.

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

25 HEALTH LEGISLATION AMENDMENT BILL (NO. 4) 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.

Consideration in detail

Bill, by leave, taken as a whole.

Ms Macklin, by leave, moved Opposition amendments (1) and (2) together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 60

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

NOES, 76

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Schultz
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Scott
Mr Andren	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	Mrs Sullivan
Mr Bartlett	Mr Georgiou	Mrs Moylan	Mr C. P. Thompson
Mrs B. K. Bishop	Mr Haase	Mr Nairn	Mr A. P. Thomson
Ms J. I. Bishop	Mr Hawker	Dr Nelson	Mr Truss
Mr Brough	Mr Hockey	Mr Neville	Mr Tuckey
Mr Cadman	Mrs Hull	Mr Nugent	Mr M. A. J. Vaile
Mr Cameron	Mr Jull	Mr Prosser	Mrs D. S. Vale
Mr Causley	Mr Katter	Mr Pyne	Mr Wakelin
Mr Charles	Mrs D. M. Kelly	Mr Reith	Dr Washer
Mr Costello	Jackie Kelly	Mr Ronaldson	Mr Williams
Mr Downer	Dr Kemp	Mr Ruddock	Dr Wooldridge
Mrs Draper	Mr Lawler	Mr St Clair	Ms Worth

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Hardgrave	Mr Swan

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Dr Wooldridge (Minister for Health and Aged Care), by leave, the Bill was read a third time.

26 HEALTH INSURANCE (APPROVED PATHOLOGY SPECIMEN COLLECTION CENTRES) TAX 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.

Dr Wooldridge (Minister for Health and Aged Care) moved the Government amendment.

Paper

Dr Wooldridge presented a supplementary explanatory memorandum to the Bill.

Amendment agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Dr Wooldridge, by leave, the Bill was read a third time.

27 MESSAGE FROM THE SENATE—HUMAN RIGHTS (MANDATORY SENTENCING OF JUVENILE OFFENDERS) BILL 1999

Message No. 357, 12 April 2000, from the Senate was reported requesting the House to consider immediately the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999.

28 ADJOURNMENT

Dr Wooldridge (Minister for Health and Aged Care) 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 12 April 2000:

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment Nos 29, 35.

Census and Statistics Act—Australian Bureau of Statistics—Statements of disclosure of information 2000 No. 1.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Amendments—2000—Part 39-105—10 April.

Diesel and Alternative Fuels Grants Scheme Act—Regulations—Statutory Rules 2000 No. 44.

Export Control Act—Regulations—Statutory Rules 2000 No. 43.

Parliamentary Entitlements Act—Advice of decisions under paragraph 18(a), 22 March 2000.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Billson, Ms Ellis, Mr Hardgrave, Ms Livermore, Mr Swan and Mr Wilton.



I. C. HARRIS

Clerk of the House of Representatives

1998-1999-2000

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 106

MAIN COMMITTEE**MINUTES OF PROCEEDINGS**

WEDNESDAY, 12 APRIL 2000

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 APPROPRIATION (DR CARMEN LAWRENCE'S LEGAL COSTS) BILL 1999-2000

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 and agreed to, after debate.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House without amendment.

4 ADJOURNMENT

On the motion of Mr Somlyay, the Main Committee adjourned at 10.33 a.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