

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 142

MONDAY, 9 OCTOBER 2000



1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

**2 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

Mr Baird presented the following paper:

Australian Parliamentary Delegation to the European Institutions, 10 to 18 June 2000—Report, October 2000.

Mr Baird and Mr Jenkins made statements in connection with the report.

**3 EMPLOYMENT, EDUCATION AND WORKPLACE RELATIONS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Dr Nelson (Chair) presented the following papers:

Employment, Education and Workplace Relations—Standing Committee—Shared endeavours: Employee share ownership in Australia—

Report, incorporating a dissenting report, September 2000.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Dr Nelson and Mr Emerson made statements in connection with the report.

Dr Nelson again addressed the House.

Ms Gillard made a statement in connection with the report.

The time allotted for making statements on the report having expired—

Dr Nelson moved—That the House take note of the report.

Dr Nelson was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**4 MIGRATION—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mrs Gallus (Chair) presented the following papers:

Migration—Joint Standing Committee—Review of Migration Legislation Amendment Bill (No. 2) 2000—

Report, incorporating a dissenting report, October 2000.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mrs Gallus, Mr Adams, Mrs May and Mr Ripoll made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mrs Gallus moved—That the House take note of the report.

Mrs Gallus was granted leave to continue her speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**5 COMMUNICATIONS, TRANSPORT AND THE ARTS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Neville (Chair) presented the following papers:

Communications, Transport and the Arts—Standing Committee—Beyond the midnight oil: An inquiry into managing fatigue in transport—

Report, 7 September 2000.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Neville, Mr Gibbons, Mr St Clair and Mr Mossfield made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Neville moved—That the House take note of the report.

Mr Neville was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**6 MEMBERS' STATEMENTS**

Members' statements were made.

**7 QUESTIONS**

Questions without notice being asked—

*Paper*

Mr Costello (Treasurer) presented the following paper:

“The new adventures of the Bobbsey Twins”—Copy of article published in *The Bulletin*, 18 April 2000.

Questions without notice continued.

*Papers*

The Speaker presented the following papers:

Copies of correspondence from—

The Speaker to Mr Anthony (Minister for Community Services), 25 September 2000.

Mr Anthony to the Speaker, 28 September 2000.

**8 PETITIONS**

Petitions lodged for presentation were announced.

**9 EMPLOYMENT, EDUCATION AND WORKPLACE RELATIONS—STANDING COMMITTEE**

The House was informed that the Chief Opposition Whip had nominated Ms Livermore to be a member of the Standing Committee on Employment, Education and Workplace Relations in place of Mr Hollis.

Mr Scott (Minister for Veterans' Affairs), by leave, moved—That Mr Hollis be discharged from the Standing Committee on Employment, Education and Workplace Relations and that, in his place, Ms Livermore be appointed a member of the committee.

Question—put and passed.

**10 TREATIES—JOINT STANDING COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER**

Mr A. P. Thomson (Chair) presented the following papers:

Treaties—Joint Standing Committee—35th report—Agreement for Co-operation in the Peaceful Uses of Nuclear Energy—

Report, 9 October 2000.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr A. P. Thomson moved—That the House take note of the report.

Mr A. P. Thomson was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**11 BURMA**

Mr Edwards, pursuant to notice, moved—That this House calls on the Government of Burma to cease infringing the right of Aung San Suu Kyi to conduct her democratic activities with freedom and in safety and further calls on the Burmese Government to involve itself in a substantive political dialogue with her National League for Democracy.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

**12 GRIEVANCE DEBATE**

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

**13 MESSAGE FROM THE SENATE**

Message No. 460, 5 October 2000, from the Senate was reported acquainting the House that the Senate had agreed to a resolution referring the provisions of the Corporate Code of Conduct Bill 2000 to the Parliamentary Joint Committee on Corporations and Securities for inquiry and report by 31 March 2001.

**14 COMMITTEE MEMBERSHIP—RESCISSION OF RESOLUTION**

Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs), by leave, moved—That :

- (a) the resolution of the House agreed to at this sitting appointing a Member to the Standing Committee on Employment, Education and Workplace Relations be rescinded, and
- (b) Mr Hollis be discharged from the Standing Committee on Communications, Transport and the Arts and that, in his place, Ms Livermore be appointed a member of the committee.

Question—put and passed.

**15 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) 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—*And on the amendment moved thereto by Mr Lee, 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) notes the major disparity between the educational outcomes for indigenous Australians and the general population;
- (2) calls for a renewed commitment from governments and education providers to address this disparity; and

- (3) condemns the Government for:
- (a) misleading the public by wrongly claiming the National Indigenous Literacy and Numeracy Strategy contained additional funding; and
  - (b) providing incorrect funding figures for indigenous education in the Budget Papers”—

Debate resumed.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

*Message from the Governor-General*

Message No. 244, 27 June 2000, 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 Lee, by leave, moved Opposition amendments (1) and (2) together.

Debate continued.

Amendments negatived.

Dr Theophanous, by leave, moved amendments (1) and (2) together.

Debate continued.

Amendments negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs), by leave, the Bill was read a third time.

**16 CRIMINAL CODE AMENDMENT (THEFT, FRAUD, BRIBERY AND RELATED OFFENCES) 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.

*Paper*

Mr Kerr, by leave, presented the following paper:

Letter from Minister for Justice and Customs to Mr Kerr, 26 September 2000.

Debate continued.

Ms Gillard 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 later hour.

**17 MESSAGE FROM THE SENATE—RENEWABLE ENERGY (ELECTRICITY) BILL 2000**

Message No. 461, 9 October 2000, from the Senate was reported returning the Renewable Energy (Electricity) Bill 2000 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage), amendments Nos 3, 4, 8 to 16 and 21 were agreed to, after debate.

On the motion of Dr Stone, amendments Nos 1, 2, 5 to 7, 17 to 20, 22 and 23 were disagreed to, after debate.

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

*Reasons of the House of Representatives for disagreeing to the amendments of the Senate*

***Senate Amendments 1 & 2***

These amendments substantially alter the approval processes for renewable energy generation projects seeking to be eligible under the measure. The additional tests imposed by these amendments are not clearly defined and would make participation in the scheme difficult, increasing uncertainty for project proponents. This is counter to the intention of the legislation, which is to support the expansion of renewable energy generation capacity in Australia.

Accordingly, the House of Representatives does not accept these amendments.

***Senate Amendments 5, 6, 17, 20***

These amendments impose an unnecessary administrative burden on the Renewable Energy Regulator. These amendments would expand the Regulator's responsibilities for maintaining public registers above the currently required register of registered parties, a register of accredited power stations and a register of renewable energy certificates. The additional register of applications for accreditation of power stations is not considered to add meaningfully to public knowledge of the scheme considered necessary for transparency of the scheme.

Given the added cost and administrative burden this amendment imposes the House of Representatives does not accept these amendments.

***Senate Amendment 7***

This amendment reduces flexibility in the administration of the scheme and reduces the range of renewable energy sources that would be eligible to contribute towards meeting the requirements of this legislation. The added certainty to the renewable energy industry that is provided by an amendment of this nature is negated by the complex and time consuming process required to make minor amendments to the eligibility list, for example adding a new renewable energy source to the eligibility list. This would arguably reduce the level of support available to new technologies at the time when support is most required. This is considered to be an unnecessary restriction in the achievement and administration of this scheme.

Accordingly, the House does not accept this amendment.

***Senate Amendments 18 and 19***

This amendment would segment a market that is designed to offer a generic product which is a megawatt hour of renewable energy. Liable parties have made representations to the effect that they consider exposure of the fuel source used to create renewable energy certificates would reduce their competitive position by creating high and low value certificates. This may also impact severely on the ability of renewable energy generators to sell their certificates at a price that supports the commercial operation of the project. It would also complicate registry, trading and acquittal arrangements for the renewable energy industry.

Given the impact of this amendment on the effective operation of the measure, the House of Representatives does not accept these amendments.

***Senate Amendment 22***

The insertion of a CPI indexation clause into the Renewable Energy (Electricity) Bill 2000 would bring the constitutionality of the scheme into question. An amendment of this nature can only be introduced into the Renewable Energy (Charge) Bill 2000.

Amendments moved to the original amendment proposed by the Opposition in the Senate has also left this amendment indexing only a penalty charge which is to be rarely used (penalty charge payable under Part 9). This amendment would need to be further amended if the rate of shortfall charge to be paid by parties not meeting their obligation was indexed annually.

The indexation of the rate of shortfall charge, given a commitment to review the operation of the scheme, including the level of penalties provided under the Act, is not supported.

Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment 23***

This amendment would substantially delay the implementation of this measure and as a result, the scheme would not be able to commence on 1 January 2001. Under this particular legislation, participants in the scheme will not be able to be accredited if the regulations have not been finalised. A 30 day consultation process would substantially reduce the likelihood that the regulations for this measure could be tabled in the 2000 sitting period. A delay in the commencement of the measure would impact substantially on those parties who have made investments based on an expectation that the measure will commence on 1 January 2001.

Accordingly, the House of Representatives does not accept this amendment.

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

***Senate Amendment 24***

This amendment imposes an unnecessarily restrictive set of criteria for an evaluation of the scheme. The terms of reference for a review of the measure would best be set closer to the time when the review would be conducted, taking

into account issues of administration that have arisen in the first several years of operation of the scheme. If the legislation were to include a requirement for a review of the measure, a more general set of evaluation criteria would be preferable. An amendment to this effect is tabled.

On the motion of Dr Stone, amendment No. 24 was disagreed to and the Government amendment was made in place thereof, after debate.

#### 18 MESSAGE FROM THE SENATE

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

9 October 2000—Message No. 462—Renewable Energy (Electricity) (Charge) 2000.

#### 19 CRIMINAL CODE AMENDMENT (THEFT, FRAUD, BRIBERY AND RELATED OFFENCES) 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.

Debate adjourned (Mr Brough—Parliamentary Secretary to the Minister for Employment, Workplace Relations and Small Business), and the resumption of the debate made an order of the day for the next sitting.

#### 20 ADJOURNMENT

Mr Brough (Parliamentary Secretary to the Minister for Employment, Workplace Relations and Small Business) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.59 p.m., adjourned until tomorrow at 2 p.m.

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#### PAPERS

The following papers were deemed to have been presented on 9 October 2000:

A New Tax System (Goods and Services Tax) Act—Determinations—2000—GST-free Supply (Drugs and Medicinal Preparations) (No. 2).

GST-free Supply (Health Goods) (No. 2).

Broadcasting Services Act—Regulations—Statutory Rules 2000 No. 272.

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—Part 39-105—2000 13(23), 20(2), 21(2), 22(5), 25(6), 26 September.

Part 39-107—2000 25 September.

Currency Act—Determinations—2000 Currency (Royal Australian Mint) (Nos 7, 8).



Fisheries Management Act, Fishing Levy Act—Regulations—Statutory Rules 2000 No. 271.

Judiciary Act—Rules of Court—Statutory Rules 2000 No. 274.

National Health Act—Regulations—Statutory Rules 2000 No. 273.

Occupational Health and Safety (Commonwealth Employment) Act—Notice—2000 No. 3.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 2000 No. 270.

Safety, Rehabilitation and Compensation Act—Notice—2000 No. 2.

Sydney Airport Curfew Act—Dispensations—2000 Nos 12, 13, 14, 15, 16, 17.

Taxation Administration Act—Rulings—2000 Nos PR 104, PR 105.



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Anderson, Mr Danby, Mr Hollis\* and Mr M. A. J. Vaile.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives