

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 146

MONDAY, 30 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 Wilkie presented the following paper:

Australian Parliamentary Observer Delegation to the parliamentary elections in Zimbabwe 24 to 25 June 2000—Report, October 2000.

Mr Wilkie and Ms J. I. Bishop made statements in connection with the report.

3 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Jull presented the following papers:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Australian Government loan to Papua New Guinea—

Report, October 2000.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Jull and Mr Snowdon made statements in connection with the report.

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

Mr Jull 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 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

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

Treaties—Joint Standing Committee—36th report—An Extradition Agreement with Latvia and an Agreement with the United States of America on Space Vehicle Tracking and Communication—

Report, 11 October 2000.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr A. P. Thomson, Mr Wilkie, Mrs D. M. Kelly and Mr Hardgrave made statements in connection with the report.

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

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.

5 SUPERANNUATION GUARANTEE (ADMINISTRATION) AMENDMENT BILL 2000

Mr K. J. Thomson, pursuant to notice, presented a Bill for an Act to amend the *Superannuation Guarantee (Administration) Act 1992*.

Mr K. J. Thomson made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting, in accordance with sessional order 104A.

6 JOB NETWORK MONITORING AUTHORITY BILL 2000

Ms Kernot, pursuant to notice, presented a Bill for an Act to establish an authority to monitor the operations of the Job Network, and for related purposes.

Paper

Ms Kernot, by leave, presented an explanatory memorandum to the Bill.

Ms Kernot made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting, in accordance with sessional order 104A.

7 MEMBERS' STATEMENTS

Members' statements were made.

8 SYDNEY 2000 PARALYMPIC GAMES

Mr Anderson (Acting Prime Minister), by leave, moved—That this House:

- (1) recognises the huge success of the Sydney 2000 Paralympic Games, and that the Games demonstrated the great capacity and generosity of spirit of the Australian people;
- (2) conveys on behalf of all Australians the nation's pride and congratulations for the performances of all the athletes who represented Australia at these Games;
- (3) congratulates the Sydney Paralympic Organising Committee (SPOC) and others responsible for staging such an outstandingly successful Games;
- (4) expresses our thanks and gratitude to the more than 15,000 volunteers whose cheerful enthusiasm and commitment ensured that the Paralympics were an enjoyable and friendly experience for everyone who attended;
- (5) expresses our thanks to all officials from Commonwealth departments and agencies who worked to prepare and support the running of the Games, including the men and women of the Australian Defence Force; and
- (6) extends our best wishes to the Government and the people of Greece for their preparations and staging of the 2004 Olympic and Paralympic Games.

Debate ensued.

Question—put and passed.

9 QUESTIONS

Questions without notice being asked—

Minister for Employment, Workplace Relations and Small Business—Motion of censure

Mr Beazley (Leader of the Opposition), by leave, moved—That this House censures the Minister for Employment, Workplace Relations and Small Business for:

- (1) attempting to cover up an unambiguous breach of his entitlement relating to Telecard use, until the matter was exposed in the media;
- (2) once exposed, attempting to evade disclosure of all the relevant facts through an ever-changing story consisting of deceptive, misleading and contradictory statements about the matter; and
- (3) benefiting from more lenient treatment for himself over his breach of entitlement than he is willing to afford his fellow Australian citizens.

Debate ensued.

Question—put.

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

AYES, 60

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

NOES, 76

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

* Tellers

And so it was negatived.

Questions without notice concluded.

10 PETITIONS

Petitions lodged for presentation were announced.

11 PARALLEL IMPORTING

Mr Pyne, pursuant to notice, moved—That the House:

- (1) recognises that easing restrictions on parallel importing will result in cheaper prices for Australian consumers;
- (2) acknowledges that easing restrictions on parallel importing will allow Australian consumers to enjoy a greater range of products; and
- (3) confirms that easing restrictions on parallel importing improves product innovation and development.

Debate ensued.

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

12 JOHN SIMPSON KIRKPATRICK

Ms Hall, pursuant to notice, moved—That this House:

- (1) remembers the extraordinary deeds of John Simpson Kirkpatrick who, with his donkeys, rescued injured above and beyond the call of duty until he was himself killed; and
- (2) implores the Government to award a posthumous Victoria Cross of Australia to “Simpson” in accordance with the wishes of his WWI commanding officers and overwhelming public demand.

Debate ensued.

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

13 MESSAGE FROM THE SENATE

Message No. 446, 12 October 2000, from the Senate was reported acquainting the House that Senator Faulkner had been discharged from attendance on the Joint Committee of Public Accounts and Audit, and Senator Crowley had been appointed a member of the committee.

14 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.

15 MESSAGE FROM THE SENATE—TOBACCO ADVERTISING PROHIBITION AMENDMENT BILL 2000

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

30 October 2000—Message No. 467—Tobacco Advertising Prohibition Amendment 2000.

Ordered—That the amendments be considered at a later hour this day.

16 CHILD SUPPORT LEGISLATION AMENDMENT BILL (NO. 2) 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. 247, 29 August 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.

On the motion of Mr Anthony (Minister for Community Services), the Government amendment was made, after debate.

Paper

Mr Anthony presented a supplementary explanatory memorandum to the Bill.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

17 TOBACCO ADVERTISING PROHIBITION AMENDMENT BILL 2000—SENATE'S AMENDMENTS

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

On the motion of Dr Wooldridge (Minister for Health and Aged Care), amendment No. 2 was agreed to.

Dr Wooldridge moved—That amendment No. 1 be disagreed to.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mrs Gash, in the Chair)—

AYES, 71

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

NOES, 59

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Ronaldson	Mr Sercombe

And so it was resolved in the affirmative.

Dr Wooldridge 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 rejects the first amendment because advice received from the Australian Government Solicitor is that “there is a significant risk that the High Court would regard those provisions as invalid” at least insofar as they prohibit an advertisement which promotes a tobacco manufacturer in the context of discussions on political matters.

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

18 COPYRIGHT AMENDMENT (MORAL RIGHTS) 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.

19 ADJOURNMENT

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

Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 2 p.m.

PAPERS

The following papers were deemed to have been presented on 30 October 2000:

Australian National University Act—Statute No. 259.

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—

Part 39-105—2000 9(2), 12(3), 19(2) October.

Part 39-106—2000 12 October.

Civil Aviation Amendment Orders—2000 Nos 15, 16.

Instruments—2000 Nos CASA 447, CASA 451, CASA 452, CASA 458, CASA 459, CASA 460.

Commonwealth Authorities and Companies Act—Notice under section 45—Formation of the National Breast Cancer Centre.

Currency Act—Determinations—2000 Currency (Perth Mint) Nos 4, 5, 6, 7, 8.

Defence Act—Determination under section 58B—2000 No. 31.

Excise Act—Regulations—Statutory Rules 2000 No. 278.

Family Law Act—Regulations—Statutory Rules 2000 No. 275.

Financial Management and Accountability Act—Delegation 2000 Financial Management and Accountability (Finance Minister to Chief Executives).

Fisheries Management Act—Temporary Order 2000 No. 5.

Health Insurance Act—

Declaration—2000 No. QAA 3.

Determinations—2000—

Health Insurance (Pathologist-determinable Services).
Health Insurance (Prescribed Pathology Services).
International Organisations (Privileges and Immunities) Act—Regulations—
Statutory Rules 2000 No. 283.
Lands Acquisition Act—
Statement under section 40(3)—2000 October.
Statement under section 125—2000 October.
Migration Act—
Certificates under section 502—11, 12, 26 October 2000.
Regulations—Statutory Rules 2000 No. 284.
National Health Act—Determinations—2000 Nos PIB 23, PIB 25.
National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules
2000 No. 285.
National Road Transport Commission Act—Determination under section 41D.
National Transmission Network Sale Act—Class exemption 2000 No. 1.
Native Title Act—
Determinations—2000—
Native Title (Approved Exploration etc. Acts—New South Wales) (Mining).
Native Title (Approved Exploration etc. Acts—New South Wales) (Petroleum).
Recognition of Representative Aboriginal/Torres Strait Islander Body—2000
No. 13.
Proceeds of Crime Act—Regulations—Statutory Rules 2000 No. 276.
Quarantine Act—Quarantine Amendment Proclamation 2000 (No. 2).
Retirements Savings Accounts Act—Regulations—Statutory Rules 2000 No.
279.
Superannuation Industry (Supervision) Act—Regulations—Statutory Rules
2000 Nos 280, 281.
Taxation Administration Act—
Determinations—2000—Nos TD 93/146 (Addendum), TD 47, TD 48, TD 49.
Rulings—2000—Nos PR 108, TR 14.
Therapeutic Goods Act—Determinations—2000 No. 1.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Adams, Mr Hatton, Mr Hollis*, Mr Howard, Mr O’Keefe, Mr Price, Mr Sercombe, Mrs Sullivan and Dr Theophanous.

* On leave

I. C. HARRIS
Clerk of the House of Representatives