

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 153

THURSDAY, 9 NOVEMBER 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 DEFENCE LEGISLATION AMENDMENT (ENHANCEMENT OF THE RESERVES AND MODERNISATION) BILL 2000**

Mr Scott (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to the Defence Force, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Scott presented an explanatory memorandum to the Bill.

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

**3 DEFENCE RESERVE SERVICE (PROTECTION) BILL 2000**

Mr Scott (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to protect members of the Reserves in their employment and education, to facilitate their return to civilian life, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Scott presented an explanatory memorandum to the Bill.

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

**4 EDUCATION SERVICES FOR OVERSEAS STUDENTS 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:

- (a) the cultural and economic value to Australia of its \$3 billion a year education export industry;
  - (b) the numerous problems in this industry identified by the Opposition, including dishonest providers, lack of financial integrity in certain sections of the industry, and lack of protection for students against provider collapse; and
  - (c) that this Bill does not adequately address the identified problems; and
- (2) condemns the Government for failing to act on these matters for the last two years”—

Debate resumed.

Ordered—That Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) be granted an extension of time.

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. 260, 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.

*Paper*

Ms Worth presented a supplementary explanatory memorandum to the Bill.

On the motion of Ms Worth, by leave, Government amendments (1) to (13) were made together, after debate.

Bill, as amended, agreed to, after debate.

Consideration in detail concluded.

On the motion of Ms Worth, by leave, the Bill was read a third time.

## **5 EDUCATION SERVICES FOR OVERSEAS STUDENTS (ASSURANCE FUND CONTRIBUTIONS) 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—

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

Leave granted for third reading to be moved forthwith.

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

**6 EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) 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—

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

Leave granted for third reading to be moved forthwith.

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

**7 EDUCATION SERVICES FOR OVERSEAS STUDENTS (CONSEQUENTIAL AND TRANSITIONAL) 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—

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

Leave granted for third reading to be moved forthwith.

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

**8 MIGRATION LEGISLATION AMENDMENT (OVERSEAS STUDENTS) 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—

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

Leave granted for third reading to be moved forthwith.

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

**9 FAMILY LAW 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 Mr Williams (Attorney-General), the amendments were agreed to, after debate.

*Paper*

Mr Williams presented a further revised explanatory memorandum to the Bill.

**10 TRADE PRACTICES AMENDMENT BILL (NO. 1) 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 by Mr Fitzgibbon 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:

- (1) condemns the Government for failing to fully embrace the recommendations of the Joint Select Committee on the Retailing Sector including:

- (a) the establishment of a mandatory code embracing the principle of “like terms for like customers” and the mandatory notification of retail stores and wholesale operation acquisitions by publicly listed corporations; and
  - (b) the establishment of a National Uniform Retail Tenancy Code; and
- (2) calls on the Government to facilitate open debate about the full impact of the GST on the viability of small businesses”.

Debate continued.

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.

## 11 QUESTIONS

Questions without notice being asked—

*Papers*

Mr Crean (Deputy Leader of the Opposition), by leave, presented the following papers:

Pre-budget Report by HM Treasury—

Statement by the Chancellor of the Exchequer, 8 November 2000.

A fair deal for transport and the environment, 8 November 2000.

Questions without notice continued.

*Paper*

Dr Kemp (Minister for Education, Training and Youth Affairs) presented the following paper:

Schools Funding Legislation—Copy of fax from S B Codrington, Headmaster, Prince Alfred College, South Australia to Federal Ministers of Parliament, Members of Federal Parliament and Senators, 7 November 2000.

Questions without notice continued.

## 12 PRIVILEGE—ALLEGED UNAUTHORISED DISCLOSURE OF IN CAMERA EVIDENCE—REFERENCE TO COMMITTEE OF PRIVILEGES

Mr Hawker (Chair—Defence subcommittee, Joint Standing Committee on Foreign Affairs, Defence and Trade) referred to the matter of privilege raised on Monday, 6 November of the apparent unauthorised disclosure of in camera evidence received by the Defence subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. Mr Hawker said that the committee had concluded that substantial interference in the work of the subcommittee had occurred, but that it had not been able to ascertain the source or sources of the disclosure.

The Speaker stated that in light of the committee’s conclusion and having regard to the practice and precedents of the House, he was willing to allow precedence to a motion.

Mr Hawker then moved—That, having regard to an article by Mr Michael Ware in *Time Magazine* of 6 November 2000, the matter of whether there was an

unauthorised disclosure of *in camera* evidence taken by, or confidential information provided to, the Defence subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade be referred to the Committee of Privileges.

Question—put and passed.

**13 PRIVILEGE—ALLEGED INTIMIDATION OR INTERFERENCE AGAINST WITNESS—REFERENCE TO COMMITTEE OF PRIVILEGES**

Mr Hawker (Chair—Defence subcommittee, Joint Standing Committee on Foreign Affairs Defence and Trade) referred to the matter of privilege raised yesterday by Mr Price regarding alleged intimidation of or interference with Corporal Craig Smith following his involvement in an inquiry by the Defence subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade concerning the conduct of military justice. Mr Hawker advised that Corporal Smith confirmed he had been harassed and received death threats and on this basis the committee had concluded the matter should be referred to the Committee of Privileges.

The Speaker stated that in light of the committee's conclusion and having regard to the practice and precedents of the House, he was willing to allow precedence to a motion.

Mr Hawker then moved—That the matter of whether Corporal Craig Smith has suffered threat or intimidation as a consequence of his appearance before the Defence subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade on 6 October 2000 be referred to the Committee of Privileges.

Discussion ensued.

Question—put and passed.

**14 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following paper:

Auditor-General—Audit report No. 15 of 2000-2001—Performance Audit—Agencies' Performance Monitoring of Commonwealth Government Business Enterprises.

Ordered to be printed.

**15 PAPERS**

The following papers were presented:

Australia-Japan Foundation—Report for 1999-2000.

Australian National Railways Commission (Australia National)—Report for 1999-2000.

Corporations and Securities—Joint Statutory Committee—Report—Mandatory Bid Rule—Government response.

Finance—

Advance to the Minister for Finance and Administration—Statements for April, May, June, August 2000.

Supporting applications of issues from the Advance during April, May, June, August 2000.

Departmental Items—Adjustments and Borrowings for April, May, June 2000.

Supporting applications of issues from Departmental Items—Adjustments and Borrowings during April, May, June 2000.

Health Services Australia—Report for 1999-2000.

Human Rights and Equal Opportunity Commission—Report for 1999-2000.

Petitions not in accord with standing and sessional orders of the House—

Requesting the Government to discontinue support for economic sanctions against Iraq (Mr Albanese, 803 petitioners).

Requesting the Prime Minister and the Federal Government to say sorry to Indigenous Australia on behalf of the nation (Mr Andren, 580 petitioners).

#### **16 PAPER—MOTION TO TAKE NOTE OF PAPER**

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

Health Services Australia—Report for 1999-2000.

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

#### **17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SCHOOL FUNDING POLICY**

The House was informed that Mr Beazley (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to pursue a needs-based funding policy for non-government schools”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

#### **18 JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) BILL 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 Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, the Bill was read a third time.

**19 MESSAGE FROM THE SENATE—FUEL QUALITY STANDARDS BILL 2000**

Message No. 488, 8 November 2000, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to regulate activities involving fuel and fuel additives, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

**20 MESSAGE FROM THE SENATE**

Message No. 489, 8 November 2000, from the Senate was reported acquainting the House of the following resolution agreed to by the Senate:

That the following matters be referred to the Joint Standing Committee on the National Capital and External Territories for inquiry and report by 5 April 2001:

- (a) the development and implementation of the tender process followed in the sale of the Christmas Island resort; and
- (b) the outcome of the tender process, the current status of the resort and proposals for the resort's future development.

**21 PUBLICATIONS COMMITTEE—21ST REPORT**

Mr Lieberman (Chair) presented the following paper:

**PUBLICATIONS COMMITTEE 21ST REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered documents presented to Parliament since 12 October 2000, recommends that the following be printed:

Aboriginal and Torres Strait Islander Commercial Development Corporation—Report for 1999-2000.

Aboriginal and Torres Strait Islander Commission—Report for 1999-2000.

Administrative Appeals Tribunal—Report for 1999-2000.

Albury-Wodonga Development Corporation—Report for 1999-2000.

Anindilyakwa Land Council—Report for 1999-2000.

Army and Air Force Canteen Service Board of Management—Report for 1999-2000.

Attorney-General's Department—Report for 1999-2000.

Audio-Visual Copyright Society Ltd (Screenrights)—Report for 1999-2000.

Australia Council—Report for 1999-2000.

Australia New Zealand Food Authority—Report for 1999-2000.

Australian Broadcasting Corporation—Report for 1999-2000.

Australian Centre for International Agricultural Research—Report for 1999-2000.

Australian Competition and Consumer Commission—Report for 1999-2000.

- Australian Dairy Corporation—Report for 1999-2000.
- Australian Dried Fruits Board—Report for 1999-2000.
- Australian Electoral Commission—Report for 1999-2000.
- Australian Fisheries Management Authority—Report for 1999-2000.
- Australian Government Solicitor—Report for 1999-2000.
- Australian Greenhouse Office—Report for 1999-2000.
- Australian Heritage Commission—Report for 1999-2000.
- Australian Horticultural Corporation—Report for 1999-2000.
- Australian Industrial Relations Commission and the Australian Industrial Registry—Report for 1999-2000.
- Australian Industry Development Corporation—Report for 1999-2000.
- Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 1999-2000.
- Australian Institute of Criminology and the Criminology Research Council—Report for 1999-2000.
- Australian Institute of Family Studies—Report for 1999-2000.
- Australian Institute of Health and Welfare—Report for 1999-2000.
- Australian Institute of Marine Science—Report for 1999-2000.
- Australian Landcare Council—Report for 1999-2000.
- Australian Law Reform Commission—Report for 1999-2000.
- Australian Military Forces Relief Trust Fund—Report for 1999-2000.
- Australian National Training Authority—  
Australian vocational education and training system—Reports for 1999—  
Volumes 1 and 2—National overview and Commonwealth, State and Territory  
achievements.  
Volume 3—Vocational education and training performance.  
Report for 1999-2000.
- Australian Nuclear Science and Technology Organisation—Report for 1999-  
2000.
- Australian Pork Corporation—Report for 1999-2000.
- Australian Radiation Protection and Nuclear Safety Agency—Report for 1999-  
2000.
- Australian Research Council—Report for 1999-2000.
- Australian Securities and Investments Commission—Report for 1999-2000.
- Australian Security Intelligence Organisation—Report for 1999-2000.
- Australian Sports Commission—Report for 1999-2000.
- Australian Tourist Commission—Report for 1999-2000.
- Australian Trade Commission (AUSTRADE)—Report for 1999-2000.
- Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for  
1999-2000.

- Australian Wine and Brandy Corporation—Report for 1999-2000.
- Australian Wool Research and Promotion Organisation—Report for 1999-2000.
- Bankruptcy Act—Report for 1999-2000.
- Bureau of Meteorology—Report for 1999-2000.
- Centrelink—Report for 1999-2000.
- Civil Aviation Safety Authority Australia—Report for 1999-2000.
- Classification Board and Classification Review Board—Report for 1999-2000.
- Comcare Australia—Report for 1999-2000.
- Commissioner for Superannuation—Report for 1999-2000, incorporating reports on the administration and operation of the Papua New Guinea (Staffing Assistance) Act and the Superannuation Act.
- Commissioner of Taxation—Report for 1999-2000.
- Commonwealth Ombudsman and Defence Force Ombudsman—Report for 1999-2000.
- Commonwealth Scientific and Industrial Research Organisation—Report for 1999-2000.
- Companies and Securities Advisory Committee—Report for 1999-2000.
- Cotton Research and Development Corporation—Report for 1999-2000.
- CSS Board—Report for 1999-2000.
- Dairy Research and Development Corporation—Report for 1999-2000.
- Defence Force Retirement and Death Benefits Authority—Report for 1999-2000.
- Defence Housing Authority—Report for 1999-2000.
- Department of Agriculture, Fisheries and Forestry—Report for 1999-2000—  
Volumes 1 and 2.
- Department of Defence—Report for 1999-2000.
- Department of Education, Training and Youth Affairs—Report for 1999-2000.
- Department of Employment, Workplace Relations and Small Business—Report for 1999-2000.
- Department of Finance and Administration—Report for 1999-2000.
- Department of Foreign Affairs and Trade—Reports for 1999-2000—  
Volume 1—Department of Foreign Affairs and Trade.  
Volume 2—Australian Agency for International Development.
- Department of Health and Aged Care—Report for 1999-2000, including report on the administration and operation of the Therapeutic Goods Administration.
- Department of Immigration and Multicultural Affairs—Report for 1999-2000.
- Department of Industry, Science and Resources—Report for 1999-2000.
- Department of the Environment and Heritage—Report for 1999-2000, including the Annual Report of the Supervising Scientist.
- Department of the House of Representatives—Report for 1999-2000.

- Department of the Parliamentary Library—Report for 1999-2000.
- Department of the Parliamentary Reporting Staff—Report for 1999-2000.
- Department of the Treasury—Report for 1999-2000.
- Dried Fruits Research and Development Council—Report for 1999-2000.
- Employment Services Regulatory Authority—Report for 1999-2000.
- Equal Opportunity in the Workplace Agency—Report for 1999-2000.
- Export Finance and Insurance Corporation—Report for 1999-2000.
- Family Court of Australia—Report for 1999-2000.
- Federal Court of Australia—Report for 1999-2000.
- Federal Police Disciplinary Tribunal—Report for 1999-2000.
- Financial Reporting Council and Australian Accounting Standards Board—Report for 1999-2000.
- Fisheries Research and Development Corporation—Report for 1999-2000.
- Forest and Wood Products Research and Development Corporation—Report for 1999-2000.
- Grains Research & Development Corporation—Report for 1999-2000.
- Grape and Wine Research and Development Corporation—Report for 1999-2000.
- High Court of Australia—Report for 1999-2000.
- Horticultural Research and Development Corporation—Report for 1999-2000.
- Industrial Relations Court of Australia—Report for 1999-2000.
- Inspector-General of Intelligence and Security—Report for 1999-2000.
- International Air Services Commission—Report for 1999-2000.
- Joint Coal Board—Report for 1999-2000.
- Joint House Department—Report for 1999-2000.
- Land and Water Resources Research and Development Corporation—Report for 1999-2000.
- Maritime Industry Finance Company Limited—Report for 1999-2000.
- Members of Parliament (Staff) Act—Report for 1999-2000 on consultants engaged under section 4.
- Migration Review Tribunal—Report for 1999-2000.
- Military Superannuation and Benefits Board of Trustees No. 1—Report for 1999-2000.
- National Archives of Australia and National Archives of Australia Advisory Council—Report for 1999-2000.
- National Capital Authority—Report for 1999-2000.
- National Native Title Tribunal—Report for 1999-2000.
- National Occupational Health and Safety Commission—Report for 1999-2000.

National Registration Authority for Agricultural and Veterinary Chemicals—Report for 1999-2000.

National Road Transport Commission—Report for 1999-2000.

Northern Land Council—Report for 1999-2000.

Office of Parliamentary Counsel—Report for 1999-2000.

Office of the Director of Public Prosecutions—Report for 1999-2000.

Office of the Official Secretary to the Governor-General—Report for 1999-2000.

Parliamentary Service Commissioner—Report for the period 5 December 1999 to 30 June 2000.

Pig Research and Development Corporation—Report for 1999-2000.

Privacy Commissioner—Report for 1999-2000.

Private Health Insurance Ombudsman—Report for 1999-2000.

Professional Services Review—Report for 1999-2000.

PSS Board—Report for 1999-2000.

Public Service Commissioner—Report for 1999-2000, incorporating the Merit Protection and Review Agency and the Merit Protection Commissioner.

Remuneration Tribunal—Report for 1999-2000.

Repatriation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Report for 1999-2000.

Royal Australian Air Force Veterans' Residences Trust Fund—Report for 1999-2000.

Royal Australian Air Force Welfare Trust Fund—Report for 1999-2000.

Royal Australian Navy Relief Trust Fund—Report for 1999-2000.

Rural Industries Research and Development Corporation—Report for 1999-2000.

Safety, Rehabilitation and Compensation Commission—Report for 1999-2000.

Seafarers Safety, Rehabilitation and Compensation Authority—Report for 1999-2000.

Snowy Mountains Hydro-electric Authority—Report for 1999-2000.

Social Security Appeals Tribunal—Report for 1999-2000.

States Grants (Primary and Secondary Education Assistance) Act—Reports on financial assistance granted to each State in respect of 1999.

Sugar Research and Development Corporation—Report for 1999-2000.

Tiwi Land Council—Report for 1999-2000.

Tobacco Research and Development Corporation—Report for 1999-2000.

Veterans' Review Board—Report for 1999-2000.

Wet Tropics Management Authority—Report for 1999-2000.

LOU LIEBERMAN

Chair

9 November 2000

On the motion of Mr Lieberman, by leave, the report was agreed to.

## 22 TRADE PRACTICES AMENDMENT BILL (NO. 1) 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 Fitzgibbon (see item No. 10, page 1883)—*

Debate resumed.

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

## 23 ADJOURNMENT

Mr Scott (Minister for Veterans' Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 6 p.m.—The Speaker adjourned the House until Monday, 27 November 2000, at 12.30 p.m.

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## PAPERS

The following papers was deemed to have been presented on 9 November 2000:

Taxation Administration Act—Rulings 2000 Nos PR 93 (Addendum), PR 94 (Addendum), PR 95 (Addendum), PR 96 (Addendum), PR 97 (Addendum), PR 98 (Addendum), PR 102 (Addendum), PR 103 (Addendum), PR 105 (Addendum), PR 106 (Addendum), PR 107 (Addendum), PR 110.

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## ATTENDANCE

All Members attended (at some time during the sitting) except Mr Hollis\*, Mr Latham, Mr O'Keefe and Dr Theophanous.

\* On leave

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**I. C. HARRIS**  
Clerk of the House of Representatives

1998-1999-2000

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 153

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**THURSDAY, 9 NOVEMBER 2000**

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) 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.

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 ADJOURNMENT**

Mr Ronaldson (Chief Government Whip) moved—That the Main Committee do now adjourn.

Debate ensued.

At 11.20 a.m. the Deputy Speaker adjourned the Main Committee.

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**B. C. WRIGHT**  
Clerk of the Main Committee