

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 159

TUESDAY, 5 DECEMBER 2000

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 Crean, Deputy Leader of the Opposition, by leave, presented the following paper:

Government's business tax reform package—Copy of letter from Mr Peter Costello, Treasurer to Mr Simon Crean, Deputy Leader of the Opposition, 24 November 2000.

Questions without notice continuing—

*Member ordered to withdraw*

At 3.01 p.m. the Member for Prospect (Mrs Crosio) 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 she accordingly withdrew from the Chamber.

Questions without notice continued.

**3 AUDITOR-GENERAL'S REPORTS**

The Speaker presented the following papers:

Auditor-General—Audit reports of 2000-2001—

No. 17—Performance audit—Administration of the waterfront redundancy scheme: Department of Transport and Regional Services—Maritime Industry Finance Company Limited.

No. 19—Financial Control and Administration audit—Management of public sector travel arrangements—Follow-up audit.

Severally ordered to be printed.

**4 PAPERS**

The following papers were presented:

Airservices Australia—Report for 1999-2000.

Australian Communications Authority—Telecommunications performance—Report for 1999-2000.

Australian Political Exchange Council—Report for 1999-2000.

Director of National Parks and Wildlife—Report for 1999-2000.

Migration Agents Registration Authority—Report for 1999-2000.

Murray-Darling Basin Commission—Report for 1999-2000.

Pooled Development Funds Registration Board—Report for 1999-2000.

Productivity Commission—Report for 1999-2000.

Snowy Mountains Council—Report for 1999-2000.

Treaties—List of multilateral treaty action under negotiation or consideration by the Australian Government, or expected to be within the next twelve months—December 2000.

Treaties—Joint Standing Committee—Report—30th—Treaties tabled on 8 and 9 December 1999 and 15 February 2000—Government response, December 2000.

**5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BUSINESS TAX REFORM**

The House was informed that Mr Crean (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The continuing failure of the government to ensure the integrity of the tax system and consequently the importance that it honour its agreement on business tax reform”.

The proposed discussion having received the necessary support—

Mr Crean addressed the House.

Discussion ensued.

Discussion concluded.

**6 MAIN COMMITTEE—DAY OF NEXT MEETING**

The Speaker reported that the Deputy Speaker had fixed Wednesday, 6 December 2000, at 9.40 a.m., for the next meeting of the Main Committee.

**7 MESSAGE FROM THE SENATE—STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) BILL 2000**

Message No. 504, 30 November 2000, from the Senate was reported returning the States Grants (Primary and Secondary Education Assistance) Bill 2000 and acquainting the House that the Senate has considered message No. 597 of the House relating to the bill. The Senate has resolved to further press its requests for amendments, and again requests the House to make the amendments, as indicated by the annexed schedule.

*Purported further pressed requests—Statement by Speaker*

On 28 November I advised the House of Senate message No. 496 in which the House was advised that the Senate had returned the States Grants (Primary and Secondary Education Assistance) Bill 2000 and resolved to press its requests for amendments previously rejected by the House. I advised the House of the constitutional questions that message involved, as successive Speakers have done in similar circumstances.

In the message just reported, the House is advised of the Senate resolution to press its requests further. I understand that there has not been a case of the Senate further pressing its requests since 1906. Consideration by the House of this message also has constitutional implications.

As I indicated on 28 November, the House has never accepted that the Senate has a right to repeat its requests for an amendment to a Bill when the House has rejected the request. There are no House standing orders covering a situation for consideration of pressed requests, suggesting a belief, in the minds of those framing the standing orders, that the House would not, in the normal transaction of business, require procedural rules of this kind. In 1983, the action of the Senate in pressing requests was taken as failure to pass proposed legislation and included as the basis for a simultaneous dissolution of both Houses.

However, there have been occasions in the past when the House has refrained from determining its constitutional rights. The message has subsequently been considered.

There are, of course, situations where negotiations between the Houses concerning **amendments** to Bills, that is, proposed changes to Bills which the Constitution permits the Senate to make, are unresolved. The standing orders of the House provide for situations of this kind. They provide for a stage at which, if the requirements of the House are not met, the Bill in question must be laid aside or a conference with the Senate sought. Standing orders would need to be suspended to enable acceptance of the Senate amendments or alternative amendments. It has been considered to be inappropriate to suspend standing orders to continue the process of disagreement.

It is important that the House has regard to the constitutional implications and is not taken to have determined its privileges simply by the act of consideration of a Senate message. However, it should be open to the House to take whatever course it thinks appropriate in situations where the Senate purports to press its requests for amendments to proposed legislation. This could involve a range of options extending from declining to consider the message to considering the message and making the amendments requested by the Senate by one means or another.

It rests with the House as to whether it will consider the Senate message containing requested amendments which the Senate has purported to press further.

Dr Kemp (Minister for Education, Training and Youth Affairs) moved—That:

(1) the House:

- (a) endorses the statement of the Speaker in relation to the constitutional questions raised by message No. 504 transmitted by the Senate in relation to the States Grants (Primary and Secondary Education Assistance) Bill 2000;
  - (b) refrains from any determination of its constitutional rights in respect of Senate message No. 504;
  - (c) declines to consider further the requested amendments which the Senate has purported to press further;
  - (d) calls on the Senate to agree to the Bill as transmitted to it by the House of Representatives without requests, amendments or further delay; and
- (2) the message returning the Bill to the Senate convey the terms of this resolution.

Debate ensued.

Question—put.

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

AYES, 75

Mr Abbott	Mr Entsch	Mr Lieberman	Mr St Clair
Mr Anderson	Mr Fahey	Mr Lindsay	Mr Schultz
Mr K. J. Andrews	Mr Fischer	Mr Lloyd	Mr Scott
Mr Anthony	Mr Forrest	Mr McArthur*	Mr Secker
Fran Bailey	Mrs Gallus	Mr I. E. Macfarlane	Mr Slipper
Mr Baird	Ms Gambaro	Mr McGauran	Mr Somlyay
Mr Barresi	Mrs Gash	Mrs May	Dr Southcott
Mr Bartlett	Mr Georgiou	Mr Moore	Mrs Sullivan
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*	Mr M. A. J. Vaile
Mr Cameron	Mr Jull	Mr Nugent	Mrs D. S. Vale
Mr Causley	Mr Katter	Mr Prosser	Mr Wakelin
Mr Charles	Mrs D. M. Kelly	Mr Pyne	Dr Washer
Mr Costello	Jackie Kelly	Mr Reith	Dr Wooldridge
Mrs Draper	Dr Kemp	Mr Ronaldson	Ms Worth
Mrs Elson	Mr Lawler	Mr Ruddock	

## NOES, 63

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

\* Tellers

*Pairs*

Mr Howard                      Mr Beazley

And so it was resolved in the affirmative.

**8 MESSAGE FROM THE SENATE—VETERANS' AFFAIRS LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2000**

Message No. 507, 30 November 2000, from the Senate was reported returning the Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2000 and acquainting the House that the Senate has considered message No. 601 of the House relating to the bill. The Senate has resolved to press its request for an amendment, and again requests the House to make the amendment, as indicated by the annexed schedule.

*Power of House in respect of money bills—Statement by Speaker*

It is my duty as Speaker to draw the attention of the House to the constitutional question this message involves. When similar circumstances have arisen in the past—including the recent case of the States Grants (Primary and Secondary Education Assistance) Amendment Bill 2000—successive Speakers have advised the House of the constitutional principles involved, and the House has invariably endorsed their statements.

The message purports to repeat the request for an amendment contained in message No. 491 which the House rejected at its sitting on 29 November 2000. The House of Representatives has never accepted that the Senate has a right to repeat and thereby press or insist on a request for an amendment in a Bill which the Senate may not amend.

It is a matter of constitutional propriety as between the Houses based on the provisions of sections 53 to 57 of the Constitution. Legal opinions supporting

the argument that the Constitution does not empower the Senate to press a request have been advanced by Quick and Garran, who were intimately involved in the development of the Constitution, and by eminent constitutional lawyers, past and present. Respectfully, I agree with the opinions but do not propose to repeat the arguments which are summarised in House of Representatives Practice.

It rests with the House as to whether it will consider message No. 507 insofar as it purports to press the requests that were contained in message No. 491.

Mr Scott (Minister for Veterans' Affairs) moved—That:

- (1) the House endorses the statement of the Speaker in relation to the constitutional questions raised by Message No. 507 transmitted by the Senate in relation to the Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2000;
- (2) the House refrains from the determination of its constitutional rights in respect of Senate message No. 507; and
- (3) the message be considered forthwith.

Question—put and passed.

Mr Scott moved—That the requested amendment which the Senate has purported to press be not made.

Debate ensued.

Question—put and passed.

## **9 POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 1, government business, be postponed until the next sitting.

## **10 AGED CARE 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 Mrs B. K. Bishop (Minister for Aged Care), the amendments were agreed to, after debate.

## **11 HORTICULTURE MARKETING AND RESEARCH AND DEVELOPMENT SERVICES 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 Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources), the amendments were agreed to.

## **12 MESSAGE FROM THE SENATE—FINANCIAL SECTOR LEGISLATION AMENDMENT BILL (NO. 1) 2000**

Message No. 508, 30 November 2000, from the Senate was reported returning the Financial Sector Legislation Amendment Bill (No. 1) 2000 and acquainting the House that the Senate has considered message No. 602 of the House relating

to the Bill. The Senate does not insist on its amendments Nos 1 to 4 disagreed to by the House, insists on its amendments Nos 5, 6, 8 and 9 disagreed to by the House, and agrees to the amendment made by the House in place of amendment No. 3.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources), amendments Nos 5, 6, 8 and 9 insisted on by the Senate were agreed to.

### 13 ACIS ADMINISTRATION AMENDMENT BILL 2000

The order of the day having been read for the second reading—Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources) moved—That the Bill be now read a second time.

*Paper*

Mr Entsch presented a revised explanatory memorandum to the Bill.

Debate ensued.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

Dr Lawrence moved the Opposition amendment.

Amendment negatived.

Bill agreed to.

Consideration in detail concluded.

Mr Entsch asked leave to move—That the Bill be now read a third time.

Objection being raised, leave not granted.

Mr Truss (Minister for Agriculture, Fisheries and Forestry), pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent the motion for the third reading being moved without delay.

Question—put and passed.

On the motion of Mr Entsch the Bill was read a third time.

### 14 MESSAGE FROM THE SENATE—PRIVACY AMENDMENT (PRIVATE SECTOR) BILL 2000

Message No. 509, 30 November 2000, from the Senate was reported returning the Privacy Amendment (Private Sector) Bill 2000 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Williams (Attorney-General), amendments Nos 34 and 35 were agreed to, after debate.

On the motion of Mr Williams, amendments Nos 1 to 18, 20, 27 to 33 were disagreed to, after debate.

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

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

***Senate Amendment 1***

The Bill was originally to commence 12 months after Royal Assent or on 1 July 2001, whichever is later (now, effectively, 12 months after Royal Assent). This amendment amended the Bill so that it will commence on 1 July 2001.

The 12 month lead in time is essential for business to get ready for the legislation. Organisations will need to reassess their practices and procedures and develop new ones that comply with the legislation. Organisations may also wish to develop privacy codes for approval by the Privacy Commissioner.

The Privacy Commissioner will also need this 12 month period to educate business and consumers, develop guidelines and assist business with the development of privacy codes.

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

***Senate Amendment 2***

The objects clause in the Bill currently describes the objects as being to establish a national scheme for the appropriate handling of personal information in a way that:

- (a) meets Australia's international privacy obligations;
- (b) recognises individuals' interests in protecting their privacy; and
- (c) recognises important human rights and social interests that compete with privacy.

The amendments to this clause made by the Senate are unnecessary. They are already encompassed by the broad object statements in the current objects clause and add nothing of substance. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendments 3, 6, 7, 8 and 32***

These amendments insert new provisions into the Bill to define 'DNA sample', 'family member' and 'genetic information'. The amendments also insert 'genetic information' into the existing definition of 'health information' and insert two new sub-principles into National Privacy Principle 10 to deal with the disclosure of 'genetic information'.

When enacted, the Bill will apply to information about individuals that is derived from genetic technologies to the extent that the information could constitute 'personal information' about an individual. To the extent that genetic information constitutes 'health information', it will be subject to the same level of privacy protection afforded to 'sensitive information' under the Bill.

The House of Representatives acknowledges that genetic information and, more generally, advances in gene technology, raise unique and complex privacy and discrimination issues. The resolution of these issues will affect a wide range of sectors of the Australian community and therefore merit a more specific response.

The House of Representatives notes that the Government has announced that it will refer the complex issues raised by developments in gene technology to a joint inquiry of the Australian Law Reform Commission and the Australian Health Ethics Committee of the National Health and Medical Research Council. The House of Representatives considers that until it has the benefit of the result of the inquiry, it would be premature to accept the amendments proposed by the Australian Democrats. Accordingly, the House of Representatives does not accept these amendments.

***Senate Amendments 4, 5, 17 and 18***

These amendments operate to change the structure of the employee records exemption in the Bill and significantly narrow it. As a result of the amendments, the only types of employee records that would be exempt from the Bill would be those relating to an employee's engagement, training, discipline, resignation, termination, performance and conduct. All of the other information on a typical employee record would be subject to the provisions of the Bill. This will impose unnecessary administrative and financial burdens on Australian employers.

The Government has announced that it will review existing Commonwealth, State and Territory laws to consider the extent of privacy protection for employee records and whether there is a need for further measures.

The House of Representatives does not consider it necessary or appropriate to impose such burdens on Australian employers without giving proper consideration to the need for such controls. Accordingly, the House of Representatives does not accept these amendments.

***Senate Amendment 9***

This amendment deletes the current definition of 'personal information' in the *Privacy Act 1988* and replaces it with a new definition that includes reference to 'directly or indirectly' identifying an individual by reference to information or an opinion. The current definition of 'personal information' in the Act has worked well in the public sector for over 12 years. This definition is also used in the *Freedom of Information Act 1982* and referred to in the *Customs Administration Act 1985*.

The definition is fundamental to the operation of the Privacy Act, which regulates 'personal information' contained in records. Changing the definition would require an in-depth analysis of possible ramifications as well as consultation with the Office of the Federal Privacy Commissioner. This analysis and consultation has not been undertaken. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment 10***

This amendment inserts a definition of 'tenancy information' into the Bill and is related to other amendments to the small business exemption that would deny the exemption to small businesses in relation to any tenancy information that they hold.

The House of Representatives is of the view that it is not appropriate for one particular group of businesses to be singled out in the Bill which is of general application. The Bill provides the Attorney-General with the power to prescribe

small businesses or particular acts or practices of small businesses that should be brought within the ambit of the Bill. This is the appropriate mechanism to be used to address the issue of tenancy databases in the event that, after this Bill comes into effect, there is evidence that such action is necessary. Accordingly, the House of Representatives does not accept this amendment.

#### ***Senate Amendments 11 and 12***

These amendments amend the definition of ‘organisation’ in the Bill. They provide that a ‘small business operator’ is deemed to be an organisation (and therefore subject to the Bill) in relation to acts and practices concerning employee records and tenancy information it holds. In addition, amendment 12 deems a small business operator to be an organisation if it accepts online payment for goods or services.

The effect of amendments 11 and 12 will be that a small business could be exempt in relation to some of the information it holds and subject to the Bill in relation to other information. The House of Representatives considers that these amendments will create unnecessary complexity and uncertainty in relation to the application of the Bill. The House of Representatives also notes that simply accepting payment online has nothing to do with real privacy risk and is not a proper basis for subjecting a small business to privacy regulation. Accordingly, the House of Representatives does not accept these amendments.

#### ***Senate Amendments 13 and 14***

These amendments alter the small business exemption in the Bill. Amendment 13 deletes paragraph 6D(4)(c) of the Bill and substitutes a provision which provides that a small business will be denied the benefit of the small business exemption if it discloses personal information other than with the consent of the individual or as required or authorised by or under legislation. Amendment 14 deletes sub-clause 6D(7) of the Bill. These amendments narrow the scope of the small business exemption and effectively introduce a new, broader consent based element into the exemption.

The small business exemption in the Bill has been balanced to ensure that small businesses that pose a particular risk to privacy will not be able to benefit from the exemption. Accepting these amendments would mean that many small businesses would be denied the small business exemption without any evidence that they pose a risk to the privacy of individuals. Accordingly, the House of Representatives does not accept these amendments.

#### ***Senate Amendments 15 and 16***

These amendments remove the mechanism that allows a small business that has chosen to opt-in to the coverage of the Bill to revoke that choice. The opt-in facility is designed to enable otherwise exempt small businesses to take advantage of the commercial benefits that sound privacy practices can generate. It is not appropriate to remove choice from small businesses. As the small business opt-in facility is voluntary, the House of Representatives considers that these amendments would be a significant disincentive to small businesses opting-in to the legislation. Accordingly, the House of Representatives does not accept these amendments.

***Senate Amendment 20***

This amendment restricts the circumstances in which related bodies corporate are able to share personal information. It provides that related bodies corporate can only share personal information with each other if (i) National Privacy Principle 1 (NPP 1) has been complied with; and (ii) it would not exceed the reasonable expectations of the community.

Addition of the Senate's blanket requirement to comply with NPP 1 is unnecessary.

Under the Bill as amended by the House of Representatives, an organisation subject to the Bill will be required to comply with NPP 1 when collecting information regardless of whether it intends to take advantage of the ability to share information with a related body corporate or not. Further, where an entity that is not required to comply with the National Privacy Principles shares the personal information with a related body corporate, the receiving body corporate must comply with the National Privacy Principles (or code equivalent) relating to collection when accepting that information.

An objective reasonable expectations test would seem to add little to the protection that is already afforded by NPP 1. Accordingly, the House of Representatives does not accept the Senate's amendment.

***Senate Amendments 27 and 28***

Amendment 27 gives the Privacy Commissioner power to issue a breach notice where, in the Privacy Commissioner's opinion, an organisation has failed to comply with a determination issued by him/her. Amendment 28 provides for the Federal Court to impose a maximum penalty of \$50,000 where the breach notice is not complied with.

The amendments allow a court to issue a penalty based only on the fact that the time for compliance nominated on a breach notice issued by the Privacy Commissioner has expired. This arrangement denies the court the ability to determine for itself whether there has been an interference with privacy. That is, the court is unable to make an independent assessment of the basic allegations made against the organisation before the penalty is imposed.

These amendments go well beyond the co-regulatory approach in the Bill and attempt to impose a penalty provision that is not justified.

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

***Senate Amendments 29, 30 and 31***

These amendments separate the provisions dealing with access to health records from the general access and correction provisions in the Bill. They insert new sub-principles into National Privacy Principles 6 which deal specifically with access to health information. The amendments would have the effect of limiting the ability of record holders to legitimately deny an individual access to health information. In addition, the amendments seek to provide that an individual may access health information of a factual nature regardless of when it was collected, but may only access health information containing matters of opinion if the information was collected on or after the date of commencement of the Bill.

The House of Representatives considers the treatment of access to health records in the Bill to be balanced and appropriate. The House of Representatives notes that extensive consultation was undertaken in the development of the part of the Bill dealing with health information, including extensive consultation by the Privacy Commissioner. The amendments disrupt the balance achieved through that consultative process. Accordingly, the House of Representatives does not accept the amendments.

***Senate Amendment 33***

This amendment introduces a new National Privacy Principle into the Bill designed to provide special protection for the personal information of children. On a preliminary examination of the proposed amendment, the House of Representatives considers there are problems with it. For example, there is no definition of 'commercial service'. Any organisation providing services to children on a for-profit basis would potentially be covered, including childcare centres, schools and medical practices. The provision could impact on the rights of the child, for example, the child's right to free speech and the child's right to seek medical assistance or professional advice on their own behalf.

The House of Representatives is also concerned about the possible interaction of such a provision on the operation of State and Territory laws, particularly those dealing with the protection of children and reporting of child abuse. Privacy legislation should not be used as a basis for inhibiting a child's right to impart personal information to a responsible person if that child is suspected of being at risk of abuse.

The House of Representatives agrees that the notion of children's privacy has merit (subject to the necessary consultation occurring in relation to the issue) and could be examined further. However, there has not been sufficient consultation in relation to the proposal to allow the amendment to be accepted. Accordingly, the House of Representatives does not accept this amendment.

On the motion of Mr Williams, the reasons were adopted, after debate.

On the motion of Mr Williams, amendments Nos 19, 21 to 26 were disagreed to and Government amendments Nos 1 to 9 were made in place thereof, after debate.

**15 MESSAGE FROM THE SENATE—AUSTRALIAN RESEARCH COUNCIL BILL 2000**

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

4 December 2000—Message No. 512—Australian Research Council 2000.

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

**16 MESSAGE FROM THE SENATE—AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000**

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

4 December 2000—Message No. 511—Australian Research Council (Consequential and Transitional Provisions) 2000.

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

**17 SYDNEY HARBOUR FEDERATION TRUST BILL 2000**

The order of the day having been read for the second reading—Mrs B. K. Bishop (Minister for Aged Care) moved—That the Bill be now read a second time.

Mrs B. K. Bishop addressing the House—

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*Adjournment negatived*

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

Mrs B. K. Bishop requiring the question to be put forthwith without debate—

Question—put and negatived.

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Mrs B. K. Bishop continued her speech.

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

**18 ADJOURNMENT**

Mrs B. K. Bishop (Minister for Aged Care) moved—That the House do now adjourn.

Debate ensued.

Ms Gambaro addressing the House—

*Closure of Member*

Mr McLeay (Chief Opposition Whip) moved—That the Member be not further heard.

Question—put.

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

AYES, 51

Mr Adams	Mr Gibbons	Mr McClelland	Mr Price
Mr Brereton	Ms Gillard	Ms J. S. McFarlane	Mr Ripoll
Ms Burke	Mr Griffin	Ms Macklin	Ms Roxon
Ms Corcoran	Mr Hatton	Mr McLeay	Mr Rudd
Mr Cox	Ms Hoare	Mr McMullan	Mr Sawford*
Mr Danby	Mr Horne	Dr Martin	Mr Sciacca
Ms Ellis	Mrs Irwin	Mr Melham	Mr Sercombe*
Mr Emerson	Mr Jenkins	Mr Morris	Mr Sidebottom
Mr M. J. Evans	Ms Kernot	Mr Mossfield	Mr Smith
Mr L. D. T. Ferguson	Mr Latham	Mr Murphy	Mr Swan
Mr M. J. Ferguson	Dr Lawrence	Mr O'Connor	Mr K. J. Thomson
Mr Fitzgibbon	Mr Lee	Mr O'Keefe	Mr Wilkie
Ms Gerick	Ms Livermore	Ms Plibersek	

## NOES, 70

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

\* Tellers

*Pairs*

Mr Howard                      Mr Beazley

And so it was negatived.

Debate continued.

Question—That the House do now adjourn—put.

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

## AYES, 50

Mr Adams	Mr Gibbons	Ms J. S. McFarlane	Mr Ripoll
Mr Brereton	Ms Gillard	Ms Macklin	Ms Roxon
Ms Burke	Mr Griffin	Mr McLeay	Mr Rudd
Ms Corcoran	Mr Hatton	Mr McMullan	Mr Sawford*
Mr Cox	Ms Hoare	Dr Martin	Mr Sciacca
Mr Danby	Mr Horne	Mr Melham	Mr Sercombe*
Ms Ellis	Mrs Irwin	Mr Morris	Mr Sidebottom
Mr Emerson	Mr Jenkins	Mr Mossfield	Mr Smith
Mr M. J. Evans	Ms Kernot	Mr Murphy	Mr Swan
Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Connor	Mr K. J. Thomson
Mr M. J. Ferguson	Mr Lee	Mr O'Keefe	Mr Wilkie
Mr Fitzgibbon	Ms Livermore	Ms Plibersek	
Ms Gerick	Mr McClelland	Mr Price	

## NOES, 69

Mr Abbott	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	Ms Gambaro	Mr McGauran	Dr Southcott
Mr Barresi	Mrs Gash	Mrs May	Mrs Sullivan
Mr Bartlett	Mr Georgiou	Mrs Moylan	Mr C. P. Thompson
Mr Billson	Mr Haase	Mr Nairn	Mr A. P. Thomson
Mrs B. K. Bishop	Mr Hardgrave	Mr Nehl	Mr Truss
Ms J. I. Bishop	Mr Hawker	Dr Nelson	Mr Tuckey
Mr Brough	Mr Hockey	Mr Neville*	Mrs D. S. Vale
Mr Cadman	Mrs Hull	Mr Nugent	Mr Wakelin
Mr Cameron	Mr Jull	Mr Prosser	Dr Washer
Mr Causley	Mr Katter	Mr Pyne	Mr Williams
Mr Charles	Mrs D. M. Kelly	Mr Ronaldson	Dr Wooldridge
Mr Costello	Jackie Kelly	Mr Ruddock	Ms Worth
Mrs Draper	Dr Kemp	Mr St Clair	
Mrs Elson	Mr Lawler	Mr Schultz	
Mr Entsch	Mr Lindsay	Mr Scott	

\* Tellers

*Pairs*

Mr Howard                      Mr Beazley

And so it was negatived.

And it being past 11 p.m., the Speaker, at 11.10 p.m., adjourned the House until tomorrow at 9.30 a.m.

**PAPERS**

The following papers were deemed to have been presented on 5 December 2000:

Australian Wine and Brandy Corporation Act—Regulations—Statutory Rules 2000 No. 319.

Christmas Island Act—Utilities and Services Ordinance—Determination of Fees for Water and Sewerage Services No. 2 of 2000.

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—Part 39-105—2000 28(3) November.

Part 39-106—2000 1 December.

Sydney Airport Curfew Act—Dispensation 2000 No. 19.

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*No. 159—5 December 2000*

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Albanese, Mr Hollis\* and Ms O'Byrne\*.

\* On leave

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**I. C. HARRIS**

Clerk of the House of Representatives