

1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 166

TUESDAY, 27 FEBRUARY 2001

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 Reith (Minister for Defence) presented the following paper:

ALP request for costing of election commitments—Copies of 10 media releases by Department of Finance and Administration, September and October 1998.

Questions without notice continuing—

*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 Costello (Treasurer) to Mr Crean, 24 November 1999.

Questions without notice continuing—

*Paper*

Mr Macfarlane (Minister for Small Business) presented the following paper:

Yellow Pages Small Business Index—Graph—Net attitudes to Federal Government Policies.

Questions without notice continuing—

*Member ordered to withdraw*

At 3.12 p.m. the Member for Denison (Mr Kerr) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continued.

### 3 PAPERS

The following papers were presented:

Australian Electoral Commission—2000 Redistribution of the Northern Territory into Electoral Divisions.

Australian Technology Group Limited—  
Financial statements—1999-2000.  
Statement of Corporate Intent.

Commonwealth Grants Commission—State revenue sharing relativities—  
Report 2001 update.

Defence Housing Authority—Statement of corporate intent 2000-2001.

Infant Formula—Advisory panel on the marketing in Australia—Report for  
1999-2000.

National Environment Protection Council—Report for 1999-2000.

National Heritage Trust—Report for 1999-2000.

Privacy Amendment (Private Sector) Bill 2000—Further supplementary  
explanatory memorandum.

Stevedoring Levy (Collection) Act—Report for 2000.

Telecommunications carrier industry development plans—Progress report for  
1999-2000

Treaties—

Bilateral—

*Text, together with national interest analysis—*

Agreement between the Government of Australia and the Government of the  
Islamic Republic of Pakistan relating to air services, done at Islamabad on 7  
February 1998.

Agreement between the Government of Australia and the Government of the  
Kingdom of Denmark for the Reciprocal Protection of Classified Information of  
Defence Interest, done at Copenhagen on 27 September 1999.

Agreement between the Government of Australia and the Government of Samoa  
relating to air services, done at Apia on 11 August 2000.

Agreement between the Government of Australia and the Government of the  
Republic of South Africa for the Reciprocal Protection of Classified  
Information of Defence Interest, done at Canberra on 11 May 2000.

Air Services Agreements between the Government of Australia and the  
Government of the Kingdom of Denmark; the Government of the Kingdom of  
Norway; and the Government of the Kingdom of Sweden.

*Text, together with national interest analysis and regulation impact statement—*  
Mutual Recognition Agreement on Conformity Assessment between the  
Government of Australia and the Government of the Republic of Singapore.

*Multilateral—Text, together with national interest analysis—*

Agreement establishing the Pacific Islands Forum Secretariat, done at Tarawa  
on 30 October 2000.

Asian-Pacific Postal Union: Second Additional Protocol to the Constitution of 4 December 1985, as amended, and the Additional Protocol to the General Regulations, done at Tehran on 18 September 2000.

Constitution of the International Labour Organization Instrument of Amendment, 1997.

#### 4 PAPER—MOTION TO TAKE NOTE OF PAPER

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

Australian Electoral Commission—2000 Redistribution of the Northern Territory into Electoral Divisions.

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

#### 5 RYAN ELECTORAL DIVISION—ISSUE OF WRIT

The Speaker informed the House that on Friday, 9 February 2001, he had issued a writ for the election of a Member to serve for the Electoral Division of Ryan, in the State of Queensland and the dates fixed in connection with the election were those announced to the House on 8 February 2001.

#### 6 IMMIGRATION DETENTION PROCEDURES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS

Mr Ruddock (Minister for Immigration and Multicultural Affairs), by leave, made a ministerial statement on immigration detention procedures and presented the following papers:

Immigration detention procedures—

Ministerial statement, 27 February 2001.

Annexe to ministerial statement.

Report of inquiry by Philip Flood AO, February 2001.

Mr Ruddock moved—That the House take note of the papers.

*Suspension of standing and sessional orders—Extended time for speech*

Mr Williams (Attorney-General), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Sciacca speaking for a period not exceeding 23 minutes.

Question—put and passed.

Mr Sciacca addressed the House.

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

#### 7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT'S PUBLIC 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 collapse in public confidence in the Government

and the electorate's growing dissatisfaction with its out-of-touch and internally disunited approach to public policy".

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

#### **8 SELECTION COMMITTEE—REPORT**

Mr Nehl (Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 5 March 2001.

#### **9 MAIN COMMITTEE—DAY OF NEXT MEETING**

The Deputy Speaker reported that Wednesday, 28 February 2001, at 9.40 a.m., had been fixed for the next meeting of the Main Committee.

#### **10 BILLS REFERRED TO MAIN COMMITTEE**

Mr Ronaldson (Chief Government Whip), by leave, moved—That the following Bills be referred to the Main Committee for further consideration:

Treasury Legislation Amendment (Application of Criminal Code) 2000;

Superannuation Legislation Amendment (Post-retirement Commutations) 2000;

National Museum of Australia Amendment 2001;

Customs Tariff Amendment (No. 4) 2000;

Veterans' Affairs Legislation Amendment (Application of Criminal Code) 2000;

Environment and Heritage Legislation Amendment (Application of Criminal Code) 2000;

Remuneration Tribunal Amendment 2000;

Petroleum (Submerged Lands) Legislation Amendment (No. 3) 2000; and

Petroleum (Submerged Lands) (Registration Fees) Amendment 2000.

Question—put and passed.

#### **11 MESSAGE FROM THE SENATE—PRIVATISATION OF TELSTRA**

Message No. 550, 26 February 2001, from the Senate was reported acquainting the House that the Senate had agreed to a resolution concerning the need to oppose any further privatisation of Telstra.

Mr McGauran (Minister for the Arts and the Centenary of Federation) moved—That consideration of the message be made an order of the day for the next sitting.

Mr Smith addressing the House—

*Closure*

Mr McGauran moved—That the question be now put.

Question—That the question be now put—put.

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

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

NOES, 60

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

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr Fahey	Ms O'Byrne
Mrs Moylan	Mr Rudd

And so it was resolved in the affirmative.

And the question—That consideration of the message be made an order of the day for the next sitting—was put accordingly, and passed.

## 12 CENTENARY OF FIRST MEETINGS IN MELBOURNE

Mr McGauran (Minister for the Arts and the Centenary of Federation) on behalf of Mr Reith (Leader of the House), pursuant to notice, moved—That, pursuant to the acceptance by the House on 26 June 2000 of the invitation of 10 May 2000 of the Houses of the Parliament of Victoria to meet in Melbourne on 9 and 10 May 2001 to mark the centenary of the first meetings of the Houses of the Commonwealth Parliament in 1901:

- (1) the House of Representatives meet with the Senate at 2 p.m. on 9 May 2001 in the Royal Exhibition Buildings, Melbourne;
- (2) the only business transacted at that meeting be:
  - (a) introductory address by the President of the Senate;
  - (b) address by the Governor-General;
  - (c) addresses by the Prime Minister and the Leader of the Opposition; and
  - (d) concluding address by the Speaker of the House of Representatives;
- (3) at the conclusion of that business, the House stand adjourned until 10 a.m. on 10 May 2001;
- (4) the House meet at 10 a.m. on 10 May 2001 in the Legislative Assembly Chamber, Parliament House, Melbourne;
- (5) the only business transacted at that meeting be:
  - (a) motion moved by the Prime Minister, seconded by the Leader of the Opposition and followed by the Leader of the National Party of Australia; and
  - (b) concluding address by the Speaker; and
- (6) at the conclusion of that business, the House stand adjourned until 2 p.m. on 22 May 2001.

Debate ensued.

Question—put and passed.

## 13 SYDNEY HARBOUR FEDERATION TRUST 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 Abbott (Minister for Employment, Workplace Relations and Small Business), amendments Nos 1 to 21, 25, 28 to 30 and 32 made by the Senate to House amendments were agreed to, after debate.

On the motion of Mr Abbott, amendments Nos 22 to 24 and 26 made by the Senate to House amendments were disagreed to.

Mr Abbott 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 22***

Senate amendment 22 would mean that the Trust could not give security over land listed in Schedule 1, but could give security over any other assets. The effect of this amendment is unclear, as “any other assets” could be open to legal interpretation. According to the Senate debate, the intended effect is that the Trust should not be allowed to give security over any land. Where the land has no significant environmental and heritage values and has been identified under an approved plan for potential sale, this is an unreasonable restriction on the ability of the Trust to borrow funds.

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

***Senate Amendment 23***

Senate amendment 23 would require the Trust to seek the Minister’s agreement for each and every lease and licence within the life of the Trust, including short-term leases and licences. This is administratively unrealistic and unnecessary.

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

***Senate Amendments 24 and 26***

Senate amendments 24 and 26 would make the determination of leases or licenses that end after the life of the Trust disallowable instruments for the purposes of section 46 of the *Acts Interpretation Act 1901*. This would apply even to leases and licences that end shortly after the Trust ceases to exist. The delays and uncertainties associated with the disallowable instrument process will make it difficult to attract shorter-term leases. The Bill, as previously passed by the House, had required the determination of leases and licences over 25 years to be disallowable instruments. This longer period is more realistic if the Trust is to attract commercial ventures for leases and licences less than 25 years.

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

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

On the motion of Mr Abbott, amendments Nos 27 and 31 made by the Senate to House amendments were disagreed to and Government amendments Nos 1 and 2 were made in place thereof respectively.

*Paper*

Mr Abbott presented a further supplementary explanatory memorandum to the Bill.

**14 APPROPRIATION BILL (NO. 3) 2000-2001**

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 Tanner 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 condemns this Government for its:

- (1) failure to address the significant investment needs in the areas of education and health and the provision of social and employment services since coming to Government;
- (2) blowout in the cost of the Pharmaceutical Benefits Scheme and the threat this presents to the sustainability of Australia's subsidised medicines scheme;
- (3) belated and inadequate attempts to remedy the chronic underfunding of research and innovation;
- (4) mismanagement of the Defence Budget;
- (5) refusal to remove the effects of the sale of the rest of Telstra from the Budget aggregates consistent with the resolution of the Senate of 16 March 2000, the findings of the Besley report and the wishes of the Leader of the National Party;
- (6) mishandling of the move to accrual accounting by providing complex, confusing and uninformative budget documents;
- (7) wasteful and profligate spending on poor quality programs to buy Democrat support for its unfair GST;
- (8) failure to identify in the Budget papers the full cost of GST collection and implementation;
- (9) failure to put in place arrangements that deliver its guarantee that no Australian will be worse off as a result of the GST package; and
- (10) bungling of the Business Activity Statement which has sent many small businesses to the wall".

Debate continued.

Mr Cox addressing the House—

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## 15 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 9.30 a.m.

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## PAPERS

The following papers were deemed to have been presented on 27 February 2001:

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—

Part 39-105—2001 24 (5) January, 2 (3), 6 (5), 8 (7), 9 (6) February.

Part 39-106—2001 9 February.

Fisheries Management Act—Directions—Nos NPDF 47, NPDF 48, NPDF 49, NPDF 50, NPDF 51.

Parliamentary Service Act—Determinations—2000 Nos 6, 7, 8.

Veterans' Entitlements Act—Repatriation Medical Authority—Instruments—2001 Nos 13, 14, 15, 16.



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Fahey\*, Mrs Moylan, Ms O'Byrne\*, Ms Plibersek\* and Mr Rudd.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives