

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 63

WEDNESDAY, 1 SEPTEMBER 1999



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 LEAVE OF HOUSE FOR PRODUCTION OF RECORDS IN COURT PROCEEDINGS**

Mr Reith (Leader of the House), pursuant to notice, moved—That the House grants leave for *the Votes and Proceedings of the House of Representatives* for 10 November 1998 (No.1 of 1998-99) to be produced in committal proceedings in the Melbourne Magistrates Court, and in any subsequent proceedings, in respect of the Member for Calwell.

Question—put and passed.

**3 FISHERIES LEGISLATION AMENDMENT BILL (NO. 1) 1999**

Mr Truss (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, presented a Bill for an Act to amend legislation dealing with fisheries and fishers, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Truss presented an explanatory memorandum to the Bill.

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

**4 A NEW TAX SYSTEM (TAXATION LAWS AMENDMENT) BILL (NO. 1) 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—*And on the amendment moved thereto by Mr Crean, 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 calls on the Government not to proceed with the bill until:

- (1) the final report of the Ralph Committee, except for market sensitive information, has been released by the Government;
- (2) full consultations have been undertaken with relevant stakeholders regarding the report's proposals; and
- (3) matters directly related to this legislation (namely the reporting requirements of PAYG withholders to the Taxation Office which are critical to the proper evaluation of this legislation and are to be included in subsequent legislation) are before the House, so that the House can evaluate the full effects of this bill"—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 74

Mr Abbott	Mrs Draper	Mr Lieberman	Mr Schultz
Mr Anderson	Mrs Elson	Mr Lindsay	Mr Secker
Mr Andren	Mr Entsch	Mr Lloyd	Mr Slipper
Mr K. J. Andrews	Mr Fahey	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	Mrs Gash	Mr Moore	Mr C. P. Thompson
Mr Bartlett	Mr Georgiou	Mrs Moylan	Mr A. P. Thomson
Mr Billson	Mr Haase	Mr Nairn	Mr Truss
Mrs B. K. Bishop	Mr Hardgrave	Mr Nehl	Mr Tuckey
Ms J. I. Bishop	Mr Hawker	Dr Nelson	Mrs D. S. Vale
Mr Brough	Mr Hockey	Mr Neville	Mr Wakelin
Mr Cadman	Mrs Hull	Mr Nugent	Dr Washer
Mr Cameron	Mr Jull	Mr Prosser	Mr Williams
Mr Causley	Mr Katter	Mr Pyne	Dr Wooldridge
Mr Charles	Mrs D. M. Kelly	Mr Ronaldson	Ms Worth
Mr Costello	Dr Kemp	Mr Ruddock	
Mr Downer	Mr Lawler	Mr St Clair	

## NOES, 60

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

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr M. A. J. Vaile	Mr McLeay
Mr Fischer	Mr Brereton

And so it was resolved in the affirmative.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

On the motion of Mr Hockey (Minister for Financial Services and Regulation), the Government amendment was made, after debate.

*Paper*

Mr Hockey presented a supplementary explanatory memorandum to the Bill.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

**5 APPROPRIATION (SUPPLEMENTARY MEASURES) BILL (NO. 1) 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.

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

Leave granted for third reading to be moved forthwith.

Mr Slipper moved—That the Bill be now read a third time.

Debate ensued.

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

**6 APPROPRIATION (SUPPLEMENTARY MEASURES) BILL (NO. 2) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

**7 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT 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.

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.

**8 QUESTIONS**

Questions without notice being asked—

Mr Reith (Leader of the House) answering a question—

*Closure of Member moved*

Mr Beazley (Leader of the Opposition) moved—That the Member be not further heard.

Question—put.

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

## AYES, 65

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

## NOES, 76

Mr Abbott	Mrs Elson	Mr Lieberman	Mr St Clair
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Schultz
Mr K. J. Andrews	Mr Fahey	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	Dr Stone
Mr Billson	Mr Haase	Mrs Moylan	Mrs Sullivan
Mrs B. K. Bishop	Mr Hardgrave	Mr Nairn	Mr C. P. Thompson
Ms J. I. Bishop	Mr Hawker	Mr Nehl	Mr A. P. Thomson
Mr Brough	Mr Hockey	Dr Nelson	Mr Truss
Mr Cadman	Mr Howard	Mr Neville	Mr Tuckey
Mr Cameron	Mrs Hull	Mr Nugent	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Prosser	Mr Wakelin
Mr Charles	Mr Katter	Mr Pyne	Dr Washer
Mr Costello	Mrs D. M. Kelly	Mr Reith	Mr Williams
Mr Downer	Dr Kemp	Mr Ronaldson	Dr Wooldridge
Mr Draper	Mr Lawler	Mr Ruddock	Ms Worth

\* Tellers

*Pairs*

Mr M. A. J. Vaile	Mr Tanner
Mr Fischer	Mr Brereton

And so it was negatived.

Mr Reith continuing his answer to the question—

*Closure of Member moved*

Mr Beazley (Leader of the Opposition) moved—That the Member be not further heard.

*Speaker's ruling*

The Speaker ruled that he could not accept the motion as the House had previously resolved the same question in the negative.

*Dissent from ruling moved*

Mr Beazley moved—That the ruling be dissented from.

Debate ensued.

*Closure*

Mr Reith (Minister for Employment, Workplace Relations and Small Business) moved—That the question be now put.

Question—That the question be now put—put and passed.

Question—That the ruling be dissented from—put.

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

AYES, 63

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

## NOES, 76

Mr Abbott	Mrs Elson	Mr Lieberman	Mr St Clair
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Schultz
Mr K. J. Andrews	Mr Fahey	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	Dr Stone
Mr Billson	Mr Haase	Mrs Moylan	Mrs Sullivan
Mrs B. K. Bishop	Mr Hardgrave	Mr Nairn	Mr C. P. Thompson
Ms J. I. Bishop	Mr Hawker	Mr Nehl	Mr A. P. Thomson
Mr Brough	Mr Hockey	Dr Nelson	Mr Truss
Mr Cadman	Mr Howard	Mr Neville	Mr Tuckey
Mr Cameron	Mrs Hull	Mr Nugent	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Prosser	Mr Wakelin
Mr Charles	Mr Katter	Mr Pyne	Dr Washer
Mr Costello	Mrs D. M. Kelly	Mr Reith	Mr Williams
Mr Downer	Dr Kemp	Mr Ronaldson	Dr Wooldridge
Mr Draper	Mr Lawler	Mr Ruddock	Ms Worth

\* Tellers

*Pairs*

Mr Fischer	Mr Brereton
Mr M. A. J. Vaile	Mr Jenkins

And so it was negatived.

Questions without notice concluded.

**9 PAPERS**

The following papers were presented:

Australian Electoral Commission—Redistribution of electoral divisions, 1999—South Australia.

Committee to Examine the Use of the Term “Drug Free”—The use of the term “drug free” in relation to presentation and advertising of therapeutic goods—Final recommendations and Explanatory Statement, 28 August 1999.

**10 PAPER—MOTION TO TAKE NOTE OF PAPER**

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

Committee to Examine the Use of the Term “Drug Free”—The use of the term “drug free” in relation to presentation and advertising of therapeutic goods—Final recommendations and Explanatory Statement, 28 August 1999.

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

**11 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE**

Mr Reith (Leader of the House), by leave, moved—That Mr Murphy be appointed a member of the Standing Committee on Legal and Constitutional Affairs in place of Mr Mossfield.

Question—put and passed.

**12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—CURRENT ACCOUNT DEFICIT**

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 failure of the Government to address the slide in household savings, widening household debt and the worst ever current account deficit”.

The proposed discussion having received the necessary support—

Mr Crean addressed the House.

Discussion ensued.

Discussion concluded.

**13 SELECTION COMMITTEE—AMENDED REPORT**

Mr Nehl (Chair) presented the following paper:

Selection Committee—Amended report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 20 September 1999—

and, by leave, moved—That the report be adopted in lieu of the report presented on 31 August 1999.

Question—put and passed.

**14 CUSTOMS AMENDMENT BILL (NO. 1) 1999—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 Ruddock (Minister for Immigration and Multicultural Affairs), by leave, the Bill was read a third time.

**15 CUSTOMS AMENDMENT (TEMPORARY IMPORTATION) BILL 1999—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 Ruddock (Minister for Immigration and Multicultural Affairs), by leave, the Bill was read a third time.



**16 FIFTIETH ANNIVERSARY OF THE FOUR GENEVA CONVENTIONS OF 1949**

Mr Williams (Attorney-General), pursuant to notice, moved—That the House:

- (1) notes the fiftieth anniversary of the Four Geneva Conventions of 1949;
- (2) congratulates the Red Cross and Red Crescent Movement on its continuous fostering of the principles of international humanitarian law to limit human suffering in times of armed conflict and to prevent atrocities, especially against civilian populations, the wounded, and prisoners of war;
- (3) recalls Australia's ratification of the Conventions and of the two Additional Protocols of 1977;
- (4) affirms all Parliamentary measures taken in support of such ratification;
- (5) encourages the fullest implementation of the Conventions and Additional Protocols by the military forces and civilian organisations of all nations;
- (6) encourages ratification by all nations of the Conventions and Additional Protocols; and
- (7) recognises the extraordinary contribution made by many individual Australians, including Australian Red Cross members, volunteers and staff, to the practical carrying into effect of the humanitarian ideals and legal principles expressed in the Conventions and Additional Protocols.

Debate ensued.

Question—put and passed.

**17 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS**

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

31 August 1999—Message No. 111—

Australian Sports Commission Amendment 1999.

Damage by Aircraft 1999.

**18 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Snowdon (Chair) presented the following papers:

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—14th report—Examination of annual reports for 1997-1998 in fulfilment of the Committee's duties pursuant to s.206(c) of the *Native Title Act 1993*—

Report, August 1999.

Evidence received by the committee.

Ordered—That the report be printed.

Mr Snowdon, Mr Haase and Mr Melham made statements in connection with the report.

Mr Snowden, by leave, moved—That the House take note of the report.

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

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

#### 19 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT 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 by Mr Lee 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 the Government for:

- (1) using the important issue of literacy in a cynical political fashion;
- (2) failing to provide government schools with additional resources in line with its increased expenditure for the non-government sector; and
- (3) failing to meet its 1996 promise and 1999 Budget commitment to maintain funding for teacher professional development”.

Debate continued.

Mr C. P. Thompson addressing the House—

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#### 20 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 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 1 September 1999:

Defence Act—Defence Force Remuneration Tribunal—Determination 1999 No. 11.

*Superannuation Act 1990*—Declaration—Statutory Rules 1999 Nos. 168, 169.

Veterans’ Entitlements Act—Instruments under section 196B 1999 Nos. 60, 61, 62, 63.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Brereton, Mr Fischer, Jackie Kelly, Mr Tanner and Mr M. A. J. Vaile.



**I. C. HARRIS**

Clerk of the House of Representatives

1998-99

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

No. 63

**MAIN COMMITTEE****MINUTES OF PROCEEDINGS**

WEDNESDAY, 1 SEPTEMBER 1999

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

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*Suspension of sitting*

At 9.51 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of sitting*

At 10.05 a.m., the proceedings were resumed.

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**3 CUSTOMS AMENDMENT BILL (NO. 1) 1999**

The order of the day having been read for the second reading—Mr Williams (Attorney-General) moved—That the Bill be now read a second time.

*Paper*

Mr Williams presented an explanatory memorandum to the Bill.

Debate ensued.

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 CUSTOMS AMENDMENT (TEMPORARY IMPORTATION) BILL 1999**

The order of the day having been read for the second reading—Mr Williams (Attorney-General) moved—That the Bill be now read a second time.

*Paper*

Mr Williams presented an explanatory memorandum to the Bill.

Debate ensued.

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.

**5 JOINT SELECT COMMITTEE ON THE RETAILING SECTOR—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Baird—That the House take note of the paper (*presented on 30 August 1999*), viz.:

Joint Select Committee on the Retailing Sector—Report—Fair Market or Market Failure? Review of Australia's retailing sector—Final report, August 1999—

Debate resumed.

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

**6 ADJOURNMENT**

On the motion of Mr Neville, the Main Committee adjourned at 12.17 p.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.



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