

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 71

WEDNESDAY, 29 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 ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 1998—SENATE'S MESSAGE NO. 206

The order of the day having been read for the consideration of message No. 206 from the Senate returning the Electoral and Referendum Amendment Bill (No. 2) 1998—

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) moved—That the House:

- (1) agrees to amendment (21) insisted on by the Senate;
- (2) does not insist on its amendments (1) and (3) disagreed to by the Senate; and
- (3) agrees to the consequential amendments made by the Senate.

Debate ensued.

Question—put and passed.

3 MESSAGE FROM THE GOVERNOR-GENERAL—AGED CARE AMENDMENT (OMNIBUS) BILL 1999

Message No. 122, 9 August 1999, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of requests by the Senate for amendments of a Bill for an Act to amend the *Aged Care Act 1997* and other Acts, and for related purposes.

4 MESSAGE FROM THE SENATE—AGED CARE AMENDMENT (OMNIBUS) BILL 1999

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

28 September 1999—Message No. 208—Aged Care Amendment (Omnibus) 1999.

Ordered—That the amendments requested by the Senate be considered forthwith.

On the motion of Mrs B. K. Bishop (Minister for Aged Care), the requested amendments were made, after debate.

5 WORKPLACE RELATIONS LEGISLATION AMENDMENT (MORE JOBS, BETTER PAY) 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—*And on the amendment moved thereto by Mr Bevis, viz.*—That all words after “That” be omitted with a view to substituting the following words:

“(1) the House condemns the Government for introducing a bill which:

- (a) further entrenches unfairness and bias in the existing industrial relations system;
- (b) ensures that the role of the Australian Industrial Relations Commission is further restricted and the independence of the Commission is compromised;
- (c) reduces the minimum conditions available to all Australian workers by further undermining the award system as the dynamic framework for the protection and advancement of wages and conditions, through further award stripping;
- (d) denies Australia’s lowest paid workers any further wage increase unless their award is stripped of basic entitlements such as long service leave, superannuation and paid jury service leave;
- (e) further removes workplace and enterprise bargaining from the protection of the Australian Industrial Relations Commission, placing it solely in the hands of the Office of the Employment Advocate, which is run by one of the Minister’s former senior personal political staffers;
- (f) further weakens opportunities for employees to organise and bargain collectively;
- (g) aggravates problems of inequality for women and the most vulnerable in the labour market;
- (h) further restricts workers who are denied proper industrial protection in their state from accessing federal protection;
- (i) prevents the Australian Industrial Relations Commission from conducting much of its traditional conciliation role;
- (j) further dismantles the framework for the prevention and settlement of industrial disputes;
- (k) amends the termination of employment provisions to limit an employee’s right to pursue an application and extends the cost provisions;
- (l) emphasises the punishment and prevention of industrial action rather than its resolution;

- (m) unduly hinders the entry and inspection of premises by relevant organisations;
 - (n) demonstrates a lack of balance in freedom of association provisions;
 - (o) fails to ensure that Australia's labour standards meet our international obligations;
 - (p) continues to breach international standards as identified by the ILO panel of experts' findings concerning the right to strike and to bargain collectively;
 - (q) has a short title which is deliberately misleading and fails to represent the actual intention and impact of the bill; and
 - (r) exposes workers to loss of award or agreement entitlements when ownership of a business is transferred;
- (2) the House also condemns the Government for its eagerness in tabling a bill that will specifically strip workers of their basic rights while failing to protect workers' legally accrued entitlements in cases of corporate insolvency; and
- (3) recommends that a new bill be introduced which:
- (a) delivers fair and equitable outcomes for Australian workers;
 - (b) preserves basic conditions for all Australian workers;
 - (c) provides for an independent commission with the appropriate power to conciliate fairly and settle disputes; and
 - (d) provides jobs and income security"—

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.

6 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mr Truss (Minister for Agriculture, Fisheries and Forestry), Mr Tuckey (Minister for Forestry and Conservation) would be Acting Minister for Agriculture, Fisheries and Forestry.

7 QUESTIONS

Questions without notice being asked—

Paper

Dr Wooldridge (Minister for Health and Aged Care) presented the following paper:

Funding for Magnetic Resonance Imaging—Statutory declaration, Ms R. A. David, 29 September 1999.

Questions without notice continued.

8 PAPERS

The following papers were presented:

Department of Family and Community Services—Evaluation of Stakeholders' Experience with the use of the Tables for the assessment of work-related impairment for Disability Support Pension—Final Report, 3 September 1999.

Finance—

Advance to the Minister for Finance and Administration—

Statements for—

May 1999.

June 1999.

Supporting applications for issues from the Advance during—

May 1999.

June 1999.

Provision for running costs borrowings—

Statements for—

May 1999.

June 1999.

Supporting applications of issues from the Provision during—

May 1999.

June 1999.

Medical Training Review Panel—3rd Report for 1998-99.

Reserve Bank of Australia—Payments System Board—Report for 1998-99.

9 NATIONAL REMEMBRANCE DAY FOR POLICE OFFICERS KILLED ON DUTY

Mr Williams (Attorney-General), by leave, moved—That, today being National Remembrance Day for Police Officers Killed on Duty, this House remember the men and women of our police forces who have given their lives in the line of duty, and acknowledge the debt we owe for the sacrifices of the members of our police forces.

All Members present having risen, in silence—

Question—passed.

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT'S TAX PACKAGES

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 uncertainty surrounding the Government's ability to deliver its tax packages, particularly its GST compensation".

The proposed discussion having received the necessary support—

Mr Crean addressed the House.

Discussion ensued.

Discussion concluded.

11 BILL REFERRED TO MAIN COMMITTEE

Mr Ronaldson (Chief Government Whip), by leave, moved—That the Fisheries Legislation Amendment Bill (No. 1) 1999 be referred to the Main Committee for further consideration.

Question—put and passed.

12 EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT 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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

13 CUSTOMS LEGISLATION AMENDMENT BILL (NO. 2) 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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

14 MESSAGE FROM THE SENATE—SUPERANNUATION CONTRIBUTIONS AND TERMINATION PAYMENTS TAXES LEGISLATION AMENDMENT BILL 1999

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

29 September 1999—Message No. 209—Superannuation Contributions and Termination Payments Taxes Legislation Amendment 1999.

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

15 WORKPLACE RELATIONS LEGISLATION AMENDMENT (MORE JOBS, BETTER PAY) 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—*And on the amendment moved thereto by Mr Bevis (see item No. 5, page 912)*—

Debate resumed.

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

The House divided (the Deputy Speaker, Mr K. J. Andrews, in the Chair)—

AYES, 71

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

NOES, 63

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

* Tellers

Pairs

| | |
|-------------|-------------|
| Mr Howard | Mr Beazley |
| Mr Costello | Mr Brereton |
| Mr Downer | Mr Lee |
| Mr Prosser | Ms Burke |

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.

Message from the Governor-General

Message No. 123, 16 July 1999, 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.

Mr Bevis moved Opposition amendment (1).

Debate continued.

Amendment negatived.

Mr Bevis, by leave, moved Opposition amendments (2) to (6), (15) to (29) and (39) and (40) together.

Debate continued.

Amendments negatived.

Mr Bevis, by leave, moved Opposition amendments (11) to (14), (30) to (38) and (57) to (62) together.

Debate continued.

Question—That amendments (11) to (14), (30) to (38) and (57) to (62) be agreed to—put.

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

AYES, 63

| | | | |
|----------------------|---------------|--------------------|------------------|
| Mr Adams | Mr Gibbons | Ms J. S. McFarlane | Ms Roxon |
| Mr Albanese | Ms Gillard | Ms Macklin | Mr Rudd |
| Mr Andren | Mr Griffin | Mr McLeay | Mr Sawford* |
| Mr Bevis | Ms Hall | Mr McMullan | Mr Sciacca |
| Mr Cox | Mr Hatton | Mr Martin | Mr Sercombe* |
| Mr Crean | 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 | Mr Swan |
| Dr Emerson | Mr Jenkins | Ms O'Byrne | Mr Tanner |
| Mr G. J. Evans | Ms Kernot | Mr O'Connor | Dr Theophanous |
| Mr M. J. Evans | Mr Kerr | Mr O'Keefe | Mr K. J. Thomson |
| Mr L. D. T. Ferguson | Mr Latham | Ms Plibersek | Mr Wilkie |
| Mr M. J. Ferguson | Dr Lawrence | Mr Price | Mr Wilton |
| Mr Fitzgibbon | Ms Livermore | Mr Quick | Mr Zahra |
| Ms Gerick | Mr McClelland | Mr Ripoll | |

NOES, 70

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

* Tellers

Pairs

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|-------------|-------------|
| Mr Howard | Mr Beazley |
| Mr Costello | Mr Brereton |
| Mr Downer | Mr Lee |
| Mr Prosser | Ms Burke |

And so it was negatived.

Mr Bevis, by leave, moved Opposition amendments (63) and (64) together.

Debate continued.

Amendments negatived.

Mr Bevis, by leave, moved Opposition amendments (7) to (10) and (41) to (56) together.

Debate continued.

Amendments negatived.

On the motion of Mr Reith (Minister for Employment, Workplace Relations and Small Business), by leave, Government amendments (1) to (52) were made together, after debate.

Paper

Mr Reith presented a supplementary explanatory memorandum to the Bill.

Bill, as amended, agreed to.

Consideration in detail concluded.

Mr Reith, by leave, moved—That the Bill be now read a third time.

Question—put.

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

AYES, 70

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

NOES, 62

| | | | |
|----------------------|---------------|--------------------|----------------|
| Mr Adams | Mr Gibbons | Ms J. S. McFarlane | Ms Roxon |
| Mr Albanese | Ms Gillard | Ms Macklin | Mr Rudd |
| Mr Andren | Mr Griffin | Mr McLeay | Mr Sawford* |
| Mr Bevis | Ms Hall | Mr McMullan | Mr Sciacca |
| Mr Cox | Mr Hatton | Mr Martin | Mr Sercombe* |
| Mr Crean | 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 | Mr Swan |
| Dr Emerson | Mr Jenkins | Ms O'Byrne | Mr Tanner |
| Mr G. J. Evans | Ms Kernot | Mr O'Connor | Dr Theophanous |
| 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 | Dr Lawrence | Mr Price | Mr Zahra |
| Mr Fitzgibbon | Ms Livermore | Mr Quick | |
| Ms Gerick | Mr McClelland | Mr Ripoll | |

* Tellers

Pairs

| | |
|-------------|-------------|
| Mr Howard | Mr Beazley |
| Mr Costello | Mr Brereton |
| Mr Downer | Mr Lee |
| Mr Prosser | Ms Burke |

And so it was resolved in the affirmative—Bill read a third time.

16 ADJOURNMENT NEGATIVED

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

Mrs B. K. Bishop (Minister for Aged Care) requiring the question to be put forthwith without debate—

Question—put and negatived.

17 MESSAGE FROM THE SENATE—AGED CARE AMENDMENT (OMNIBUS) BILL 1999

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

29 September 1999—Message No. 210—Aged Care Amendment (Omnibus) 1999.

Ordered—That the amendments be considered forthwith.

On the motion of Mrs B. K. Bishop (Minister for Aged Care), the amendments were agreed to, after debate.

18 ADJOURNMENT

Mrs B. K. Bishop (Minister for Aged Care) moved—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.



PAPERS

The following papers were deemed to have been presented on 29 September 1999:

Parliamentary Entitlements Act—Advice of decisions under paragraph 18(b) 24 September 1999.

Public Service Act—Determinations—Foreign Affairs and Trade 1999 Nos. 11, 16.

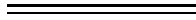
Quarantine Act—Quarantine Amendment Proclamation 1999 No. 2.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton, Ms Burke*, Mr Costello, Mr Downer, Mr Georgiou, Mr Lee, Mr Moore, Mr Prosser* and Mr Truss.

* On leave



I. C. HARRIS

Clerk of the House of Representatives

1998-99

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 71

MAIN COMMITTEE**MINUTES OF PROCEEDINGS**

WEDNESDAY, 29 SEPTEMBER 1999



1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 EXPORT FINANCE AND INSURANCE CORPORATION 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.

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 LEGISLATION AMENDMENT 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—

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.

5 ELECTRONIC TRANSACTIONS 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.

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

6 ADJOURNMENT

On the motion of Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources), the Main Committee adjourned at 1.06 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