

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 102

WEDNESDAY, 5 APRIL 2000

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

2 CHILD SUPPORT LEGISLATION AMENDMENT BILL 2000

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Anthony (Minister for Community Services), the Bill was read a third time.

3 AVIATION LEGISLATION AMENDMENT BILL (NO. 1) 2000

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr M. J. Ferguson who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words:

“this House, whilst supportive of the amendment to adjust foreign ownership rules under the *Air Navigation Act 1920*, and whilst not declining to give the bill a second reading, considers that in examining a proposal for the sale of shares in Ansett to foreign interests, the Government should take into consideration the view that:

- (1) Ansett Australia should remain headquartered in Australia;
- (2) a fair share of future growth in routes should be through Ansett International;
- (3) high skilled, high value Ansett airlines jobs should remain in Australia;
- (4) Ansett jobs in regional and rural communities not be jeopardised by the sale; and
- (5) services to regional and rural communities should be preserved at current levels, or improved”.

Debate continued.

Mr St Clair 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 a later hour this day.

4 TRADE OUTCOMES AND OBJECTIVES—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPER

Mr M. A. J. Vaile (Minister for Trade), by leave, made a ministerial statement on trade outcomes and objectives and presented the following paper:

Trade outcomes and objectives statement, 2000.

Mr McMullan, by leave, also made a statement with reference to the matter.

Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources) moved—That the House take note of the paper.

Debate adjourned (Mr Beazley—Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

5 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent order of the day, No. 33, government business, being called on forthwith.

Closure of Member

Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources) moved—That the Member be not further heard.

Question—put.

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

AYES, 74

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

NOES, 65

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

* Tellers

Pairs

Dr Kemp	Ms Kernot
Mr Hawker	Mr Brereton

And so it was resolved in the affirmative.

Mr Melham (seconder) addressing the House—

Closure of Member

Mr Entsch moved—That the Member be not further heard.

Question—put.

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

AYES, 74

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

NOES, 65

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

* Tellers

Pairs

Dr Kemp Ms Kernot
 Mr Hawker Mr Brereton

And so it was resolved in the affirmative.

Closure

Mr Entsch moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 74

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

NOES, 65

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

* Tellers

Pairs

Dr Kemp	Ms Kernot
Mr Hawker	Mr Breerton

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

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

AYES, 65

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

NOES, 73

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

* Tellers

Pairs

Dr Kemp	Ms Kernot
Mr Hawker	Mr Brereton

And so it was negatived.

6 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the following Bill without amendment:

5 April 2000—Message No. 341—A New Tax System (Tax Administration) (No. 1) 2000.

7 AVIATION LEGISLATION AMENDMENT BILL (NO. 1) 2000

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr M. J. Ferguson (see item No. 3, page 1359)*—

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 were asked.

9 PAPER

The following paper was presented:

Australian Rail Track Corporation Limited—Statement of Corporate Intent, November 1999.

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIME MINISTER'S LEADERSHIP

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 social and economic consequences of the Prime Minister’s failure of leadership and the resultant divisions within the Government”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

11 PARLIAMENTARY ZONE—OLD PARLIAMENT HOUSE GARDENS RECONSTRUCTION—APPROVAL OF PROPOSAL

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), for Mr Anderson (Minister for Transport and Regional Services), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for works in the Parliamentary Zone which was presented to the House on 13 March 2000, namely: Old Parliament House gardens reconstruction.

Debate ensued.

Question—put and passed.

12 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the following Bill without amendment:

5 April 2000—Message No. 342—Taxation Laws Amendment (No. 5) 2000.

13 AVIATION LEGISLATION AMENDMENT BILL (NO. 1) 2000

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr M. J. Ferguson (see item No. 3, page 1359)—*

Debate resumed.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Anderson (Minister for Transport and Regional Services), the Bill was read a third time.

14 A NEW TAX SYSTEM (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2000—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had returned the Bill for further consideration (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill.

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

Message from the Governor-General

Message No. 170, 13 March 2000, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Anthony (Minister for Community Services), the Bill was read a third time.

15 JURISDICTION OF COURTS LEGISLATION AMENDMENT BILL 2000

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr McClelland who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words:

“whilst not declining to give the bill a second reading, the House:

- (1) notes the consequences of the decision of the High Court of Australia in *Re Wakim*;
- (2) recognises that the Commonwealth has a leadership role in consultation with the States and Territories to achieve a long term solution to the problems created by the decision;
- (3) calls on the government to urgently obtain an appropriate referral of power from each of the States and Territories to ensure that co-operative and

cross-vesting schemes are based on a valid exercise of Commonwealth power;

- (4) in the event that such referrals do not occur, calls on the government to give serious consideration to holding a constitutional referendum in conjunction with the next federal election to ensure that Federal Courts can exercise jurisdiction referred by the States thereby delivering cheaper and more efficient justice to Australians; and
- (5) further notes that this Bill will have the effect of overriding specified laws of the Northern Territory and the Australian Capital Territory and that action of this kind by the Commonwealth Parliament is appropriate and necessary when fundamental issues of justice are concerned such as in respect to the operation of the Northern Territory's mandatory sentencing laws".

Debate continued.

Amendment negatived.

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.

Mr McClelland, by leave, moved Opposition amendments (1) to (9) together.

Debate continued.

Amendments negatived.

On the motion of Mr Williams (Attorney-General), by leave, Government amendments (3) to (5) were made together, after debate.

Paper

Mr Williams presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Williams, by leave, Government amendments (1) and (6) were made together, after debate.

On the motion of Mr Williams, by leave, Government amendments (2) and (7) were made together, after debate.

On the motion of Mr Williams, Government amendment (8) was made, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

16 MESSAGE FROM THE SENATE—HUMAN RIGHTS (MANDATORY SENTENCING OF JUVENILE OFFENDERS) BILL 1999

Message No. 343, 5 April 2000, from the Senate was reported requesting the House to consider immediately the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999.

17 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 4, government business, be postponed until a later hour this day.

18 A NEW TAX SYSTEM (TRADE PRACTICES AMENDMENT) BILL 2000

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Mr Baird addressing the House—

19 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.

PAPERS

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

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals 2000 Nos 4, 5.

Interstate Road Transport Act—Determinations—2000 RTR 1, RTR 2.

Supported Accommodation Assistance Act—Determinations—2000 Supported Accommodation Assistance (Form of Agreement).

Telecommunications Act 1997—Determinations—2000 Telecommunications (A-Tick Mark).

Textile, Clothing and Footwear Strategic Investment Program Act—Scheme—1999—Textile, Clothing and Footwear Strategic Investment Program, 24 December.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Hawker, Dr Kemp and Ms Kernot.

I. C. HARRIS

Clerk of the House of Representatives

1998-1999-2000

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 102

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 5 APRIL 2000

1 The Main Committee met at 9.40 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **A NEW TAX SYSTEM (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2000**

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Mr Anthony moved—That further proceedings on the Bill be conducted in the House.

Question—put and passed.

4 **JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE—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 Hollis—That the House take note of the paper (*presented on 6 March 2000*), viz.:

Joint Standing Committee on Foreign Affairs, Defence and Trade—Report—Visit to East Timor—Final report, 2 December 1999—

Debate resumed.

Suspension of sitting

At 12.24 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.50 p.m., the proceedings were resumed.

Debate continued.

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

5 ADJOURNMENT

On the motion of Mr Neville, the Main Committee adjourned at 12.59 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