

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 139

TUESDAY, 3 OCTOBER 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 DEATH OF HON. DAVID OLIVER TONKIN

The Speaker informed the House of the death, on 1 October 2000, of the Hon. David Oliver Tonkin, AO, former Premier of South Australia.

Mr Howard (Prime Minister) and Mr Beazley (Leader of the Opposition), by indulgence, paid tribute to the deceased.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

3 DEATH OF RT HON. PIERRE ELLIOTT TRUDEAU

The Speaker informed the House of the death, on 28 September 2000, of the Rt Hon. Pierre Elliott Trudeau, CH, CC, PC, former Prime Minister of Canada.

Mr Howard (Prime Minister) and Mr Beazley (Leader of the Opposition), by indulgence, paid tribute to the deceased.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

4 DEATH OF FORMER MEMBER (MR P. G. BROWNE)

The Speaker informed the House of the death, on 11 September 2000, of Mr Peter Grahame Browne, a Member of this House for the Division of Kalgoorlie from 1958 to 1961.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

5 OLYMPIC GAMES

Mr Howard (Prime Minister), by leave, moved—That this House:

- (1) recognises the huge success of the Sydney 2000 Olympic Games, and that the Games demonstrated the great capacity and sophistication of the Australian people;

- (2) conveys on behalf of all Australians the nation's pride and congratulations for the performances of all the athletes who represented Australia at these Games;
- (3) congratulates the Sydney Organising Committee for the Olympic Games and others responsible for staging such a successful Games;
- (4) expresses our thanks and gratitude to the more than 46,000 volunteers whose cheerful enthusiasm and commitment ensured that the Olympics were an enjoyable and friendly experience for everyone who attended;
- (5) expresses our thanks to all officials from Commonwealth departments and agencies who worked to prepare and support the running of the Games, in particular the men and women of the Australian Defence Force; and
- (6) wishes those organising the Paralympics and our Paralympic athletes well for their final preparations, and for the Games which commence on 18 October.

Debate ensued.

Question—put and passed.

6 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mr Ruddock (Minister for Immigration and Multicultural Affairs), Mr Williams (Attorney-General) would be Acting Minister for Immigration and Multicultural Affairs.

7 QUESTIONS

Questions without notice were asked.

8 PRIVILEGE—COMPLAINT OF BREACH

Mr Brereton raised, as a matter of privilege, actions of Australian Federal Police officers in the execution of a search warrant at the home of his adviser.

The Speaker stated that he would consider the matter and report to the House at a later time.

9 PRIVILEGE—COMPLAINT OF BREACH

Mr Kerr raised, as a matter of privilege, alleged intimidation or interference with Mr Wayne Sievers following his involvement in an inquiry of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

Paper

Mr Kerr presented the following paper:

Defence leak suspect attacks 'political' use of Federal police—Article published in the *Sydney Morning Herald*, 29 September 2000.

The Speaker stated that he would consider the matter and report to the House at a later time.

10 AUDITOR-GENERAL'S REPORTS

The Speaker presented the following papers:

Auditor-General—

Annual report of the Australian National Audit Office for 1999-2000.

Audit reports of 2000-2001—Performance audit—

No. 10—AQIS cost-recovery systems—Australian Quarantine and Inspection Service.

No. 11—Knowledge system equipment acquisition projects in Defence—Department of Defence.

No. 12—Passenger movement charge: Follow-up audit—Australian Customs Service.

Severally ordered to be printed.

11 PAPERS

The following papers were presented:

Aboriginal Land Commissioner—Report and recommendations to the Minister for Aboriginal and Torres Strait Islander Affairs and to the Administrator of the Northern Territory—

No. 58—Barrow Creek (Kaytetye) Land Claim No. 161.
Explanatory Statement.

Aboriginal Land Rights (Northern Territory) Act—Aboriginals Benefit Trust Account—Report for 1999-2000.

Australian Broadcasting Authority—Report for 1999-2000.

Australian Bureau of Statistics—Report for 1999-2000.

Australian Communications Authority—Report for 1999-2000.

Australian Competition and Consumer Commission—Report on Telstra's compliance with the price control arrangements: January 1998 to June 1999.

Australian Federal Police—Report for 1999-2000.

Australian National Maritime Museum—Report for 1999-2000.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer, for period 1 April to 30 June 2000.

Australian River Co Limited—Report for the period 7 December 1998 to 30 November 1999.

Crimes Act—Controlled operations—Report for 1999-2000.

Finance—Final Budget Outcome 1999-2000, September 2000.

National Gallery of Australia—Report for 1999-2000.

National Health and Medical Research Council—Strategic Plan for 2000-2003.

National Library of Australia—Report for 1999-2000.

National Museum of Australia—Report for 1999-2000.

Protection of Movable Cultural Heritage Act—Report on the Act and National Cultural Heritage Fund for 1999-2000.

Torres Strait Regional Authority—Report for 1999-2000.

Witness Protection Act—Report for 1999-2000.

12 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Aboriginal Land Commissioner—Report and recommendations to the Minister for Aboriginal and Torres Strait Islander Affairs and to the Administrator of the Northern Territory—

No. 58—Barrow Creek (Kaytetye) Land Claim No. 161.
Explanatory Statement.

Aboriginal Land Rights (Northern Territory) Act—Aboriginals Benefit Trust Account—Report for 1999-2000.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer, for period 1 April to 30 June 2000.

National Health and Medical Research Council—Strategic Plan for 2000-2003.

Torres Strait Regional Authority—Report for 1999-2000.

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

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FUEL COSTS

The House was informed that Mr O'Connor had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the government to keep its commitment to Australian farmers to effectively reduce the cost of fuel".

The proposed discussion having received the necessary support—

Mr O'Connor addressed the House.

Discussion ensued.

Discussion concluded.

14 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

4 September 2000—Message—

No. 238—Classification (Publications, Films and Computer Games) Amendment (No. 1) 2000.

No. 239—Copyright Amendment (Digital Agenda) 2000.

5 September 2000—Message—No. 240—

Aboriginal Land Rights (Northern Territory) Amendment (No. 3) 2000.

Defence Legislation Amendment (Flexible Career Practices) 2000.

Taxation Laws Amendment (No. 4) 2000.

7 September 2000—Message—No. 241—

Excise Amendment (Compliance Improvement) 2000.

Customs Tariff Amendment (No. 3) 2000.

Trade Marks Amendment (Madrid Protocol) 2000.

Retirement Assistance for Farmers Scheme Extension 2000.

12 September 2000—Message—

No. 242—Defence Legislation Amendment (Aid to Civilian Authorities) 2000.

No. 243—Therapeutic Goods Amendment Bill (No. 3) 2000.

15 MAIN COMMITTEE—DAY OF NEXT MEETING

The Speaker reported that the Deputy Speaker had fixed Wednesday, 4 October 2000, at 9.40 a.m., for the next meeting of the Main Committee.

16 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, 9 October 2000—

and, by leave, moved—That the report be adopted in lieu of the report presented on 5 September 2000.

Question—put and passed.

17 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER

Mr Sercombe presented the following paper:

Corporations and Securities—Parliamentary Joint Committee—Report on 'Shadow Ledgers' and the provision of bank statements to customers, October 2000.

Ordered to be printed.

Mr Sercombe, by leave, made a statement in connection with the report.

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

Mr Sercombe 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.

18 TELECOMMUNICATIONS (CONSUMER PROTECTION AND SERVICE STANDARDS) AMENDMENT BILL (NO. 2) 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 Smith 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, recognising the fundamental importance of high quality and reliable telecommunications services to all Australians now and in the future:

- (1) condemns the Government for its continuing push towards the full privatisation of Telstra which will inevitably lead to a decline in services to rural and regional Australia;
- (2) recognises the importance of the Universal Service Obligation to the delivery of minimum communications services to rural and regional Australia;
- (3) notes that while the Government is holding up competitive tendering as the solution to rural and regional service delivery difficulties and as a justification of the full privatisation of Telstra:
 - (a) its plan is limited to two pilot projects the results of which will not be known for a number of years; and
 - (b) its decision to require Telstra to remain as a safety net provider of last resort in the areas to be covered by the pilot projects acknowledges the unique role of Telstra in the delivery of services to rural and regional Australia and the folly of pursuing full privatisation;
- (4) calls on the Government to ensure that no further competitive tendering decisions are made prior to a comprehensive evaluation of the results of the two pilot projects;
- (5) notes with concern that Telstra will be excluded as the Primary Universal Service Provider and will only provide service on a ‘commercial’ basis to 80 percent of Australia if it is unsuccessful in its bid for the Government’s \$150 million tender for untimed local call access in remote areas; and
- (6) calls on the Government to ensure that the \$150 million tender proceeds on the same basis as the two pilot projects, namely with Telstra as the provider of last resort; and
- (7) notes the wide Ministerial discretion given with respect of the calculation of the cost of the Universal Service Obligation, and the need for this to be on the basis of Australian Communications Authority advice”.

Debate continued.

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

The House divided (the Deputy Speaker, Mr Causley, in the Chair)—

AYES, 66

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

NOES, 65

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Ruddock	Mr M. J. Evans

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. 236, 5 September 2000, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr McGauran (Minister for the Arts and the Centenary of Federation), by leave, Government amendments (1) to (38) were made together, after debate.

Papers

Mr McGauran presented a supplementary explanatory memorandum to the following Bills:

Telecommunications (Consumer Protection and Service Standards) Amendment (No. 2) 2000; and

Telecommunications (Universal Service Levy) Amendment 2000.

Mr McGauran presented the following paper:

Telecommunications (Consumer Protection and Service Standards) Amendment Bill (No. 2) 2000—Speaking notes for second reading speech, 3 October 2000.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

19 TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY) 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—

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr McGauran (Minister for the Arts and the Centenary of Federation), by leave, Government amendments (1) to (3) were made, together.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

20 COMMONWEALTH ELECTORAL 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.

Debate adjourned (Mrs D. M. Kelly), and the resumption of the debate made an order of the day for the next sitting.

21 ADJOURNMENT

It being approximately 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.

PAPERS

The following papers were deemed to have been presented on 3 October 2000:

A New Tax System (Goods and Services Tax) Act—

Determinations—2000 A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) (No. 2).

Regulations—Statutory Rules 2000 No. 268.

Aged Care Act—

Principles under section 96-1—2000—

Committee Amendment Principles (No. 1).

Extra Service Amendment Principles (No. 1).

Information Amendment Principles (No. 1).

User Rights Amendment Principles (No. 2).

Airports Act—Regulations—Statutory Rules 2000 No. 269.

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment No. 30.

Australian Meat and Live-stock Industry Act—Order—2000 Australian Meat and Live-stock Industry (Live Sheep Exports to Saudi Arabia) Amendment (No. 4).

Australian Sports Drug Agency Act—

Orders—2000—

Australian Sports Drug Agency Drug Testing (Scheme A)—Amendment (No. 3).

Australian Sports Drug Agency Drug Testing (Scheme B).

Regulations—Statutory Rules 2000 No. 253.

Broadcasting Services Act—

Broadcasting Services (Events) Notice No. 1 of 1994—Amendment—2000 No. 3.

Determination—2000—No. 1.

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—

Part 39-105 2000 5, 6(2), 7(2), 13, 14, 21 September.

Part 39-106 2000 25 August, 14 September.

Part 39-107 2000 25 August.

Civil Aviation Amendment Orders—2000 Nos 7, 11, 13, 14.

Exemptions—2000 Nos CASA EX41, CASA EX44.

Instruments—2000 Nos CASA 382, CASA 388.

- Statutory Rules 2000 No. 261.
- Commonwealth Authorities and Companies Act—Notice under section 9(2)—
Statement relating to extension of time for presentation of report—
Anindilyakwa Land Council—Report for 1999–2000.
Central Land Council—Report for 1999–2000.
- Currency Act—Determinations—2000—
Currency (Perth Mint) (No. 3).
Currency (Royal Australian Mint) (No. 6).
- Customs Act—
Regulations—Statutory Rules 2000 No. 252.
Statement under Section 219RAC—2000—
Barringer Ionscan Trace Detector—
Advice from ARPANSA.
Advice from Department of Health and Aged Care.
Rapiscan Secure 1000 Personnel Scanner—
Advice from ARPANSA.
Advice from Department of Health & Aged Care.
- Defence Act—
Defence Force Remuneration Tribunal—Determinations—2000 Nos 15, 16, 17.
Determinations under section 58B—2000 Nos 27, 28, 29, 30.
Regulations—Statutory Rules—2000 No. 263.
- Export Control Act—Export Control (Orders) Regulations—Order—Export
Control (Fees) Amendment 2000 (No. 2), Explanatory Memorandum.
- Family Law Act—Regulations—Statutory Rules 2000 No. 254.
- Federal Magistrates Act—Regulations—Statutory Rules 2000 No. 255.
- Fisheries Management Act—Temporary Order—2000 No. 4.
- Foreign States Immunities Act—Regulations—Statutory Rules 2000 No. 256.
- Income Tax Assessment Act—Regulations—Statutory Rules 2000 No. 262.
- Migration Act—Certificate under section 502(3)—5 September 2000.
- Migration Act, Migration Reform Act—Regulations—Statutory Rules 2000 No.
259.
- National Health Act—Determinations—2000 No. PIB 22.
- Navigation Act—Marine Orders—2000 No. 5.
- Occupational Health and Safety (Commonwealth Employment) Act—
Declarations—2000 Nos 1, 2.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2000
No. 265.
- Primary Industries Levies and Charges Collection Act—Regulations—Statutory
Rules 2000 No. 264.
- Radiocommunications Act—Regulations—Statutory Rules 2000 No. 257.
- Remuneration Tribunal Act—Remuneration Tribunal—Determinations—2000
Nos 8, 10.

Safety, Rehabilitation and Compensation Act—Notice—2000 No. 1.

Taxation Administration Act—

Determinations—2000—

Nos GSTD 9, GSTD 9 (Erratum), GSTD 10, TD 31, TD 32, TD 33, TD 34, TD 35, TD 36, TD 37, TD 38, TD 39, TD 40, TD 41, TD 42, TD 43, TD 44, TD 45.

Rulings—

1999—No. GSTR 1 (Addendum)

2000—Nos GSTR 10(Addendum), GSTR 34, GSTR 34(Erratum), GSTR 35, GSTR 35(Erratum), PR 19, PR 36, PR 62, PR 91(Addendum), PR 94 (Erratum), PR 96, PR 97, PR 98, PR 99, PR 100, PR 101, PR 102, PR 103, IT 176, IT 241, IT 2389, MT 2(Addendum), TR 12, TR D12(Addendum).

Telecommunications (Carrier Licence Charges) Act—Determinations—2000—
Telecommunications (Annual Carrier Licence Charge).

Telecommunications (Costs Attributable to Telecommunications Functions and Powers).

Telecommunications (Recovery of ITU Budget Contributions).

Telecommunications Act 1997—Determinations—2000—Telecommunications (Service Provider—Identity Checks for Pre-paid Public Mobile Telecommunications Services).

Therapeutic Goods Act—

Regulations—Statutory Rules—2000 No. 267.

Therapeutic Goods Order No. 66.

Therapeutic Goods (Charges) Act—Regulations—Statutory Rules 2000 No. 266.

Trans-Tasman Mutual Recognition Act—Regulations—Statutory Rules 2000 No. 260.

Veterans' Entitlements Act—

Instruments—2000—

Veterans' Entitlements (Treatment Principles—Gulf War Health Study) No. 15.

Veterans' Entitlements Treatment (Gulf War Health Study) No. 14.

Instruments under section 196B—2000 Nos 21, 22, 23, 24, 25, 26.

Workplace Relations Act—Regulations—Statutory Rules 2000 No. 258.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Hollis*, Mr McArthur and Mr Ruddock.

* On leave

I. C. HARRIS

Clerk of the House of Representatives