

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 161

THURSDAY, 7 DECEMBER 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 **SUPERANNUATION LEGISLATION AMENDMENT (POST-RETIREMENT COMMUTATIONS) BILL 2000**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) for Mr Fahey (Minister for Finance and Administration), pursuant to notice, presented a Bill for an Act to amend various Acts relating to superannuation, and for other purposes.

Bill read a first time.

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

*Paper*

Mr Slipper presented an explanatory memorandum to the Bill.

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

3 **OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT BILL 2000**

Mr Reith (Minister for Employment, Workplace Relations and Small Business), pursuant to notice, presented a Bill for an Act to amend the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Reith presented an explanatory memorandum to the Bill.

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

**4 SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2000**

Mr Reith (Minister for Employment, Workplace Relations and Small Business), pursuant to notice, presented a Bill for an Act to amend the *Safety, Rehabilitation and Compensation Act 1988* and other legislation, and for other purposes.

Bill read a first time.

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

*Paper*

Mr Reith presented an explanatory memorandum to the Bill.

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

**5 COMMUNICATIONS AND THE ARTS LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000**

Mr McGauran (Minister for the Arts and the Centenary of Federation), pursuant to notice, presented a Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for related purposes.

Bill read a first time.

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

*Paper*

Mr McGauran presented an explanatory memorandum to the Bill.

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

**6 NEW BUSINESS TAX SYSTEM (SIMPLIFIED TAX SYSTEM) BILL 2000**

Mr Hockey (Minister for Financial Services and Regulation) presented a Bill for an Act to amend the law about taxation to implement the New Business Tax System, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Hockey presented an explanatory memorandum to the Bill.

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

**7 TAXATION LAWS AMENDMENT (EXCISE ARRANGEMENTS) BILL 2000**

Mr Hockey (Minister for Financial Services and Regulation) presented a Bill for an Act to amend the law relating to customs and excise, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Hockey presented an explanatory memorandum to the Bill.

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

**8 MEDICARE LEVY AMENDMENT (CPI INDEXATION) BILL (NO. 2) 2000**

Mr Hockey (Minister for Financial Services and Regulation) presented a Bill for an Act to index thresholds for Medicare levy and Medicare levy surcharge, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Hockey presented an explanatory memorandum to the Bill.

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

**9 MESSAGES FROM THE SENATE**

Messages from the Senate, 6 December 2000, were reported returning the following Bills without amendment or requests:

No. 515—Education Services for Overseas Students (Assurance Fund Contributions) 2000 (*without requests*).

No. 516—Education Services for Overseas Students (Registration Charges) Amendment 2000 (*without requests*).

No. 517—Education Services for Overseas Students (Consequential and Transitional) 2000.

**10 MESSAGE FROM THE SENATE—EDUCATION SERVICES FOR OVERSEAS STUDENTS BILL 2000**

Message No. 514, 6 December 2000, from the Senate was reported returning the Education Services for Overseas Students Bill 2000 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs), the amendments were agreed to, after debate.

**11 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT (OVERSEAS STUDENTS) BILL 2000**

Message No. 518, 6 December 2000, from the Senate was reported returning the Migration Legislation Amendment (Overseas Students) Bill 2000 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs), the amendments were agreed to.

**12 MESSAGE FROM THE SENATE—INTERACTIVE GAMBLING (MORATORIUM) BILL 2000**

Message No. 519, 6 December 2000, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act about interactive gambling services, and for related purposes.

Bill read a first time.

Mr McGauran (Minister for the Arts and the Centenary of Federation) moved—That the Bill be now read a second time.

*Paper*

Mr McGauran presented a revised explanatory memorandum to the Bill.

Debate, by leave, ensued.

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, this House:

- (1) condemns the Government for introducing a bill which:
  - (a) does not provide strong regulation of interactive gambling as the most practical and effective way of reducing social harm arising from gambling;
  - (b) may exacerbate problem gambling by barring access to regulated online gambling services safeguards but allowing access to unregulated offshore online gambling sites;
  - (c) does not extend current regulatory and consumer protection requirements applying to other forms of gambling;
  - (d) singles out one form of gambling in an attempt to placate community concern but does not address more prevalent forms of gambling;
  - (e) is not technology neutral or technically feasible;
  - (f) is contrary to the best interests of the Australian Internet industry;
- (2) calls on the Government to show national leadership on this issue by:
  - (a) addressing harm minimisation and consumer protection as well as criminal issues that may arise from online gambling;
  - (b) ensuring a quality gambling product through financial probity checks on providers and their staff;
  - (c) introducing measures to minimise any criminal activity linked to interactive gambling;
  - (d) providing effective privacy protection for online gamblers;
  - (e) containing social costs by ensuring that adequate ongoing funds are available to assist those with gambling problems;
  - (f) addressing revenue issues that impact upon state government decisions relating to interactive gambling;
  - (g) working with State and Territory governments to ensure that online and interactive gambling operators meet the highest standards of probity and auditing through licensing agreements”.

Debate continued.

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

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

AYES, 77

Mr Abbott	Mr Entsch	Mr Lindsay	Mr Secker
Mr Anderson	Mr Fahey	Mr Lloyd	Mr Slipper
Mr Andren	Mr Fischer	Mr McArthur*	Mr Somlyay
Mr K. J. Andrews	Mr Forrest*	Mr I. E. Macfarlane	Dr Southcott
Mr Anthony	Mrs Gallus	Mr McGauran	Dr Stone
Fran Bailey	Ms Gambaro	Mrs May	Mrs Sullivan
Mr Baird	Mrs Gash	Mrs Moylan	Dr Theophanous
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 Tuckey
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 Causley	Mr Katter	Mr Reith	Mr Williams
Mr Charles	Mrs D. M. Kelly	Mr Ronaldson	Dr Wooldridge
Mr Costello	Jackie Kelly	Mr Ruddock	Ms Worth
Mr Downer	Dr Kemp	Mr St Clair	
Mrs Draper	Mr Lawler	Mr Schultz	
Mrs Elson	Mr Lieberman	Mr Scott	

NOES, 61

Mr Bevis	Ms Gerick	Mr McClelland	Ms Roxon
Mr Brereton	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Ms Burke	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Byrne	Mr Griffin	Mr McLeay	Mr Sciacca
Ms Corcoran	Ms Hall	Mr McMullan	Mr Sercombe*
Mr Cox	Mr Hatton	Dr Martin	Mr Sidebottom
Mr Crean	Ms Hoare	Mr Melham	Mr Smith
Mrs Crosio	Mr Horne	Mr Morris	Mr Snowdon
Mr Danby	Mrs Irwin	Mr Mossfield	Mr Swan
Mr Edwards	Mr Jenkins	Mr Murphy	Mr Tanner
Ms Ellis	Ms Kernot	Mr O'Connor	Mr K. J. Thomson
Mr Emerson	Mr Kerr	Mr O'Keefe	Mr Wilkie
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	

\* Tellers

*Pairs*

Mr Howard                      Mr Beazley  
 Mr M. A. J. Vaile              Ms O'Byrne

And so it was resolved in the affirmative.

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

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

## AYES, 73

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

## NOES, 61

Mr Bevis	Ms Gerick	Mr McClelland	Ms Roxon
Mr Brereton	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Ms Burke	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Byrne	Mr Griffin	Mr McLeay	Mr Sciacca
Ms Corcoran	Ms Hall	Mr McMullan	Mr Sercombe*
Mr Cox	Mr Hatton	Dr Martin	Mr Sidebottom
Mr Crean	Ms Hoare	Mr Melham	Mr Smith
Mrs Crosio	Mr Horne	Mr Morris	Mr Snowdon
Mr Danby	Mrs Irwin	Mr Mossfield	Mr Swan
Mr Edwards	Mr Jenkins	Mr Murphy	Mr Tanner
Ms Ellis	Ms Kernot	Mr O'Connor	Mr K. J. Thomson
Mr Emerson	Mr Kerr	Mr O'Keefe	Mr Wilkie
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	

\* Tellers

*Pairs*

Mr Howard                      Mr Beazley

Mr M. A. J. Vaile              Ms O'Byrne

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

Leave granted for third reading to be moved forthwith.

Mr McGauran (Minister for the Arts and the Centenary of Federation) moved—  
That the Bill be now read a third time.

Question—That the Bill be now read a third time—put.

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

## AYES, 78

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

## NOES, 61

Mr Bevis	Ms Gerick	Mr McClelland	Ms Roxon
Mr Brereton	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Ms Burke	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Byrne	Mr Griffin	Mr McLeay	Mr Sciacca
Ms Corcoran	Ms Hall	Mr McMullan	Mr Sercombe*
Mr Cox	Mr Hatton	Dr Martin	Mr Sidebottom
Mr Crean	Ms Hoare	Mr Melham	Mr Smith
Mrs Crosio	Mr Horne	Mr Morris	Mr Snowdon
Mr Danby	Mrs Irwin	Mr Mossfield	Mr Swan
Mr Edwards	Mr Jenkins	Mr Murphy	Mr Tanner
Ms Ellis	Ms Kernot	Mr O'Connor	Mr K. J. Thomson
Mr Emerson	Mr Kerr	Mr O'Keefe	Mr Wilkie
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	

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr M. A. J. Vaile	Ms O'Byrne

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

**13 MESSAGES FROM THE SENATE**

Messages from the Senate, 6 December 2000, were reported:

- (a) acquainting the House that Senator Gibbs had been discharged from attendance on the Joint Standing Committee on Foreign Affairs, Defence and Trade, and Senator McKiernan had been appointed a member of the committee—Message No. 520.
- (b) returning the Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2000 and acquainting the House that the Senate has considered message No. 609 of the House relating to the bill. The Senate does not further press its request for an amendment which the House has not made and agrees to the bill—Message No. 521.
- (c) returning the Privacy Amendment (Private Sector) Bill 2000 and acquainting the House that the Senate does not insist on its amendments Nos 1 to 33 disagreed to by the House and has agreed to the amendments made by the House in place of amendments Nos 19 and 21 to 26—Message No. 522.



**14 SUSPENSION OF STANDING AND SESSIONAL ORDERS—POSTPONEMENT OF QUESTION TIME**

Mr Reith (Leader of the House) moved—That so much of the standing and sessional orders be suspended as would prevent questions without notice being asked at 2.30 p.m. today.

Debate ensued.

Question—put and passed.

**15 PAPER**

Mr L. D. T. Ferguson, by leave, during a personal explanation, presented the following paper:

Australian Labor Party—Branch clearance card.

**16 AUSTRALIAN RESEARCH COUNCIL 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 Services), the amendments were disagreed to, after debate.

Dr Kemp (Minister for Education, Training and Youth Affairs) 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 Number 1***

This amendment extends the objects of the *Australian Research Council Bill 2000* to establish a body that may, on its own initiative, conduct inquiries into matters related to research and research education and publish the results.

The Government's 1999 policy statement *Knowledge and Innovation* clearly set out the role and functions of the ARC as providing 'strategic policy advice to Government' as well as having 'a broader role in the National Innovation System.' As well as providing distinct advice on matters requested by the Minister, the strategic planning process outlined in the Bill will provide a new and effective way of developing advice to Government on matters related to research. It should be noted that it is not necessary to specify 'research education' as a separate aspect of 'research matters'.

There is nothing in the Bill which prevents the ARC from drawing the Minister's attention to an issue which should be referred to them for further investigation and advice. Such an approach ensures that there is regular consultation between the Minister and the primary advisory body on research matters, while maintaining the balance between the ARC's performance of those functions outlined in the Act, to which the Government would accord priority, and those matters which the ARC believe would enhance the Government's decision making ability. Accordingly, the House of Representatives does not accept this amendment.

**Senate Amendment Number 2**

This amendment adds a definition of ‘States’ which encompasses both the Australian Capital Territory and the Northern Territory.

This amendment is unnecessary as there is only one clause to which the amendment could possibly apply, namely Clause 58 – Conditions of Payment of financial assistance. As subclause 58(2) sets out criteria in terms of ‘state’, ‘Australian Capital Territory’ and ‘Northern Territory’, the amendment duplicates the provisions already in the Bill. Accordingly, the House of Representatives does not accept this amendment.

**Senate Amendment Number 3**

This amendment introduces two new functions of the ARC, namely to conduct inquiries, on its own initiative, on matters related to research and research education and publish those results; and to make recommendations to the Minister about matters related to research and research education.

The Government’s 1999 policy statement *Knowledge and Innovation* clearly set out the role and functions of the ARC as providing ‘strategic policy advice to Government’ as well as having ‘a broader role in the National Innovation System.’ As well as providing distinct advice on matters requested by the Minister, the strategic planning process outlined in the Bill will provide a new and effective way of developing advice to Government on matters related to research. It should be noted that it is not necessary to specify ‘research education’ as a separate aspect of ‘research matters’.

There is nothing in the Bill which prevents the ARC from drawing the Minister’s attention to an issue which should be referred to them for further investigation and advice. Such an approach ensures that there is regular consultation between the Minister and the primary advisory body on research matters, while maintaining the balance between the ARC’s performance of those functions outlined in the Act, to which the Government would accord priority, and those matters which the ARC believe would enhance the ability of the Government to make decisions in this area.

Finally, the function of making recommendations to the Minister about matters related to research and research education effectively duplicates the other functions of the ARC—namely to provide recommendations on proposals for approval for funding assistance and the function of providing advice to the Minister. Accordingly, the House of Representatives does not accept this amendment.

**Senate Amendment Number 4**

This amendment substitutes the requirement to include requests for advice in the Annual Report, with the requirement to table requests for advice in each House of Parliament within 15 sitting days.

While it is important for Government actions to be accountable, the amendment puts in place a more onerous administrative requirement on the Australian Research Council than that which was stipulated in the Bill agreed to by the House. Under those arrangements, requests for advice were still open to proper

scrutiny through the Annual Report process. It would be more efficient to inform the community of such matters through inclusion in the Annual Report than to require the request to be tabled. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment Number 5***

This amendment adds an additional requirement to table Ministerial directions on the performance of the ARC's functions in each House of Parliament within 15 sitting days as well as reporting it in the Annual Report

While it is important for Government actions to be accountable, the amendment puts in place a more onerous administrative requirement on the Australian Research Council than that which was stipulated in the Bill agreed to by the House. Under those arrangements, directions were still open to proper scrutiny through the Annual Report process. The ARC's independence in recommending excellent research proposals for funding will not be enhanced by this provision as the Minister is prevented by other provisions in the Bill from directing the ARC to recommend funding for or to not fund a particular research proposals. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment Number 6***

This amendment adds an additional requirement to table Ministerial directions on the performance of the Board's functions in each House of Parliament within 15 sitting days, as well as to include such directions in the Annual Report.

While it is important for Government actions to be accountable, the amendment puts in place a more onerous administrative requirement on the Australian Research Council than that which was stipulated in the Bill agreed to by the House. Under those arrangements, directions were still open to proper scrutiny through the Annual Report process. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment Number 7***

This amendment adds an additional requirement to table the notification by the Minister to the ARC of Commonwealth policies in each House of Parliament within 15 sitting days as well as to include such notifications in the Annual Report.

While it is important for Government actions to be accountable, the amendment puts in place a more onerous administrative requirement on the Australian Research Council than that which was stipulated in the Bill agreed to by the House. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment Number 8***

This amendment provides for a designated representative of 'research students' to be included as a member of the Board of the ARC.

The amendment as phrased would create an unworkable situation as it does not clearly identify a process for selecting such a person or office holder. Further, the Bill contains no definition of 'research student' and no indication of how a

person capable of representing ‘research students’ should be identified. Accordingly the House of Representatives does not accept this amendment.

***Senate Amendment Number 9***

This amendment places a qualification on the representative of research students which requires them to be either a current postgraduate student or have completed a postgraduate degree within the previous twelve months.

The amendment does not assist the Parliament in identifying a representative of research students. In fact, it increases the pool of eligible applicants to approximately 170,000 people. As the amendment provides no other criteria for identification, the resulting legislation would be unworkable. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment Number 10***

This amendment would require the Minister to table details of research proposals that were either approved or not approved for funding, where the Minister’s decision was not in accord with the ARC’s recommendation. These details include a statement of reasons as well as a list of those people or organisations who provided advice to the Minister.

While it is the function of the ARC to provide recommendations concerning the funding of research projects, it is ultimately the decision of the Minister as to what should or should not be funded. The current practice of allocating funds for research does not require the ARC to provide any input into these decisions, whereas the Bill before the House requires that only grants which have been assessed by the ARC are eligible to be approved for funding.

While the Minister is able to act solely on the advice of the ARC, the Minister may, if he or she so chooses, seek further advice from other parties, such as the relevant Department of State.

There may also be instances where the advice from the ARC changes following an initial approval not to fund—for example, grants which has been recommended for funding following a successful appeal. There is a danger that the reasons for approval in these circumstances may lead to unfair criticism of the recipients of the grant or challenge the public confidence of the ARC’s grants process.

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

***Senate Amendment Number 11***

This amendment requires that particulars of the ‘funding rules’ and variations of such rules that have been approved by the Minister be tabled in each House of the Parliament within 15 sitting days as well as included in the annual report for the ARC.

This amendment is unnecessary as the ‘funding rules’ referred to in the legislation will set out the eligibility criteria, assessment process and accountability requirements for funding under ARC research programmes. For example, the current ARC funding guidelines (which will become the ARC funding rules under the transitional provisions of the *Australian Research Council (Consequential and Transitional Provisions) Bill 2000*) are published

on the internet. Because the information contained in these rules is intended for publication and wide availability and dissemination throughout the research sector, the rules are likely to be in the public domain well before the statutory tabling date.

While recognising the importance of Ministerial accountability, the requirement to both table the funding rules as well as include it in the Annual Report constitutes an onerous administrative requirement on the ARC on documents which would already be publicly available. Accordingly, the House of Representatives does not accept this amendment.

On the motion of Dr Kemp, the reasons were adopted.

#### 17 AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) 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 Dr Kemp (Minister for Education, Training and Youth Affairs), the amendments were disagreed to.

Dr Kemp 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 Number 1***

This amendment will limit the availability of funds for 'Special Research Assistance' in the *Higher Education Funding Act 1988* to those institutions listed on the proposed Schedule (Amendment Number 4).

This amendment will have the effect of removing the access of at least one University, which is already in receipt of research funding, to have continued access to research funding under this provision. This year, the University has received \$165,000 to support the provision of high quality research training and the performance of research. Its contribution to Australia's research effort has been recognised by both the current and previous Government, which has provided funding to support that contribution. It should be noted that the Government's policy statement *Knowledge and Innovation* signalled an intention to support research and research training within universities listed on the registers of the Australian Qualifications Framework and submitted an approved research and research training management plan. Accordingly, the House of Representatives does not accept this amendment.

##### ***Senate Amendment Number 2***

This amendment substitutes the requirements as to what constitutes an 'accredited' higher education institution, limiting it to only those institutions listed on the two Australian Qualifications Framework Registers.

The removal of the alternate process of recognition could result in the inability of universities to receive funding for research and research training purposes if, for example, there is a change to the Australian Qualifications Framework processes, including something as simple as a name change to one of the

Registers. The requirements specified in the alternate process would be subject to Parliamentary scrutiny, therefore it is not intended as a means to bypass the agreed national protocols for recognition as a university, or the powers of the states to accredit institutions. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment Number 3***

This amendment removes the stipulation that the determination of alternate requirements for recognition of ‘accredited higher education institution’ be a disallowable instrument.

Through ensuring that the alternate requirements for recognition as a ‘higher education institution’ are a disallowable instrument, and thus subject to parliamentary scrutiny, will ensure that only in such circumstances where there is a need to supplement the registers of the Australian Qualifications Framework will funding be given to institutions. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment Number 4***

This amendment adds a schedule of institutions eligible to receive funding under s.23 of the *Higher Education Funding Act 1988*.

This Schedule restricts the eligibility criteria for special research assistance in such a way as to prevent an institution currently in receipt of funding from receiving additional funding, as well as requiring additional amendments whenever any further higher education institution meets the additional criteria for access to research funding as set out by the Bill, namely being listed on the registers of the Australian Qualifications Framework and having submitted an approved research and research training management plan. Accordingly the House of Representatives does not accept this amendment.

On the motion of Dr Kemp, the reasons were adopted.

**18 MESSAGE FROM THE SENATE—STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) BILL 2000**

Message No. 524, 7 December 2000, from the Senate was reported returning the States Grants (Primary and Secondary Education Assistance) Bill 2000 with amendments.

Ordered—That the amendments be considered forthwith.

Dr Kemp (Minister for Education, Training and Youth Affairs) moved—That the amendments be considered together and one question be put on the amendments.

Debate ensued.

Mr Lee addressing the House—

*Closure*

Mr Ronaldson (Chief Government Whip) moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 74

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

NOES, 63

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

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr M. A. J. Vaile	Ms O'Byrne

And so it was resolved in the affirmative.

And the question—That the amendments be considered together and one question be put—being accordingly put—

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

AYES, 75

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

NOES, 63

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

\* Tellers



*Pairs*

Mr Howard                      Mr Beazley

Mr M. A. J. Vaile              Ms O'Byrne

And so it was resolved in the affirmative.

Dr Kemp moved—That the amendments be disagreed to.

Debate ensued.

Mr Lee addressing the House—

*Closure*

Dr Kemp moved—That the question be now put.

Question—That the question be now put—put.

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

## AYES, 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 Fischer	Mr McArthur*	Mr Secker
Fran Bailey	Mr Forrest*	Mr I. E. Macfarlane	Mr Slipper
Mr Baird	Mrs Gallus	Mr McGauran	Mr Somlyay
Mr Barresi	Ms Gambaro	Mrs May	Dr Southcott
Mr Bartlett	Mrs Gash	Mr Moore	Dr Stone
Mr Billson	Mr Georgiou	Mrs Moylan	Mrs Sullivan
Mrs B. K. Bishop	Mr Haase	Mr Nairn	Mr C. P. Thompson
Ms J. I. Bishop	Mr Hardgrave	Mr Nehl	Mr A. P. Thomson
Mr Brough	Mr Hawker	Dr Nelson	Mr Truss
Mr Cadman	Mr Hockey	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	Jackie Kelly	Mr Reith	Mr Williams
Mr Downer	Dr Kemp	Mr Ronaldson	Dr Wooldridge
Mrs Draper	Mr Lawler	Mr Ruddock	Ms Worth

## NOES, 63

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

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr M. A. J. Vaile	Ms O'Byrne

And so it was resolved in the affirmative.

And the question—That the amendments be disagreed to—being accordingly put—

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

## AYES, 77

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

## NOES, 64

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

\* Tellers

*Pairs*

Mr M. A. J. Vaile      Ms O'Byrne

And so it was resolved in the affirmative.

*Suspension of standing and sessional orders*

Mr Reith (Leader of the House) moved—That so much of the standing and sessional orders be suspended as would prevent the commencement of question time today until the conclusion of consideration of the Senate amendments to this Bill.

Mr Lee addressing the House—

*Closure*

Mr Reith moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 78

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

## NOES, 64

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

\* Tellers

*Pairs*

Mr M. A. J. Vaile      Ms O'Byrne

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 Speaker, Mr J. N. Andrew, in the Chair)—

## AYES, 78

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

## NOES, 64

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

\* Tellers

*Pairs*

Mr M. A. J. Vaile      Ms O'Byrne

And so it was resolved in the affirmative by an absolute majority.

Dr Kemp 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 1***

This amendment seeks to insert an 'object of the Act'. This amendment is unnecessary because there is already a description on the front of the Bill which states that "This is a Bill for an Act to grant financial assistance to the States for 2001 to 2004 for primary and secondary education, and for related purposes". This description has been provided on the preceding legislation and is considered sufficient. Inserting an 'object of the Act' does not enhance the operation of the Bill. In addition, the subject matter of the Bill as it currently stands has been the subject of extensive consultations with all State and non-government education authorities, peak bodies and other major stakeholders. The need for a clause of this type has never been raised by any of these organisations during consultations. There has been no correspondingly extensive consultation with the education sector on the proposed amendment.

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

***Senate Amendments 2, 11, 12, 13, 14, 19 and 20***

These amendments make the 61 non-government schools currently funded at category 1 under the Education Resources Index (ERI) system funding maintained rather than allowing them to receive additional funding under the

new socio-economic status (SES) arrangements where their SES score indicates they should receive a higher level of funding.

These amendments are unfair and discriminatory. They arbitrarily freeze 61 non-government schools at their 2000 funding levels based on their ERI funding category, when the ERI system is widely acknowledged to be flawed. Those schools are denied funding under the same arrangements as all other non-government schools provided for under the Bill. There are also technical flaws in their drafting which may prevent them from having their intended effect so that no funding could be paid to the listed schools, for example, clauses 67 to 70 of the Bill do not refer to new clause 64A.

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

### ***Senate Amendment 3***

This amendment proposes to add to the accountability requirements for grants for government schools the requirement that, as a condition of funding, States must report on their school and teacher registration criteria through the national report on the outcomes of schooling. Given that Commonwealth funding for new non-government schools is contingent on registration of schools by the States, and in view of the variety of approaches to registration of schools and teachers, the amendment calls for publication of State registration criteria in the national report on schooling.

The amendment combines two related but distinct issues, registration of non-government schools and registration of teachers. Although Commonwealth funding for non-government schools requires that they be registered, such registration is a matter for State authorities, as is teacher registration. It is not considered appropriate that these matters be part of the reporting and accountability provisions of Commonwealth legislation.

Furthermore, it is not appropriate that funding intended for government schools be made conditional upon State policies and practices relating to non-government schools.

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

### ***Senate Amendments 4 and 5***

These amendments are unnecessary. The Financial Questionnaire to which the amendments refer has been and will continue to be required under the funding agreement between the Commonwealth, School Systems, and independent schools. Tying Financial Questionnaire provision to the Financial Accountability Certificate would create difficulties for schools and systems, requiring the provision of financial questionnaire, accountability and census data all within a four month period annually, and would similarly create difficulties for the Department in effectively managing these collections, and thus in maintaining the high levels of accountability to which the non-government sector is subject.

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

***Senate Amendments 6, 9 and 17***

These amendments propose to remove the legislative basis for the Enrolment Benchmark Adjustment (EBA). Cost shifting between levels of governments in this area is a serious issue as has been acknowledged by all State Education Ministers. The proposed amendments seek to simply abolish the EBA without paying any attention to the underlying cost shifting issues. A committee established by the State Education Ministers is to report on alternatives to the EBA but have not done so to date.

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

***Senate Amendment 7***

This amendment applies where a capital grant to a State is reduced following a decision by the Minister to withhold a grant or to require the State to repay a grant, for example, because of a breach of the capital recognition conditions in the Commonwealth-State agreement. The amendment requires the Minister to publish on the Internet details of the State's failure and the capital funds involved.

The amendment is unworkable. The process of negotiating whether Commonwealth recognition requirements have been met by a State is generally a protracted one often extending over several months. Grant payments can be delayed during this process but usually this would not be the result of a formal decision being made to return payments because of a breach. Rather payments would be withheld pending the outcome of negotiations. Where a grant is reduced, States are given notice and have an opportunity to take corrective action. Publishing details of these actions on the Internet would be detrimental to co-operative Commonwealth-State relations.

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

***Senate Amendment 8***

This amendment removes the discretion from the Minister to decide whether or not to remove a school's name from the list of non-government schools kept under the legislation where the school ceases to have State or Territory registration or starts to be conducted for profit.

The amendment requires mandatory removal from the list of funded schools of a non-government school losing State or Territory registration or becoming conducted for profit. This imposes an inflexible, unfair and unnecessary response on the Minister. Where the school is able to remedy the problem and regain registration or cease profit making, currently grant payments need not continue during the period but the school could remain on the list of funded schools in appropriate cases while it exercises that opportunity. In such cases the amendment would make the school start again and make a fresh application for Commonwealth funding instead of being able to seek an immediate resumption of funding upon regaining eligibility.

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



***Senate Amendments 10, 15, 16, 21, 22 and 23***

These amendments extend payment of schools transitional emergency assistance (STEA) and establishment grants assistance to government schools. For non-government schools the amendments also require publication of details of grants on the Internet. For establishment grants additional criteria are to be prescribed by regulation and the Minister must be satisfied that a school's expected enrolments are sufficient to make it educationally and financially viable.

Extending these grants to government schools is inappropriate as the States and Territories are responsible for their own schools.

Schools receiving STEA grants are experiencing short-term financial difficulties. Publication of full details about individual non-government schools and the STEA grants they receive, as proposed in the amendment, could undermine community confidence in the schools and adversely affect the schools' endeavours to overcome their problems.

The States and Territories are responsible for registration of non-government schools, including any planning requirements they consider necessary. It is inappropriate to seek to reimpose the former Government's New Schools Policy on establishment grants.

Both STEA and establishment grants have maximum limits on the amount of funding available for a programme year. Without the injection of significant additional funding into the programmes, the amendments could largely reduce the amount of funding available to individual schools.

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

***Senate Amendment 18***

This amendment is unnecessary. The Minister's report to Parliament already provides information on the aggregate distribution of grants between the government and non-government sectors. The Commonwealth recognises and supports this reporting as an important element of public accountability. The Commonwealth also supports a strong focus on educational outcomes, a focus which is crucial to ensuring Australia's young people receive the best possible education in whichever system they and their parents choose. A focus on financial inputs, as suggested by the amendment, would serve only to direct resources away from delivering the outcomes of schooling.

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

Dr Kemp moved—That the reasons be adopted.

Mr Lee addressing the House—

*Closure*

Dr Kemp moved—That the question be now put.

Question—That the question be now put—put.

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

## AYES, 78

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

## NOES, 64

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

\* Tellers

*Pairs*

Mr M. A. J. Vaile      Ms O'Byrne

And so it was resolved in the affirmative.

And the question—That the reasons be adopted—being accordingly put—

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

## AYES, 78

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

## NOES, 64

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

\* Tellers

*Pairs*

Mr M. A. J. Vaile      Ms O'Byrne

And so it was resolved in the affirmative.

**19 QUESTIONS**

Questions without notice being asked—

*Papers*

Mr Ruddock (Minister for Immigration and Multicultural Affairs) presented the following papers:

Detention centres—Photographs of weapons taken from detainees at Woomera and other detention centres (10).

Questions without notice continued.

**20 PAPER**

Mr Howard (Prime Minister), by indulgence, added to an answer given during question time and presented the following paper:

Voting behaviours—Copy of facsimile from Adrian Goldsmith, Director, Quantum Market Research to Greg Williams, Department of the Prime Minister and Cabinet, 7 December 2000.

**21 PAPER**

The Speaker presented the following paper:

Committee reports—Schedule of outstanding Government responses to reports of House of Representatives and joint committees, incorporating reports tabled and details of Government responses made in the period between 29 June 2000, the date of the last schedule, and 6 December 2000.

**22 PAPERS**

The following papers were presented:

Council for Aboriginal Reconciliation—Reconciliation: Australia's challenge—Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament, December 2000.

Department of Finance and Administration—Parliamentarians' travel paid by the department for the period January to June 2000—Report, December 2000.

Department of Industry, Science and Resources—Energy use in Commonwealth operations—Report for 1999-2000.

International Labour Organisation—Submission report on ILO Instruments adopted in 1999.

National Crime Authority—Report for 1999-2000.

National Crime Authority—Parliamentary Joint Committee—Report—Third evaluation of the National Crime Authority—Government Response.

War Crimes Act—Report for 1999-2000.

**23 PAPERS—MOTION TO TAKE NOTE OF PAPERS**

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

Council for Aboriginal Reconciliation—Reconciliation: Australia’s challenge—Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament, December 2000.

International Labour Organisation—Submission report on ILO Instruments adopted in 1999.

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

#### **24 PAPERS**

Mr Reith (Leader of the House) presented the following papers:

Petitions—

Not in accord with standing and sessional orders of the House—Calling on the government to grant health care cards to all adults with cystic fibrosis (Mr Bartlett, 12 850 petitioners).

Calling on the House to limit fuel excise rises (Mrs Draper, 9 600 petitioners).

Requesting that the House ensure the Prime Minister honours his promise on petrol prices (Mr McMullan, 354 petitioners).

#### **25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SCHOOL FUNDING**

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 failure of the Government to introduce a fair needs based system of funding for all Australian schools”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

#### **26 POSTPONEMENT OF BUSINESS**

Ordered—That business intervening before Notice No. 5, government business, be postponed until a later hour this day.

#### **27 SUSPENSION OF STANDING ORDERS 48A AND 103**

Mr Reith (Leader of the House), pursuant to notice, moved—That standing order 48A (adjournment and next meeting) and standing order 103 (new business) be suspended for this sitting.

Debate ensued.

Question—put and passed.

#### **28 POSTPONEMENT OF NOTICE**

Ordered—That notice No. 6, government business, be postponed until a later hour this day.

**29 STANDING ORDERS—AMENDMENTS**

Mr Reith (Leader of the House), pursuant to notice, moved—That, with effect from the first day of sitting in 2001, standing orders 133, 142, 148 and 211 be amended to read as follows:

**Notice of motion—how given**

**133** Notice of motion shall be given by a Member by—

- (a) delivering its terms in writing to the Clerk at the Table, or
- (b) stating its terms to the House during the period of Members' statements made under standing order 106A and delivering its terms in writing to the Clerk at the Table.

The notice must be signed by the Member and seconder and show the day proposed for moving the motion.

A notice of motion given by a Member in accordance with paragraph (a) which expresses a censure of, or want of confidence in the Government, or a censure of any Member, shall be reported to the House by the Clerk at the first convenient opportunity.

**Questions to Ministers**

**142** Questions may be put to a Minister relating to public affairs with which the Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which the Minister is responsible. Questions may be asked orally without notice for immediate reply or in writing on notice and placed on the Notice Paper for written reply.

**Question on notice**

**148** A Member shall submit a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in the next issue of the Notice Paper. The question shall be in writing and signed by the Member.

**Initiation of bills**

**211** (a) A bill (unless received from the Senate) shall be initiated by a motion for leave to bring in a bill specifying its title, by an order of the House, on the calling on of a notice of presentation, or in accordance with the provisions of standing order 291.

**Notice of presentation—how given**

- (b) Notice of intention to present a bill shall be given by a Member by either:
  - (i) delivering its terms in writing to the Clerk at the Table, or
  - (ii) stating its terms to the House during the period of Members' statements made under standing order 106A and delivering its terms in writing to the Clerk at the Table.

**Form of**

- (c) A notice of intention to present a bill shall specify its title and the day for presentation, and shall be signed by the Member and, at least, one other Member.

**Application of standing orders**

- (d) The standing orders shall, to the necessary extent, be applied and read as if a notice of presentation were a notice of motion.

Debate ensued.

Question—put and passed.

**30 PRIVILEGES COMMITTEE—PUBLICATION OF RECORDS**

Mr Reith (Leader of the House), pursuant to notice, moved—That:

- (1) the House authorises:
- (a) the publication of all evidence or documents taken in camera or submitted on a confidential or restricted basis to the Committee of Privileges and that have been in the custody of the Committee for at least 30 years; and
  - (b) the transfer of these records to the National Archives of Australia to enable public access to the records;

provided that, where the Speaker accepts advice that the release of a particular record would affect the national security interest, or represent an unreasonable intrusion upon the personal affairs of any person, alive or dead, or would otherwise be an exempt record under s.33 of the *Archives Act 1983*, if that Act had applied to the record, the release and transfer of that record is not authorised by this resolution;

- (2) this resolution has effect notwithstanding the provisions of any other resolution or standing order of the House; and
- (3) this resolution has effect from 1 January 2001 and continues in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Debate ensued.

Mr Reith, by leave, again addressed the House without closing the debate.

Debate continued.

Question—put and passed.

**31 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—SITE FILLING, STABILISATION AND CONSTRUCTION OF INFRASTRUCTURE AT THE DEFENCE SITE AT ERMINGTON, NSW**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Site filling, stabilisation and construction of infrastructure at the Defence site at Ermington, NSW.

Question—put and passed.

**32 MEMBERS' INTERESTS COMMITTEE—PAPER**

Mr Somlyay (Chair) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 39th Parliament—Notifications of alterations of interests and a statement of registrable interests received during the period 29 June 2000 to 6 December 2000.

**33 PUBLICATIONS COMMITTEE—22ND REPORT**

Mr Lieberman (Chair) presented the following paper:

**PUBLICATIONS COMMITTEE 22ND REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered documents presented to Parliament since 9 November 2000, recommends that the following be printed:

Administrative Review Council—Report for 1999-2000.

Airservices Australia—Report for 1999-2000.

Australian Hearing—Report for 1999-2000.

Australian National Railways Commission (Australia National)—Report for 1999-2000.

Central Land Council—Report for 1999-2000.

Commissioner of Taxation—Report for 1999-2000—Erratum.

Commonwealth Electoral Act—Redistribution of Western Australia into electoral divisions—Report 2000.

Department of Family and Community Services—Report for 1999-2000—Erratum.

Director of National Parks and Wildlife—Report for 1999-2000.

Employment Advocate—Report for 1999-2000.

Family Law Council—Report for 1999-2000.

Freedom of Information Act—Report for 1999-2000.

Health Services Australia—Report for 1999-2000.

Human Rights and Equal Opportunity Commission—Report for 1999-2000.

Migration Agents Registration Authority—Report for 1999-2000.

Murray-Darling Basin Commission—Report for 1999-2000.

National Competition Council—Report for 1999-2000.

National Standards Commission—Report for 1999-2000.

Pharmaceutical Benefits Pricing Authority—Report for 1999-2000.

Pooled Development Funds Registration Board—Report for 1999-2000.

Private Health Insurance Administration Council—Reports on the operations of the registered health benefits organisations—1999-2000.



Productivity Commission—Reports—  
1999-2000.

No. 13—Review of Legislation Regulating the Architectural Profession,  
4 August 2000.

Repatriation Commission, Department of Veterans' Affairs and the National  
Treatment Monitoring Committee—Report for 1999-2000—Erratum.

Snowy Mountains Council—Report for 1999-2000.

LOU LIEBERMAN

Chair

7 December 2000

On the motion of Mr Lieberman, by leave, the report was agreed to.

**34 MESSAGE FROM THE SENATE**

Message No. 523, 7 December 2000, from the Senate was reported acquainting  
the House of the following resolution agreed to by the Senate:

That the National Crime Authority Legislation Amendment Bill 2000 be  
referred to the Parliamentary Joint Committee on the National Crime Authority  
for inquiry and report by 1 March 2001.

**35 MESSAGE FROM THE SENATE—COPYRIGHT AMENDMENT (MORAL  
RIGHTS) BILL 1999**

Message No. 526, 7 December 2000, from the Senate was reported returning the  
Copyright Amendment (Moral Rights) Bill 1999 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Brough (Parliamentary Secretary to the Minister for  
Employment, Workplace Relations and Small Business), the amendments were  
agreed to.

**36 ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT  
BILL 2000—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 Brough (Parliamentary Secretary to the Minister for  
Employment, Workplace Relations and Small Business), by leave, the Bill was  
read a third time.

**37 DEFENCE 2000—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE  
NOTE OF PAPER—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the order of the day relating to the motion to  
take note of the Defence 2000—Paper and Ministerial Statement had been  
debated in the Main Committee and returned to the House for further  
consideration.

Question proposed—That the House take note of the paper—

Debate adjourned (Mr Brough—Parliamentary Secretary to the Minister for Employment, Workplace Relations and Small Business), and the resumption of the debate made an order of the day for a later hour this day.

**38 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS LEGISLATION AMENDMENT BILL 2000**

Message No. 525, 7 December 2000, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Telecommunications Act 1997* and the *Australian Communications Authority Act 1997*, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for a later hour this day.

**39 ADMINISTRATIVE REVIEW TRIBUNAL 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 adjourned (Ms Gambaro), and the resumption of the debate made an order of the day for a later hour this day.

**40 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

Mr Hawker, by leave, presented the following paper:

Australian Parliamentary Delegation to Brazil and Argentina, 15 to 29 October 2000—Report, December 2000.

Mr Hawker, Mr O’Keefe and Ms Gambaro, by leave, made statements in connection with the report.

**41 TELECOMMUNICATIONS LEGISLATION AMENDMENT BILL 2000**

The order of the day having been read for the second reading—Mr McGauran (Minister for the Arts and the Centenary of Federation) moved—That the Bill be now read a second time.

*Paper*

Mr McGauran presented an explanatory memorandum to the Bill.

Debate, by leave, ensued.

Debate adjourned (Mr Neville), and the resumption of the debate made an order of the day for a later hour this day.

**42 SPECIAL ADJOURNMENT**

Mr Howard (Prime Minister) moved—That the House, at its rising, adjourn until Tuesday, 6 February 2001, at 2 p.m., unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker, fixes an alternative day or hour of meeting.

Debate ensued.

Question—put and passed.

**43 LEAVE OF ABSENCE TO ALL MEMBERS**

Mr Reith (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

**44 MESSAGE FROM THE GOVERNOR-GENERAL—TAXATION LAWS AMENDMENT BILL (NO. 8) 2000**

Message No. 271, 29 November 2000, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments of a Bill for an Act to amend the law relating to taxation, and for related purposes.

**45 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 8) 2000**

Message No. 529, 7 December 2000, from the Senate was reported returning the Taxation Laws Amendment Bill (No. 8) 2000 with a request for an amendment.

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

On the motion of Mr Anthony (Minister for Community Services), the requested amendment was made, after debate.

**46 GREENWICH UNIVERSITY—STATEMENTS**

Dr Kemp (Minister for Education, Training and Youth Affairs), by leave, made a statement on Greenwich University.

Mr Lee, by leave, also made a statement on the matter.

The House continuing to sit until after midnight—

**FRIDAY, 8 DECEMBER 2000**

**47 TELECOMMUNICATIONS 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 Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

**48 MESSAGES FROM THE SENATE**

Messages from the Senate, 7 December 2000, were reported:

(a) returning the Roads to Recovery Bill 2000 without amendment—Message No. 527; and

(b) returning the States Grants (Primary and Secondary Education Assistance) Bill 2000 and acquainting the House that the Senate has considered

message No. 618 of the House relating to the bill. The Senate does not insist on its amendments disagreed to by the House—Message No. 530.

**49 MESSAGE FROM THE SENATE—NATIONAL HEALTH AMENDMENT (IMPROVED MONITORING OF ENTITLEMENTS TO PHARMACEUTICAL BENEFITS) BILL 2000**

Message No. 528, 7 December 2000, from the Senate was reported returning the National Health Amendment (Improved Monitoring of Entitlements to Pharmaceutical Benefits) Bill 2000 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the amendments were agreed to, after debate.

**50 ADMINISTRATIVE REVIEW TRIBUNAL 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.

Debate adjourned (Ms Worth—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs), and the resumption of the debate made an order of the day for a later hour this day.

**51 MESSAGE FROM THE SENATE—RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2000**

Message No. 531, 8 December 2000, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Renewable Energy (Electricity) (Charge) Act 2000*, and for related purposes.

Bill read a first time.

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That the Bill be now read a second time.

*Paper*

Dr Stone presented a revised explanatory memorandum to the Bill.

Debate, by leave, ensued.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

On the motion of Dr Stone, the Government amendment was made, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Dr Stone, by leave, the Bill was read a third time.

**52 ADMINISTRATIVE REVIEW TRIBUNAL 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.

Debate adjourned (Ms Hall), and the resumption of the debate made an order of the day for a later hour this day.

**53 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 8) 2000**

Message No. 532, 8 December 2000, from the Senate was reported returning the Taxation Laws Amendment Bill (No. 8) 2000 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs), amendment No. 1 was disagreed to, after debate.

Ms Worth 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 1***

This amendment by the Democrats seeks to expand the GST-free treatment of first aid and lifesaving with a scope so wide that it will include swimming lessons. This goes beyond the policy intent of making lifesaving and similar courses GST-free.

In addition, as this amendment would erode the GST base the Commonwealth is obliged under the terms of the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, which is a schedule to the *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, to seek the agreement of the States and Territories before making the amendment.

A delay in the passage of this Bill would jeopardise measures including more flexible GST registration provisions and restricting the tax liabilities that can be offset against BAS refunds. Any delay will not be of the Government's doing.

For these reasons the House opposes the amendment.

On the motion of Ms Worth, the reasons were adopted.

On the motion of Ms Worth, amendments Nos 2 to 7 were agreed to, after debate.

**54 ADMINISTRATIVE REVIEW TRIBUNAL 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 Williams (Attorney-General) 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.

**55 MESSAGE FROM THE SENATE—RENEWABLE ENERGY (ELECTRICITY) BILL 2000**

The following message from the Senate was reported:

Message No. 533

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act for the establishment and administration of a scheme to encourage additional electricity generation from renewable energy sources, and for related purposes**, and acquaints the House that the Senate has considered message no. 562 of the House relating to the bill.

The Senate does not insist on Senate amendments nos 2, 7, 22 and 24 disagreed to by the House; insists on Senate amendments nos 1, 5, 6, 17 to 20 and 23 disagreed to by the House; has made amendments in place of Senate amendments nos 2 and 7; has not agreed to the amendment made by the House in place of Senate amendment no. 24 and has made an amendment in its place; and has made further amendments to the bill as indicated by the annexed schedule.

The Senate desires the reconsideration of the bill by the House in respect of amendments nos 1, 5, 6, 17 to 20 and 23; requests the concurrence of the House in the amendments made by the Senate in place of Senate amendments nos 2 and 7; requests the concurrence of the House in the amendment made by the Senate in place of the amendment made by the House in place of Senate amendment no. 24; and requests the concurrence of the House in the further amendments made by the Senate.

MARGARET REID

President

The Senate

7 December 2000

Ordered—That the message be considered forthwith.

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That:

- (a) Senate amendments Nos 1, 5, 6, 17 to 20 and 23 insisted on by the Senate,
  - (b) the amendments made by the Senate in place of Senate amendments Nos 2 and 7,
  - (c) the amendment made by the Senate in place of the amendment made by the House in place of Senate amendment No. 24, and
  - (d) the further amendments made by the Senate to the Bill,
- be agreed to.

Debate ensued.

Question—put and passed.

**56 ADMINISTRATIVE REVIEW TRIBUNAL 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Paper*

Mr Williams (Attorney-General) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Williams, by leave, Government amendments (1) to (14) were made together, 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.

**57 ADMINISTRATIVE REVIEW TRIBUNAL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) 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.

*Message from the Governor-General*

The following message from His Excellency the Governor-General was announced:

No. 272, 5 December 2000, recommending an appropriation for the purposes of amendments to the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Paper*

Mr Williams presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Williams (Attorney-General), by leave, Government amendments (1) to (37) were made together, 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.

**58 DEFENCE LEGISLATION AMENDMENT (ENHANCEMENT OF THE RESERVES AND MODERNISATION) 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—*And on the amendment moved thereto by Mr L. D. T. Ferguson, 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 regrets the failure of the Government to introduce arrangements to optimise the successful operation of the Defence Force, including the Government’s failure to:

- (1) articulate a coherent policy on the expected contribution of reservists and Reserve Units to our national Defence effort;
- (2) reintroduce defence leave for reservists as an allowable award matter;
- (3) review its disastrous experiment with Common Induction Training in the Army;
- (4) implement employment and education protection measures before the deployment of reservists to East Timor;
- (5) reverse the dramatic decline in recruitment levels in recent years;
- (6) address anomalies in pay and conditions for reservists;
- (7) properly manage the provision of training opportunities and of necessary equipment;
- (8) clarify ongoing levels of funding for its announced measures beyond the current financial year; and
- (9) consult adequately with relevant stakeholder groups”—

Debate resumed.

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.

*Paper*

Mr Scott (Minister for Veterans’ Affairs) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Scott, the Government amendment was made, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

## **59 DEFENCE RESERVE SERVICE (PROTECTION) 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Scott (Minister for Veterans’ Affairs), the Bill was read a third time.

## **60 PAPER**

The Speaker presented the following paper:



Questions to Speaker—Response to questions asked in recent weeks—  
Statement by Speaker, 8 December 2000.

**61 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 8) 2000**

Message No. 538, 8 December 2000 a.m., from the Senate was reported returning the Taxation Laws Amendment Bill (No. 8) 2000 and acquainting the House that the Senate insists upon its amendment No. 1 disagreed to by the House and desires the reconsideration of the Bill by the House in respect of the amendment.

Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) moved—That the message be considered forthwith.

On the motion of Ms Worth, the House insisted on disagreeing to Senate amendment No. 1 insisted on by the Senate, and the Government amendment was made in place of Senate amendment No. 1, after debate.

**62 MESSAGE FROM THE SENATE**

Message No. 537, 8 December 2000 a.m., from the Senate was reported agreeing to the amendments made by the House in the Renewable Energy (Electricity) (Charge) Amendment Bill 2000.

**63 MESSAGES FROM THE SENATE**

Messages from the Senate, 8 December 2000 a.m., were reported returning the following Bills without amendment or requests:

Message—

No. 535—Gene Technology (Consequential Amendments) 2000.

No. 536—Gene Technology (Licence Charges) 2000 (*without requests*).

**64 MESSAGE FROM THE SENATE—GENE TECHNOLOGY BILL 2000**

Message No. 534, 8 December 2000 a.m., from the Senate was reported returning the Gene Technology Bill 2000 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Dr Wooldridge (Minister for Health and Aged Care), the amendments were agreed to, after debate.

**65 ADJOURNMENT**

Dr Wooldridge (Minister for Health and Aged Care) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 5.48 a.m., adjourned until Tuesday, 6 February 2001, at 2 p.m., in accordance with the resolution agreed to this sitting.



**PAPERS**

The following papers were deemed to have been presented on 7 December 2000:

Commonwealth Authorities and Companies Act—Notice under section 9(2)—Statement relating to further extension of time for presentation of report—*IIF (CM) Investments Pty Limited—Report for 1999-2000.*

*IIF Investments Pty Limited—Report for 1999-2000.*

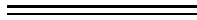
Lands Acquisition Act—

Statements under section 125—2000 December.

Statements under sub-section 40(3)—2000 December.

Renewable Energy (Electricity) (Charge) Amendment Bill 2000—Further revised explanatory memorandum.

*Superannuation Act 1976—Determination under sub-section 248(1) No. 6.*

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Albanese, Mr Hollis\*, Ms O'Byrne\* and Mr M. A. J. Vaile.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives

1998-1999-2000

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

No. 161

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**THURSDAY, 7 DECEMBER 2000**

---

---

1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION 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 the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

**4 DEFENCE 2000—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS**

The order of the day having been read for the resumption of the debate on the motion of Ms Worth (Parliamentary Secretary to the Minister for Education, Training and Youth Affairs)—That the House take note of the papers (*presented on 6 December 2000*), viz.:

Defence 2000—Paper and Ministerial Statement—

Debate resumed.

Mr Pyne moved—That further proceedings be conducted in the House.

Question—put and passed—Order of the day to be returned to the House.

**5 ADJOURNMENT**

Mr Pyne moved—That the Main Committee do now adjourn.

Debate ensued.

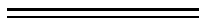
Mr Lindsay addressing the Main Committee—

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

Question—put and not resolved.

Debate continued.

At 1 p.m. the Deputy Speaker adjourned the Main Committee.



**B. C. WRIGHT**

Clerk of the Main Committee