

1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 178

TUESDAY, 3 APRIL 2001

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

2 RETURN TO WRIT—RYAN DIVISION

The Speaker announced that he had received a return to the writ which he had issued on 9 February 2001 for the election of a Member to serve for the electoral division of Ryan, in the State of Queensland, to fill the vacancy caused by the resignation of the Honourable John Colinton Moore. By the endorsement on the writ, it was certified that Leonie Marjorie Short had been elected.

3 AFFIRMATION OF ALLEGIANCE BY MEMBER

Leonie Marjorie Short made and subscribed the affirmation of allegiance required by law.

4 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mr M. A. J. Vaile (Minister for Trade), Mr Downer (Minister for Foreign Affairs) would answer questions on his behalf.

5 QUESTIONS

Questions without notice being asked—

Paper

Mr Beazley (Leader of the Opposition), by leave, presented the following paper: Youth employment—Report from the Prime Minister's Youth Pathways Action Plan Taskforce 2001 “Footprints to the future”.

Questions without notice continuing—

Paper

Mr Beazley, in accordance with standing order 321, having called for a document quoted from by Dr Kemp (Minister for Education, Training and Youth Affairs)—

Dr Kemp presented the following paper:

Youth employment—Extract from report from the Prime Minister's Youth Pathways Action Plan Taskforce 2001 “Footprints to the future”.

Questions without notice continuing—

Member ordered to withdraw

At 3.06 p.m. the Member for Burke (Mr O'Keefe) was ordered, under standing order 304A, to withdraw from the House for one hour for raising a frivolous point of order, and he accordingly withdrew from the Chamber.

Questions without notice continuing—

Paper

Mr Beazley, by leave, presented the following paper:

Submarine capability enhancement project—Extract from Undersea Warfare Systems paper, Department of Defence internet site, 3 April 2001.

Questions without notice continued.

6 PAPER

Mr Tanner, by leave, during a personal explanation, presented the following paper:

Pay day lending—Media release by Lindsay Tanner entitled “Howard Government must move on pay day lending”, 22 December 2000.

7 2001 TRADE OUTCOMES AND OBJECTIVES STATEMENT—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Downer (Minister for Foreign Affairs), by leave, made a ministerial statement concerning the 2001 trade outcomes and objectives statement and presented the following papers:

Trade outcomes and objectives statement—

Trading into the Future 2001.

Ministerial statement, 3 April 2001.

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

Mr Downer moved—that the House take note of the papers.

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

8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AGED CARE

The House was informed that Ms Macklin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to ensure sufficient aged care beds are available to provide care to the growing population of frail older Australians”.

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Discussion concluded.

9 MESSAGES FROM THE SENATE

Messages from the Senate, 2 April 2001, were reported returning the following Bills without amendment:

- No. 582—Appropriation (Parliamentary Departments) (No. 2) 2000-2001.
- No. 583—Appropriation (No. 3) 2000-2001 (*without requests*).
- No. 584—Appropriation (No. 4) 2000-2001.

10 MAIN COMMITTEE—DAY OF NEXT MEETING

The Deputy Speaker reported that Wednesday, 4 April 2001, at 9.40 a.m., had been fixed for the next meeting of the Main Committee.

11 BILLS REFERRED TO MAIN COMMITTEE

Mr Ronaldson (Chief Government Whip), by leave, moved—that the following Bills be referred to the Main Committee for further consideration:

Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) 2000;

Coal Industry Repeal 2000;

Dried Vine Fruits (Rate of Primary Industry (Excise) Levy) Validation 2001; and

Dried Vine Fruits (Rate of Primary Industry (Customs) Charge) Validation 2001.

Question—put and passed.

12 PETROLEUM (SUBMERGED LANDS) LEGISLATION AMENDMENT BILL (NO. 3) 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 Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Entsch, the Government amendment was made.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

13 PETROLEUM (SUBMERGED LANDS) (REGISTRATION FEES) 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 Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources), the Bill was read a third time.

14 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (DEBT RECOVERY) 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 Anthony (Minister for Community Services), Senate amendments Nos 1, 3 to 6, 8 to 10, 12, 14 to 18, 20, 28 to 31, 33 to 35, 37 to 40, 43 and 47 to 55 were agreed to, after debate.

On the motion of Mr Anthony, Senate amendment No. 19 was disagreed to, after debate.

Mr Anthony presented reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to the amendment of the Senate

Senate amendment No. 19

The Senate amendment amends the existing provisions of the social security law that provide for the waiver of debts where that debt is caused solely by administrative error. The Courts and Tribunals have interpreted those provisions in a manner which supports the intention of the legislation. The effect of the Senate amendment, which omits the word ‘solely’ from the existing provisions, is unclear. As such, there is the potential for undesirable outcomes. As the amendment makes the operation of the provisions uncertain, the House of Representatives does not agree to the amendment.

On the motion of Mr Anthony, the reasons were adopted.

On the motion of Mr Anthony, Senate amendments Nos 2, 7, 11, 13, 21 to 27, 32, 36, 41 to 42, 44 to 46, 56 to 61 were disagreed to and Government amendments (1) to (24) were made in place thereof, after debate.

Paper

Mr Anthony presented a supplementary explanatory memorandum.

15 SEX DISCRIMINATION AMENDMENT BILL (NO. 1) 2000

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr McClelland, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House:

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

(a) discriminatory and socially divisive;

- (b) a completely inadequate response to the complex ethical, social and economic issues involved in the development and use of assisted reproductive technologies; and
 - (c) totally ignores other areas involving the care and upbringing of children where similar issues and principles are raised; and
- (2) calls on the Government to implement the strong and unanimous recommendations of the Australian Health Ethics Committee of the National Health and Medical Research Council to establish a national framework to regulate the provision and development of assisted reproductive technology (ART) services which should include:
- (a) mechanisms to evaluate, assess and prioritise the provision of ART services, including providing necessary criteria to protect, as a primary consideration, the interests of children who may be born from the use of ART as well as the interests of donors and those persons seeking to use ART;
 - (b) measures to ensure that any child born as a result of the use of ART is able to identify and locate his or her biological parents;
 - (c) adequate facilities and resources for medical practitioners to obtain expert advice and guidance on the complex ethical, social and economic issues involved in the use of ART; and
 - (d) procedures to monitor and review the use of ART to ensure that the benefits of ART to participants are balanced with the interests of society as a whole”—

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

On the motion of Mr Williams, by leave, Government amendments (1) and (2) 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.

16 TARIFF PROPOSALS

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

Excise Tariff Proposal No. 4 (2001); and

Customs Tariff Proposal No. 3 (2001).

Debate ensued.

Member ordered to withdraw

At 10.21 p.m. the Member for Rankin (Mr Emerson) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Debate continued.

Mr Snowdon addressing the House—

17 ADJOURNMENT

It being 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 April 2001:

Air Force Act—Regulations—Statutory Rules 2001 No. 53.

Airports Act—Regulations—Statutory Rules 2001 No. 55.

Crimes Act—Regulations—Statutory Rules 2001 No. 49.

Crimes at Sea Act—Regulations—Statutory Rules 2001 No. 51.

Customs Act—

Notice under Subsection 164(5A)—2001 No. 2.

Notice under Subsection 164(5AAC)—2001 No. 2.

Excise Act—

Notice under Subsection 78A(5A)—2001 No. 2.

Notice under Subsection 78A(5AAC)—2001 No. 2.

Extradition Act—Regulations—Statutory Rules 2001 No. 52.

National Health Act—Determinations under Schedule 1, paragraph (bj)—2001 Nos PHI 2, PHI 3, PHI 4, PHI 5.

Occupational Health and Safety (Commonwealth Employment) Act—Regulations—Statutory Rules 2001 No. 54.

Parliament Act—Parliamentary Zone—

Commonwealth Place—Approval of materials, colours and finishes and services pavilion siting and design.

Magna Carta Monument—Approval of text and images.

Proceeds of Crime Act—Regulations—Statutory Rules 2001 No. 50.

Protection of the Sea (Civil Liability) Act—Regulations—Statutory Rules 2001 No. 56.

Trade Practices Act—Regulations—Statutory Rules 2001 No. 57.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton, Mr Cox, Mrs Crosio, Mr Fahey*, Ms Gerick*, Mrs Moylan, Ms Plibersek*, Mr Somlyay and Mr M. A. J. Vaile.

* On leave

B. C. WRIGHT

Acting Clerk of the House of Representatives