

1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 184

WEDNESDAY, 23 MAY 2001



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 WORKPLACE RELATIONS (REGISTERED ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2001**

Mr Abbott (Minister for Employment, Workplace Relations and Small Business), pursuant to notice, presented a Bill for an Act to deal with matters consequential on the enactment of the *Workplace Relations (Registered Organisations) Act 2001*, and for other purposes.

Bill read a first time.

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

*Paper*

Mr Abbott presented an explanatory memorandum to the Bill.

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

**3 WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) BILL 2001**

Mr Abbott (Minister for Employment, Workplace Relations and Small Business), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Abbott presented an explanatory memorandum to the Bill.

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

**4 OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) 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.

Debate adjourned (Mr Tuckey—Minister for Forestry and Conservation), and the resumption of the debate made an order of the day for a later hour this day.

**5 COMPENSATION (JAPANESE INTERNMENT) BILL 2001**

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.

*Papers*

Mr Albanese, by leave, presented the following papers:

Prisoner of War grants—

Copy of article in *The Australian*—“Cash for British PoWs, not ours”, 3 July 2000.

Copy of AAP news item from internet site—“No plans for lump sums for prisoners”, 7 November 2000.

Copy of media releases from Mr Albanese—

“Former POWs deserve compensation”, 8 November 2000.

“Albanese urges grants to former POWs”, 24 April 2001.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

**6 QUESTIONS**

Questions without notice being asked—

*Paper*

Mr Swan, by leave, presented the following paper:

Tax reductions for senior Australians—Tables distributed by the Office of the Treasurer, May 2001.

Questions without notice continued.

**7 AUDITOR-GENERAL'S REPORT**

The Speaker presented the following paper:

Auditor-General—Audit report No. 37 of 2000-2001—Performance audit—The Use of Audit in Compliance Management of Individual Taxpayers: Australian Taxation Office.

Ordered to be printed.

**8 PAPERS**

The following papers were presented:

Australian Maritime College—Report for 2000.

Australian National Residue Survey Program—Report for 1999-2000.

Commonwealth Authorities and Companies Act—Notice under section 45—Transfer of assets, 30 April 2001.

Department of Health and Aged Care—Report on Private Health Insurance Premium Changes—Quarter commencing 1 January 2001.

Primary Industries, Resources and Rural and Regional Affairs—Standing Committee—Report—Adjusting to agricultural trade reform: Australia no longer down under—Government response.

Primary Industries and Regional Services—Standing Committee—Report—Time running out: Shaping regional Australia's future—Government response, May 2001.

Regional Forest Agreement—South-west forest region of Western Australia—Report, June 2000.

Treaties—

*Bilateral—*

*Text, together with national interest analysis—*Agreement between the Government of Australia and the Government of New Zealand on social security, done at Canberra on 28 March 2001.

*Text, together with national interest analysis and regulation impact statement—*Films Co-production agreement between the Government of Australia and the Government of the Federal Republic of Germany, done at Canberra on 17 January 2001.

*Multilateral—Text, together with national interest analysis—*

Agreement on the Conservation of Albatrosses and Petrels.

International Labour Organization Conventions—Denunciation of conventions—

No. 15: Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers, done at Geneva on 11 November 1921.

No. 21: Convention concerning the simplification of the inspection of emigrants on board ship, done at Geneva on 5 June 1926.

International Labour Organization Conventions—Withdrawal of instrument of ratification—

No. 57: Convention concerning hours of work on board ship and manning, done at Geneva on 24 October 1936.

No.76: Convention concerning wages, hours of work on board ship and manning, done at Seattle on 29 June 1946.

No. 93: Convention concerning wages, hours of work on board ship and manning (revised 1949), done at Geneva on 18 June 1949.

No. 109: Convention concerning wages, hours of work on board ship and manning (revised 1958), done at Geneva on 14 May 1958.

Protocol, done at London on 2 May 1996, to amend the Convention on Limitation of Liability for Maritime Claims, of 19 November 1976.

#### **9 PAPERS—MOTION TO TAKE NOTE OF PAPERS**

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

Department of Health and Aged Care—Report on Private Health Insurance Premium Changes—Quarter commencing 1 January 2001.

Primary Industries and Regional Services—Standing Committee—Time running out: Shaping regional Australia's future—Report—Government response, May 2001.

Regional Forest Agreement—South-west forest region of Western Australia—Report, June 2000.

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

#### **10 COMMITTEES—MEMBERSHIP**

The House was informed that the Government Whip had nominated Members to be members of certain committees.

Mr Reith (Leader of the House), by leave, moved—That:

- (1) Mr Charles be appointed a member of the Committee of Members' Interests;
- (2) Mr Baird be appointed a member of the Parliamentary Joint Committee on the National Crime Authority; and
- (3) Mrs Elson be discharged from the Joint Standing Committee on Treaties and that, in her place, Mr Haase be appointed a member of the committee.

Question—put and passed.

#### **11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BUDGET**

The House was informed that Mr Crean (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The government's continuing failure through the Budget to provide a vision for Australia's future and compensate for the full cost of the GST".

The proposed discussion having received the necessary support—

Mr Crean addressed the House.

Discussion ensued.

Discussion concluded.

#### **12 MESSAGES FROM THE SENATE**

Messages from the Senate, 5 April 2001, were reported:

- (a) transmitting a resolution referring the provisions of the Corporations (Commonwealth Powers) Act 2001 (NSW), and the Corporations Bill

2001 and the Australian Securities and Investments Commission Bill 2001 to the Parliamentary Joint Committee on Corporations and Securities for inquiry and report by 18 May 2001—Message No. 599; and

- (b) acquainting the House that the Senate has agreed to the following Bills as amended by the House at the request of the Senate—

Excise Tariff Amendment (No. 1) 2001—Message No. 600; and

Customs Tariff Amendment (No. 2) 2001—Message No. 601.

**13 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT (CONCESSION CARDS) BILL 2000**

Message No. 598, 5 April 2001, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the social security law and certain other laws in relation to social security concession cards, and for related purposes.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

**14 COMPENSATION (JAPANESE INTERNMENT) BILL 2001**

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.

*Message from the Governor-General*

Message No. 305, 22 May 2001, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

**15 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (ONE-OFF PAYMENT TO THE AGED) BILL 2001**

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*

Message No. 306, 22 May 2001, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

**16 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS  
LEGISLATION AMENDMENT (FURTHER ASSISTANCE FOR OLDER  
AUSTRALIANS) BILL 2001**

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.

*Messages from the Governor-General*

The following messages from His Excellency the Governor-General were announced:

No. 307, 22 May 2001, recommending an appropriation for the purposes of the Bill; and

No. 308, 23 May 2001, recommending an appropriation for the purposes of amendments to the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

*Paper*

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) presented a supplementary explanatory memorandum to the Bill.

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

**17 TAXATION LAWS AMENDMENT (CHANGES FOR SENIOR AUSTRALIANS)  
BILL 2001**

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

**18 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—  
STATEMENT BY MEMBER**

Mrs Moylan (Chair) presented the following paper:

Public Works—Parliamentary Standing Committee—Report relating to site filling, stabilisation and construction of infrastructure at the Defence site at Ermington, NSW (5th report of 2001).

Ordered to be printed.

Mrs Moylan and Dr Martin, by leave, made statements in connection with the report.

Mrs Moylan, by leave, again addressed the House.

**19 OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT)  
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.

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr Bevis, by leave, moved Opposition amendments (1) to (12) together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 64

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

## NOES, 73

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

\* Tellers

*Pairs*

Mr Howard                      Mr Beazley  
Mrs Elson                        Ms Gerick

And so it was negatived.

Mr Bevis moved Opposition amendment (13).

Debate continued.

Amendment negatived.

Mr Bevis moved Opposition amendment (14).

Debate continued.

Amendment negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Abbott (Minister for Employment, Workplace Relations and Small Business), by leave, the Bill was read a third time.

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

The order of the day having been read for the further consideration in detail of the Bill—

Bill, as a whole—

Debate resumed on the motion moved by Mr Bevis that Opposition amendment (1) be agreed to (*see item No. 34, 5 April 2001, page 2256*).

Amendment negatived.

Mr Bevis moved Opposition amendment (2).

Debate continued.

Amendment negatived.

Mr Bevis, by leave, moved Opposition amendments (3) and (4) together.

Debate continued.

Amendments negatived.

Mr Bevis moved Opposition amendment (5).

Debate continued.

Amendment negatived.

Mr Bevis moved Opposition amendment (6).

Debate continued.

Amendment negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Abbott (Minister for Employment, Workplace Relations and Small Business), by leave, the Bill was read a third time.

**21 TAXATION LAWS AMENDMENT (SUPERANNUATION CONTRIBUTIONS) BILL 2000—SENATE'S AMENDMENT**

The order of the day having been read for the consideration of the amendment made by the Senate—

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) moved—That the amendment be disagreed to.

Debate ensued.

Question—put.

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

## AYES, 72

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

## NOES, 58

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

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mrs Elson	Ms Gerick

And so it was resolved in the affirmative.

Mr Slipper 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 1**

The amendment proposes a retrospective start date for the measure which clarifies the meaning of ‘eligible employee’. This is unnecessary. The Commissioner of Taxation has advised that controlling interest superannuation schemes are not effective under current law, and that he is undertaking appropriate compliance action. The Commissioner advises that his view of the law is supported by senior counsel. Retrospective legislation should only be used as a last resort, which is not the case here.

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

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

**22 FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) 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 K. J. Thomson was granted leave to continue his speech when the debate is resumed.

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

**23 ADJOURNMENT**

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

Debate ensued.

The House continuing to sit until 8 p.m.—The Deputy Speaker adjourned the House until tomorrow at 9.30 a.m.



**PAPERS**

The following papers were deemed to have been presented on 23 May 2001:

ACIS Administration Act—Guidelines—2001 ACIS Administration (Registration for the Purpose of the Act).

Broadcasting Services Act—2001 No. 2.

Heard Island and McDonald Islands Act—Weapons Ordinance 2001 No. 1.

National Health Act—Determinations under Schedule 1, paragraph (bj)—2001—Nos PHI 6 (6 April), PHI 6 (11 April) (re-named PHI 10), PHI 9, PHI 11.

Taxation Administration Act—Rulings 2001 No. TR 2.



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mrs Elson and Ms Gerick.

**I. C. HARRIS**

Clerk of the House of Representatives

1998-1999-2000-2001

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

No. 184

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**WEDNESDAY, 23 MAY 2001**

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 ADJOURNMENT**

On the motion of Mr Lloyd, the Main Committee adjourned at 9.59 a.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.

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**B. C. WRIGHT**

Clerk of the Main Committee