

1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 211

TUESDAY, 18 SEPTEMBER 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 DEATH OF FORMER SENATOR (MR R. J. BELL)

The Speaker informed the House of the death, on Thursday, 6 September 2001, of Robert John Bell, a Senator for the State of Tasmania from 1990 to 1996.

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

3 QUESTIONS

Questions without notice being asked—

Papers

Mr Beazley (Leader of the Opposition), by leave, presented the following papers:

Ansett Airlines—

Copy of letter from Dr J A Farmer QC, Acting Chairman, Air New Zealand Group, 14 August 2001.

Copy of news release by Air New Zealand, 14 September 2001.

Questions without notice continuing—

Paper

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

Refugees and people smuggling—Background paper on unauthorised arrivals strategy.

Questions without notice continuing—

Paper

Mr Howard (Prime Minister) presented the following paper:

Ansett Airlines—Paper and table prepared by Qantas, 1 August 2001.

Questions without notice continued.

4 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Auditor-General—Audit report No. 10 of 2001-2002—Assurance and control assessment audit—Management of bank accounts by agencies.

Ordered to be printed.

5 PAPERS

The following papers were presented:

Airservices Australia—Sydney Airport—Maximum movement limit compliance statement for the period 1 April to 30 June 2001.

Civil Aviation Safety Authority—Corporate plan 2001-2002 to 2003-2004.

Treaties—

Bilateral—Text, together with national interest analysis and regulation impact statement—Agreement between the Government of Australia and the Government of the Russian Federation on cooperation in the field of the exploration and use of outer space for peaceful purpose, done at Canberra on 23 May 2001 [replacement].

List of multilateral treaty action under negotiation or consideration by the Australian Government, or expected to be within the next twelve months, September 2001.

War Crimes Act—Report for 2000-01.

6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ANSETT AIRLINES AND ITS EMPLOYEES

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 deal effectively and proactively with the difficulties confronting Ansett Airlines and its employees”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

7 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

4 September 2001—Message No. 348—

Space Activities Amendment (Bilateral Agreement) 2001.

Veterans' Affairs Legislation Amendment (2001 Budget Measures) 2001.

Alcohol Education and Rehabilitation Account 2001.

8 TREATIES—JOINT STANDING COMMITTEE

The House was informed that the Government Whip had nominated Mr Pearce to be a member of the Joint Standing Committee on Treaties in place of Mr A. P. Thomson.

Mrs B. K. Bishop (Minister for Aged Care), by leave, moved—That Mr A. P. Thomson be discharged from the Joint Standing Committee on Treaties and that, in his place, Mr Pearce be appointed a member of the committee.

Question—put and passed.

9 MAIN COMMITTEE—DAY OF NEXT MEETING

The Deputy Speaker reported that Wednesday, 19 September 2001, at 9.40 a.m., had been fixed for the next meeting of the Main Committee.

10 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:

Health and Other Services (Compensation) Legislation Amendment 2001;

Commonwealth Inscribed Stock Amendment 2001;

Social Security and Veterans' Entitlements Legislation Amendment (Retirement Assistance for Farmers) 2001;

Migration Legislation Amendment (No. 5) 2001;

Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) 2001;

Measures to Combat Serious and Organised Crime 2001; and

Defence Legislation Amendment (Application of Criminal Code) 2001.

Question—put and passed.

11 MESSAGES FROM THE SENATE

Messages from the Senate, 30 August 2001, were reported:

(a) returning the following Bills without amendment:

No. 697—Wool International Amendment 2001.

No. 698—Family Law Legislation Amendment (Superannuation) (Consequential Provisions) 2001.

No. 699—Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) 2001.

No. 700—Health and Aged Care Legislation Amendment (Application of Criminal Code) 2001.

No. 703—Reconciliation and Aboriginal and Torres Strait Islander Affairs Legislation Amendment (Application of Criminal Code) 2001.

No. 704—Treasury Legislation Amendment (Application of Criminal Code) (No. 3) 2001.

No. 705—Customs Tariff Amendment (No. 5) 2001.

No. 707—Innovation and Education Legislation Amendment (No. 2) 2001;
and

- (b) acquainting the House that the Senate had approved the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design and siting of the exhaust flues, a change of tree species, changes to the walkway design and staircourt, and the external lighting design of Commonwealth Place—Message No. 708.

12 MESSAGE FROM THE SENATE—FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Message No. 701, 30 August 2001, from the Senate was reported transmitting for the concurrence of the House 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.

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

13 MESSAGE FROM THE SENATE—INDUSTRY, SCIENCE AND RESOURCES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Message No. 702, 30 August 2001, from the Senate was reported transmitting for the concurrence of the House 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.

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

14 SELECTION COMMITTEE—REPORT

Mr Nehl (Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 24 September 2001.

15 MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) BILL 2001

Mr Ruddock (Minister for Immigration and Multicultural Affairs), pursuant to notice, presented a Bill for an Act to excise certain Australian territory from the migration zone under the *Migration Act 1958* for purposes related to unauthorised arrivals, and for related purposes.

Bill read a first time.

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

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

16 MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) (CONSEQUENTIAL PROVISIONS) BILL 2001

Mr Ruddock (Minister for Immigration and Multicultural Affairs), pursuant to notice, presented a Bill for an Act to make consequential provision for dealing with unauthorised arrivals in places excised from the migration zone under the *Migration Act 1958* for purposes related to unauthorised arrivals, and for related purposes.

Bill read a first time.

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

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

17 BORDER PROTECTION (VALIDATION AND ENFORCEMENT POWERS) BILL 2001

Mr Ruddock (Minister for Immigration and Multicultural Affairs), pursuant to notice, presented a Bill for an Act to validate the actions of the Commonwealth and others in relation to the MV *Tampa* and other vessels, and to provide increased powers to protect Australia's borders, and for related purposes.

Bill read a first time.

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

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

18 MESSAGE FROM THE SENATE—INTERNATIONAL MARITIME CONVENTIONS LEGISLATION AMENDMENT BILL 2001

Message No. 706, 30 August 2001, from the Senate was reported returning the International Maritime Conventions Legislation Amendment Bill 2001 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mrs B. K. Bishop (Minister for Aged Care), the amendments were agreed to.

19 BANKRUPTCY LEGISLATION AMENDMENT 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—*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: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the government for introducing a tax system that has caused a significant increase in the number of bankruptcies;

- (2) condemns the government for failing to prevent the excesses of some sections of corporate Australia but scapegoating those ordinary citizens and unincorporated small businesses who are unable to pay their debts by virtue of the GST;
- (3) condemns the government for failing to act to stop tax avoidance by virtue of the improper use of the bankruptcy laws; and
- (4) calls on the government to act to stamp out illegal tax avoidance in all its forms”—

Debate continued.

Amendment negatived.

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr McClelland moved Opposition amendment (1).

Debate continued.

Amendment negatived.

Mr McClelland moved Opposition amendment (2).

Debate continued.

Amendment negatived.

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 (10) 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.

20 **BANKRUPTCY (ESTATE CHARGES) AMENDMENT 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 Williams (Attorney-General), the Bill was read a third time.

21 **SUPERANNUATION LEGISLATION AMENDMENT (INDEXATION) 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 by Mr K. J. Thomson who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words:

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

- (1) condemns the Government for its slow and disinterested handling of superannuation;
- (2) condemns the Government for its failure to satisfactorily deal with public service superannuation and to include the Defence Force Retirement Benefits (DFRB) scheme, the Defence Force Retirement and Death Benefits (DFRDB) scheme and the Military Superannuation and Benefits Scheme (MSBS) in the same benefits extended by this Bill to the Commonwealth Superannuation Scheme (CSS) and Public Sector Superannuation (PSS) scheme pensions;
- (3) condemns the Government for the delay in allowing twice yearly indexation of Commonwealth superannuation pensions; and
- (4) calls on the Government to examine in full the other recommendations of the Senate Select Committee on Superannuation and Financial Services, which in April 2001 released its report entitled *A Reasonable and Secure Retirement ?*”.

Debate continued.

Amendment negatived.

Question—That the Bill be now read a second time—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. 352, 10 August 2001, recommending an appropriation for the purposes of the Bill; and

No. 353, 14 September 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, the Government amendment was made.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

22 INTELLIGENCE SERVICES 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.

Mr Price addressing the House—

23 ADJOURNMENT

It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.58 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 18 September 2001:

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment No. 33.

Defence Act—Defence Force Remuneration Tribunal—Determination—2001 No. 14.

Parliamentary Entitlements Act—Advice under paragraph 18(a), 10(2), 17 September 2001.

Trade Practices Act—Declaration—2001 Designated outwards secondary shipper body No. 1.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Andren, Mr Lieberman*, Ms Macklin and Mr A. P. Thomson.

* On leave

I. C. HARRIS

Clerk of the House of Representatives