

1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 216

WEDNESDAY, 26 SEPTEMBER 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 ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 2001

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, presented a Bill for an Act to amend the law relating to elections and referendums, and for related 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 Horne), and the resumption of the debate made an order of the day for the next sitting.

3 PRIVILEGES COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Somlyay (Chair) presented the following paper:

Privileges Committee—Alleged threat or intimidation of a potential witness in connection with an inquiry by the House of Representatives Standing Committee on Family and Community Affairs—Report, September 2001.

Ordered to be printed.

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

4 FUEL LEGISLATION AMENDMENT (GRANT AND REBATE SCHEMES) 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. 365, 24 September 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.

5 PAPER

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, presented the following paper:

Finance—Final budget outcome 2000-01.

6 JURISDICTION OF THE FEDERAL MAGISTRATES SERVICE 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—

Debate resumed by Mr McClelland 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) expresses its concern that recent amendments to the system of judicial review under the *Migration Act 1958* that have attempted to exclude the original jurisdiction of the High Court may be found to be unconstitutional or ineffectual;
- (2) observes that the Government is yet to table its legal advice which confirms the constitutionality or efficacy of these measures;
- (3) expresses its concern that the amendments may actually increase the number of migration decisions challenged in the High Court which will further delay the processing of migration cases and result in a further drain on our legal system;
- (4) expresses its concern that the Government has not addressed the issue of vexatious or unwarranted proceedings being commenced as a tactical delay to the implementation of migration decisions;
- (5) notes that the Opposition provided to the Minister for Immigration and Multicultural Affairs an alternative proposal to provide a fair but speedy form of judicial review in the form of a ‘one stop shop’ at the Federal Magistrates level; and
- (6) expresses its disappointment that the Government has not provided a more constructive response to that proposal”.

Debate continued.

Amendment negatived.

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

7 REGIONAL FOREST AGREEMENTS 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 L. D. T. Ferguson 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 condemns the Government for:

- (1) reducing the original Budget allocation for the Forest Industry Structural Adjustment Program (FISAP);
- (2) failing to work constructively with the States to ensure that needed FISAP funding is delivered to the timber industry and workers in a planned, cooperative, timely and transparent manner; and
- (3) continuing to pretend that there is not a strong need for Business Exit Assistance and Worker Assistance elements of FISAP”.

Debate continued.

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.

8 MINISTERIAL ARRANGEMENTS

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

9 QUESTIONS

Questions without notice were asked.

10 PAPERS

Dr Kemp (Minister for Education, Training and Youth Affairs), by indulgence, added to an answer given during question time and presented the following papers:

School funding—

Farish response to Ross draft paper.

SES Simulation Project: Validation Report—Department of Education, Training and Youth Affairs, May 1999.

11 PAPERS

The following papers were presented:

Commonwealth Grants Commission—Report for 2000-01.

Communications, Transport and the Arts—Standing Committee—Regional radio racing services—Report—Government response, September 2001.

National Industrial Chemicals Notification and Assessment Scheme—Report for 2000-01.

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Communications—

No. 167/2000 and 168/2000—Outcome.

No. 148/1999—Outline.

No. 151/1999—Outline.

No. 152/1999—Outline.

No. 153/2000—Outline.

No. 154/2000—Outline.

No. 162/2000—Outline.

No. 177/2001—Outline.

Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 762/1997—Decision.

No. 772/1997—Decision.

No. 963/2001—Decision.

No. 930/2000—Outcome.

No. 880/1999—Outline.

No. 881/1999—Outline.

No. 900/1999—Outline.

No. 901/1999—Outline.

No. 920/2000—Outline.

No. 937/2000—Outline.

No. 941/2000—Outline.

No. 954/2000—Outline.

No. 983/2001—Outline.

Petition not in accord with standing and sessional orders of the House—Recent terrorist acts in the United States of America and opposition to Australian involvement in military retaliation (Mr McMullan, 325 petitioners).

12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIAN TOURISM INDUSTRY

The House was informed that Mr Fitzgibbon had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to support the Australian tourism industry in this time of crisis”.

The proposed discussion having received the necessary support—
Mr Fitzgibbon addressed the House.

Discussion ensued.

Discussion concluded.

13 MESSAGE FROM THE SENATE

Message No. 718, 26 September 2001, from the Senate was reported acquainting the House of the following resolution agreed to by the Senate:

That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design and content of slivers for Reconciliation Place.

14 CYBERCRIME BILL 2001—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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

15 ABOLITION OF COMPULSORY AGE RETIREMENT (STATUTORY OFFICEHOLDERS) BILL 2001—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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

16 TRANSPORT AND REGIONAL SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001—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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

17 MOTOR VEHICLE STANDARDS AMENDMENT BILL 2001—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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

18 OLYMPIC INSIGNIA PROTECTION AMENDMENT BILL 2001—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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

19 MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT BILL 2001—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 Tuckey (Minister for Forestry and Conservation), by leave, the Bill was read a third time.

20 REGIONAL FOREST AGREEMENTS 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 L. D. T. Ferguson (see item No. 7, page 2655)*—

Debate resumed.

Paper

Mr Adams, by leave, presented the following paper:

National Parks and Reserves—Reserve growth in Tasmania over the last two decades.

Debate continued.

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

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

AYES, 72

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

NOES, 60

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Downer	Dr Lawrence
Mr Lieberman	Mr Sciacca
Mr Charles	Ms Hall

And so it was resolved in the affirmative.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Tuckey (Minister for Forestry and Conservation), the Bill was read a third time.

21 POSTPONEMENT OF NOTICE

Ordered—That notice No. 2, government business, be postponed until a later hour this day.

22 PARLIAMENTARY ZONE—COMMONWEALTH PLACE—APPROVAL OF PROPOSAL

Mr Hockey (Minister for Financial Services and Regulation), for Mr Anderson (Minister representing the Minister for Regional Services, Territories and Local Government), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 25 September 2001, namely: Design of the artistic pavement of ‘Speaker’s Square’ in Commonwealth Place.

Debate ensued.

Question—put and passed.

23 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 4, government business, be postponed until a later hour this day.

24 TAXATION LAWS AMENDMENT BILL (NO. 5) 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 condemns the Government for:

- (1) imposing a complex and cumbersome new tax system on Australian businesses rather than delivering the simpler system it promised;
- (2) increasing the compliance and cash-flow burden for Australian businesses hereby reducing their competitiveness and increasing the rate of business failures; and
- (3) applying one set of tax rules for the Liberal Party and another for small businesses”.

Debate continued.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), the Bill was read a third time.

25 MESSAGES FROM THE SENATE

Messages from the Senate, 26 September 2001, were reported returning the following Bills without amendment:

Message—

No. 719—Migration Amendment (Excision from Migration Zone) 2001.

No. 720—Migration Amendment (Excision from Migration Zone) (Consequential Provisions) 2001.

No. 721—Border Protection (Validation and Enforcement Powers) 2001.

No. 722—Migration Legislation Amendment (No. 6) 2001.

No. 723—Migration Legislation Amendment (No. 5) 2001.

26 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2001

Message No. 724, 26 September 2001, from the Senate was reported returning the Migration Legislation Amendment Bill (No. 1) 2001 with amendments.

Ordered—That the amendments be considered forthwith.

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), the amendments were agreed to.

27 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT (JUDICIAL REVIEW) BILL 2001

Message No. 725, 26 September 2001, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

Bill read a first time.

Mr Ruddock (Minister for Immigration and Multicultural Affairs) moved—That the Bill be now read a second time.

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

28 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mrs Moylan (Chair) presented the following paper:

Public Works—Parliamentary Standing Committee—Report relating to Housing redevelopment at Enoggera, Brisbane (14th report of 2001).

Ordered to be printed.

Mrs Moylan, by leave, made a statement in connection with the report.

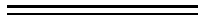
29 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the House, at 7.56 p.m., adjourned until tomorrow at 9.30 a.m.

**PAPERS**

The following papers were deemed to have been presented on 26 September 2001:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal 2001 No. 12.

Australian Meat and Live-stock Industry Act—Order 2001—Australian Meat and Live-stock Industry (Live Sheep Exports to Saudi Arabia) Amendment (No. 3).

Christmas Island Act—List of Western Australian Acts for period 24 March 2001 to 21 September 2001.

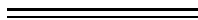
Cocos (Keeling) Islands Act—List of Western Australian Acts for period 24 March 2001 to 21 September 2001.

Lands Acquisition Act—

Statements under section 125—September 2001.

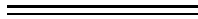
Statements under section 40—September 2001.

Telecommunications Act 1997—Determination under subclause 5(1) of schedule—2001 No. 1.

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Downer, Mr Lieberman* and Mr Sciacca.

* On leave



I. C. HARRIS

Clerk of the House of Representatives

1998-1999-2000-2001

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 216

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 26 SEPTEMBER 2001

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 CYBERCRIME 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.

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 ABOLITION OF COMPULSORY AGE RETIREMENT (STATUTORY OFFICEHOLDERS) 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.

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.

5 TRANSPORT AND REGIONAL SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) 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.

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.

6 MOTOR VEHICLE STANDARDS 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—

Debate resumed by Mr M. J. Ferguson 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 condemns the Government for its poor administration of the Low Volume Scheme, thereby jeopardising Australian jobs and threatening the safety of Australian motorists”.

Debate continued.

Amendment negatived.

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

7 OLYMPIC INSIGNIA PROTECTION 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—

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.

8 MIGRATION AGENTS REGISTRATION APPLICATION CHARGE 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—

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.

9 ADJOURNMENT

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), the Main Committee adjourned at 1.22 p.m.

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



B. C. WRIGHT
Clerk of the Main Committee