

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 44

WEDNESDAY, 18 SEPTEMBER 2002

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 AMENDMENT (FAIR DISMISSAL) BILL 2002 [NO. 2]**

Mr Abbott (Minister for Employment and Workplace Relations), 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 McClelland), 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 2002—SENATE'S MESSAGE NO. 99**

The order of the day having been read for the consideration of message No. 99 from the Senate returning the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 and insisting on the amendments made by the Senate—

Mr Abbott (Minister for Employment and Workplace Relations) moved—That the House insists on disagreeing to the amendments insisted on by the Senate.

Debate ensued.

Question—put.

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

AYES, 73

Mr Abbott	Mrs Draper	Jackie Kelly	Mr Secker
Mr Anderson	Mr Dutton	Mr P. E. King	Mr Slipper
Mr K. J. Andrews	Mrs Elson	Mrs Ley	Mr A. D. H. Smith
Mr Anthony	Mr Entsch	Mr Lindsay	Mr Somlyay
Mr Baird	Mr Farmer	Mr Lloyd	Dr Southcott
Mr Baldwin	Mr Forrest*	Mr McArthur*	Dr Stone
Mr Barresi	Mrs Gallus	Mr I. E. Macfarlane	Mr C. P. Thompson
Mr Bartlett	Mrs Gash	Mr McGauran	Mr Ticehurst
Mr Billson	Mr Georgiou	Mrs Moylan	Mr Tollner
Mrs B. K. Bishop	Mr Haase	Mr Nairn	Mr Truss
Ms J. I. Bishop	Mr Hardgrave	Dr Nelson	Mr Tuckey
Mr Brough	Mr Hartsuyker	Mr Neville	Mr M. A. J. Vaile
Mr Cameron	Mr Hawker	Ms Panopoulos	Mrs D. S. Vale
Mr Causley	Mr Hockey	Mr Pearce	Mr Wakelin
Mr Charles	Mrs Hull	Mr Prosser	Dr Washer
Mr Ciobo	Mr Hunt	Mr Pyne	Mr Williams
Mr Cobb	Mr Johnson	Mr Randall	
Mr Costello	Mr Jull	Mr Ruddock	
Mr Downer	Mrs D. M. Kelly	Mr Schultz	

NOES, 62

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Ms Roxon
Mr Albanese	Mr M. J. Ferguson	Ms Livermore	Mr Rudd
Mr Andren	Mr Fitzgibbon	Mr McClelland	Mr Sawford
Mr Beazley	Ms George	Ms J. S. McFarlane	Mr Sciacca
Mr Bevis	Mr Gibbons	Ms Macklin	Mr Sercombe
Ms Burke	Ms Gillard	Mr McLeay	Mr Sidebottom
Mr Byrne	Ms Grierson	Mr McMullan	Mr S. F. Smith
Ms Corcoran	Mr Griffin	Mr Melham	Mr Snowdon
Mr Cox	Ms Hall	Mr Mossfield	Mr Swan
Mr Crean	Mr Hatton	Mr Murphy	Mr Tanner
Mrs Crosio	Ms Hoare	Mr B. P. O'Connor	Mr K. J. Thomson
Mr Danby*	Mrs Irwin	Mr G. M. O'Connor	Ms Vamvakinou
Mr Edwards	Ms Jackson	Ms Plibersek	Mr Wilkie
Ms Ellis	Mr Jenkins	Mr Price	Mr Zahra
Mr Emerson	Mr Kerr	Mr Quick*	
Mr Evans	Ms C. F. King	Mr Ripoll	

* Tellers

And so it was resolved in the affirmative.

On the motion of Mr Abbott, the Bill was laid aside.

4 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Charles (Chair) presented the following paper:

Public Accounts and Audit—Joint Committee—Report 391—Review of independent auditing by registered company auditors, August 2002.

Ordered to be printed.

Mr Charles and Ms Plibersek, by leave, made statements in connection with the report.

Mr Charles, by leave, moved—That the House take note of the paper.

Mr Charles 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.

5 IRAQ: WEAPONS OF MASS DESTRUCTION—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS

The order of the day having been read for the resumption of the debate on the motion of Mr Downer (Minister for Foreign Affairs)—That the House take note of the papers (*presented on 17 September 2002*), viz.:

Copies of letters dated 16 September 2002 from—

Iraq Minister of Foreign Affairs, Dr Naji Sabri, to UN Secretary-General, Mr Kofi Annan.

UN Secretary-General, Mr Kofi Annan, to the President of the Security Council, Mr Stefan Tafrov.

Iraq: Weapons of mass destruction—Ministerial statement, 17 September 2002.

United Nations Special Commission—Chronology of main events, December 1999.

And on the amendment moved thereto by Mr Andren, viz.—That all words after “That” be omitted with a view to substituting the following words: “while the House commends the Government for its strong condemnation of terrorists and their activities and its encouragement of Iraq’s compliance with United Nations’ resolutions, the House believes that Australian Defence Forces should not be involved in any action in Iraq that is not carried out under a United Nations’ Resolution”—

Debate resumed.

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 were asked.

7 PAPERS

Mr Costello (Treasurer) presented the following papers:

Fed: Labor will oppose sugar levy: McMullan—Australian Associated Press news item, Canberra, 13 September 2002.

Fed: Labor will oppose sugar levy: McMullan-2—Australian Associated Press news item, Canberra, 13 September 2002.

Labor and the sugar levy—Media release by Bob McMullan MP, Shadow Treasurer, 13 September 2002.

Mr McMullan, by leave, presented the following papers:

Fed: Costello says ethanol cannot escape fuel excise—Australian Associated Press news item, Canberra, 17 September 2002.

Sugar Levy—Extract from doorstep interview by Bob McMullan, Shadow Treasurer, Parliament House, Canberra, 13 September 2002.

8 PAPER

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

PM admits benefit rules 'near impossible' to meet—Copy of article by Phillip Hudson, *The Age*, 5 September 2002.

9 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Auditor-General—Audit report No. 8 of 2002-2003—Business support process audit—The Senate order for department and agency contracts (September 2002).

Ordered to be printed.

10 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Aboriginal and Torres Strait Islander Affairs—House of Representatives Standing Committee—Report—We can do it! Needs of urban dwelling Aboriginal and Torres Strait Islander peoples—Government response, September 2002.

Aboriginal Land Commissioner—Report for 2001-02.

Australian Land Transport Development Programme—Progress report for 2000-2001.

Department of Health and Ageing—Private health insurance—Report on premium increases for quarter commencing 1 April 2002.

Finance—Advance to the Finance Minister—Statements for June 2002.

Supporting applications for issues from the Advance during June 2002.

Native Title Act—Native title representative bodies—Carpentaria Land Council Aboriginal Corporation—Report for 2000-01.

and moved—That the House take note of the papers.

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

11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIVATE HEALTH INSURANCE

The House was informed that Mr S. F. Smith had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the government to keep its commitment to Australian families about the rising cost of private health insurance".

The proposed discussion having received the necessary support—

Mr S. F. Smith addressed the House.

Discussion ensued.

Discussion concluded.

12 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:

6 September 2002—Message No. 55—

Veterans' Affairs Legislation Amendment (2002 Budget Measures) 2002.

Veterans' Affairs Legislation Amendment (No. 1) 2002.

Veterans' Affairs Legislation Amendment (No. 2) 2002.

12 September 2002—Message No. 56—

Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment 2002.

13 WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) BILL 2002—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with amendments and with an amended Title (*see item No. 4, 17 September 2002, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended and with an amended Title, agreed to.

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

14 WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2002—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with amendments and with an amended Title (*see item No. 5, 17 September 2002, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended and with an amended Title, agreed to.

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

15 EXCISE TARIFF AMENDMENT BILL (NO. 1) 2002—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 Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, the Bill was read a third time.

16 CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2002—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 Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, the Bill was read a third time.

17 AUSTRALIAN CAPITAL TERRITORY LEGISLATION AMENDMENT BILL 2002—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 Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, the Bill was read a third time.

18 FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) (CONSEQUENTIAL PROVISIONS) BILL 2002—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with an amendment (*see item No. 6, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the amendment.

Amendment made by the Main Committee agreed to.

Bill, as amended, agreed to.

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

19 TAXATION LAWS AMENDMENT (STRUCTURED SETTLEMENTS) BILL 2002

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and was returned with an unresolved question and with amendments (*see item No. 7, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the unresolved question and amendments made by the Committee.

Unresolved question—That the amendment moved by Mr Ripoll be agreed to.

Debate ensued.

Amendment negatived.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

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

20 IRAQ: WEAPONS OF MASS DESTRUCTION—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS

The order of the day having been read for the resumption of the debate on the motion of Mr Downer (Minister for Foreign Affairs)—That the House take note of the papers—*And on the amendment moved thereto by Mr Andren (see item 5, page 406)*—

Debate resumed.

Mr Katter addressing the House—

21 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 18 September 2002:

Diplomatic Privileges and Immunities Regulations—Certificates, 5 September (2) 2002.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton, Ms Gambaro, Mr Latham, Mrs May, Ms O'Byrne*, Mr Scott and Ms Worth.

* On leave

I. C. HARRIS

Clerk of the House of Representatives

2002

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 44

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 18 SEPTEMBER 2002

1 Due to a division having been called in the House, the Main Committee met at 9.51 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 EXCISE TARIFF AMENDMENT BILL (NO. 1) 2002

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 CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2002

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 the question on the report to be put forthwith.

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

5 AUSTRALIAN CAPITAL TERRITORY LEGISLATION AMENDMENT BILL 2002

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 FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) (CONSEQUENTIAL PROVISIONS) BILL 2002

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

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) presented a supplementary explanatory memorandum to the Bill.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with an amendment.

7 TAXATION LAWS AMENDMENT (STRUCTURED SETTLEMENTS) BILL 2002

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 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) to (4) were made together.

Mr Ripoll moved the Opposition amendment.

Debate continued.

Question—That the amendment be agreed to—put and not resolved.

Ordered—That the Bill be reported to the House with amendments and an unresolved question.

8 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (NO. 2) 2002

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 Ms Macklin (Deputy Leader of the Opposition), 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:

- (a) failing to provide real increases in Commonwealth capital funding for schools since 1996;
- (b) failing to address adequately the capital needs of schools in disadvantaged and isolated areas;
- (c) displaying a lack of understanding of the implications of demographic trends on the ageing capital stock of many schools in Australia, especially in the public sector;
- (d) inadequate accountability and evaluation processes for reporting on the achievements of the Commonwealth’s capital grants program against stated objectives;
- (e) threatening to make capital funding for schools conditional on agreement with the Government’s industrial relations agenda; and
- (f) a lack of vision on how to position Commonwealth capital support for schools in the future, including:
 - (i) Information and Communications Technologies infrastructure;
 - (ii) professional teaching support and learning centres;
 - (iii) integration with Commonwealth priorities for schools through its targeted programs;
 and

(2) requests the Government to:

- (a) develop clear and effective accountability and evaluation procedures and incorporate these in administrative guidelines; and

- (b) report to the Parliament within twelve months on the achievements of the Commonwealth capital program and its future development, including in relation to the issues raised in this amendment”—

Debate resumed.

Suspension of sitting

At 1.30 p.m., the Deputy Speaker left the Chair.

Resumption of sitting

At 4.01 p.m., the Deputy Speaker resumed the Chair.

Debate continued.

Amendment negatived.

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

Message from the Governor-General

Message No. 54, 21 August 2002, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

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 ACIS ADMINISTRATION AMENDMENT BILL 2002

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.

10 TRANSPORT SAFETY INVESTIGATION BILL 2002

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—

- (1) condemns the Minister for Transport and Regional Services for botching the whole Auslink policy process which will clearly impact on the safety and efficiency of transport; and
- (2) calls on the Government to bring more old fashioned honesty, integrity and leadership to the debate on how to provide transport and infrastructure needs for the safety, prosperity and well-being of this and future generations”.

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

11 ADJOURNMENT

On the motion of Mr Georgiou, the Main Committee adjourned at 7.27 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