

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 81

MONDAY, 22 NOVEMBER 1999



1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

**2 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Pyne (Chair) presented the following papers:

Procedure—Standing Committee—It's your House—Community involvement in the procedures and practices of the House of Representatives and its committees—

Report, October 1999.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Pyne, Mr Price and Ms Gerick made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Pyne moved—That the House take note of the report.

Mr Pyne was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**3 SUPERANNUATION (ENTITLEMENTS OF SAME SEX COUPLES) BILL 1999**

Mr Albanese, pursuant to notice, presented a Bill for an Act to remove discrimination against same sex couples in respect of superannuation benefits.

Mr Albanese made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting, in accordance with standing order 104A.

#### 4 COOK'S ENDEAVOUR

Mr C. P. Thompson, pursuant to notice, moved—That this House:

- (1) notes the reported discovery of Cook's ship *Endeavour* off Newport, Rhode Island;
- (2) acknowledges that if it is indeed the *Endeavour*, this wreck is the most important single artefact in Australia's history;
- (3) notes that the United States and British Governments are preparing for a legal battle over rights to the wreck;
- (4) calls on the Government as a matter of urgency to immediately notify the world community of the importance of the wreck to Australia and stake our claim to its ownership by virtue of its significance to our nation;
- (5) calls on the Government to support a fundraising campaign to enable the recovery and eventual return of the wreck to Botany Bay; and
- (6) ensures that plans for this important venture are in place and that the public fundraising and community awareness campaign is made a centrepiece of Australia's Centenary of Federation celebrations in 2001.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mr Price was granted leave to continue his speech when the debate is resumed.

#### 5 INSOLVENCY AND EMPLOYEES

Mrs Crosio, pursuant to notice, moved—That the House calls for a parliamentary committee inquiry into the ways and means by which the Commonwealth can advise and assist employees recently made redundant due to the insolvency of their employer, or facing the threat of redundancy, including:

- (1) how to organise themselves into co-operative organisations to either purchase or lease the company for which they work when it becomes insolvent or nears insolvency, if after a rigorous analysis of the company's finances such action is deemed to be prudent, sensible and standing a genuine chance of success and thereby maintain their employment;
- (2) how to make the required reforms to the financial structure of the company in question in order to make it economically viable; and
- (3) what management training programs may be necessary in order for employees to successfully administer their business and avoid insolvency in the future.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 106A, Mr Cadman was granted leave to continue his speech when the debate is resumed, and the resumption of the debate was made an order of the day for the next sitting.

**6 MEMBERS' STATEMENTS**

Members' statements were made.

**7 RETURN TO WRIT—HOLT DIVISION**

The Speaker announced that he had received a return to the writ which he had issued on 1 October 1999 for the election of a Member to serve for the electoral division of Holt, in the State of Victoria, to fill the vacancy caused by the resignation of the Honourable Gareth John Evans. By the endorsement on the writ, it was certified that Anthony Byrne had been elected.

**8 OATH OF ALLEGIANCE BY MEMBER**

Anthony Byrne made and subscribed the oath of allegiance required by law.

**9 BROADCAST OF PROCEEDINGS OF THE HOUSE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning the live broadcast on the Internet of proceedings of the House of Representatives.

**10 EAST TIMOR—PROPOSED VISIT—STATEMENTS**

Mr Howard (Prime Minister), by indulgence, made a statement on his forthcoming visit to East Timor.

Mr Beazley (Leader of the Opposition), by indulgence, also made a statement on the matter.

**11 QUESTIONS**

Questions without notice being asked—

*Papers*

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

Illegal immigration—

Pay a people smuggler and you'll pay the price: It's not worth the risk—

Campaign package by Department of Immigration and Multicultural Affairs.

Poster distributed in China to deter illegal entry to Australia.

Recent Australian Immigration Regulations and the Refugee Convention—

Media release by United Nations High Commissioner for Refugees, 19 November 1999.

Questions without notice continued.

**12 PETITIONS**

Petitions lodged for presentation were announced.

**13 ASTHMA**

Ms Gambaro, pursuant to notice, moved—That this House:

- (1) welcomes the Government's commitment to provide \$9.2 million to fund education and increase awareness to consumers about asthma;

- (2) notes the development of best practice in asthma management plans and integrating care for people with asthma;
- (3) recognises the increased funding to research to improve our understanding of asthma; and
- (4) welcomes the promotion of improving the understanding of the effects of asthma on 2 million Australians.

Debate ensued.

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

#### 14 RUGBY LEAGUE

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##### *Sub judice rule—Statement by Speaker*

The Deputy Speaker made a statement concerning the application of the sub judice rule to aspects of the motion.

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Mr Albanese, pursuant to notice, moved—That this House:

- (1) notes the national and international status of Rugby League;
- (2) applauds the actions of rugby league supporters in demonstrating their support for clubs to remain in the National Rugby League (NRL) competition;
- (3) notes that teams which are financially sound, have superb facilities, a support base and an outstanding junior team development structure are vital to the future survival of rugby league;
- (4) notes that to abandon any sense of history, spirit and community involvement will destroy Rugby League;
- (5) recognises that local institutions play a central role in defining a sense of community and giving our youth role models to aspire to;
- (6) notes that the Super League/ARL dispute resulted in significant disillusionment from Rugby League supporters and that any forced exclusion of teams will exacerbate this;
- (7) declares that Rugby League's greatest shareholders are its fans; and
- (8) calls upon the NRL to include South Sydney in the 2000 competition.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mr Bevis was granted leave to continue his speech when the debate is resumed.

**15 GRIEVANCE DEBATE**

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

**16 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:

21 October 1999—Message No. 138—

Australian National Training Authority Amendment 1999.

Vocational Education and Training Funding Amendment 1999.

2 November 1999—Message—

No. 139—

ACIS Administration 1999.

ACIS (Unearned Credit Liability) 1999.

Customs Tariff Amendment (ACIS Implementation) 1999.

Customs Legislation Amendment (No. 2) 1999.

Fisheries Legislation Amendment (No. 1) 1999.

Intellectual Property Laws Amendment (Border Interception) 1999.

No. 140—

Customs Legislation Amendment (No. 1) 1999.

Customs (Tariff Concession System Validations) 1999.

11 November 1999—Message—

No. 141—

International Tax Agreements Amendment 1999.

States Grants (Primary and Secondary Education Assistance) Amendment 1999.

Telecommunications (Interception) Amendment 1999.

Further 1998 Budget Measures Legislation Amendment (Social Security) 1999.

Stevedoring Levy (Collection) Amendment 1999.

Appropriation (Supplementary Measures) (No. 1) 1999.

Appropriation (Supplementary Measures) (No. 2) 1999.

No. 142—

Parliamentary Service 1999.

Public Employment (Consequential and Transitional) Amendment 1999.

Public Service 1999.

Australian Tourist Commission Amendment 1999.

**17 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the following Bill without amendment:

22 November 1999—Message No. 242—Indigenous Education (Supplementary Assistance) Amendment 1999.

**18 BORDER PROTECTION LEGISLATION AMENDMENT BILL 1999**

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 Kerr, 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) is of the opinion that it represents an inadequate and piecemeal response to the serious border control problems facing Australia; and
- (2) calls for the Government to consider establishing an Australian Coastguard service as a more appropriate means of addressing our increasing problems in relation to border control”.

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. 143, 22 September 1999, recommending an appropriation for the purposes of the Bill; and

No. 135, 18 October 1999, recommending an appropriation for the purposes of amendments to the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr Kerr moved the Opposition amendment.

Debate continued.

Amendment negatived.

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), by leave, Government amendments (1) to (15) were made together, after debate.

*Paper*

Mr Ruddock presented a supplementary explanatory memorandum to the Bill.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

**19 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the following Bill without amendment:

22 November 1999—Message No. 243—Higher Education Funding Amendment 1999.

**20 AUSTRALIA NEW ZEALAND FOOD AUTHORITY AMENDMENT BILL 1999 [NO. 2]**

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 Billson addressing the House—

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**21 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 2 p.m.

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**PAPERS**

The following papers were deemed to have been presented on 22 November 1999:

A New Tax System (Goods and Services Tax) Act—Regulations—Statutory Rules 1999 No. 245.

Aged Care Act—Principles under section 96-1—1999—User Rights Amendment (No. 2).

Agricultural and Veterinary Chemicals Code Act—Regulations—Statutory Rules 1999 Nos 242, 247.

Australian Prudential Regulation Authority Act—Regulations—Statutory Rules 1999 No. 246.

Australian Wool Research and Promotion Organisation Act—Regulations—Statutory Rules 1999 No. 273.

Civil Aviation Act—Civil Aviation Regulations—  
Civil Aviation Orders—

Part 20—Amendments 1999 15 October.

Part 29—Amendments 1999 25 October.

Part 105—Amendments 1999 27, 29 September, 1, 5, 7(3), 8, 11(2), 14(2), 15, 22(6), 23(2), 27(2) October.

Part 106—Amendments 1999 5, 15(4), 22, 23 October.

Part 107—Amendments 1999 7 October.

- Exemptions 1999 Nos CASA 35, 36, 38, 39, 40.  
Instruments 1999 Nos CASA 1028, CASA 1029, CASA 1045.  
Statutory Rules 1999 No. 262.
- Corporations Act—Regulations—Statutory Rules 1999 No. 237.
- Customs Act—  
Instruments of approval 1999 Nos CEO 11, CEO 12, CEO 13, CEO 14, CEO 15, CEO 16, CEO 17, CEO 18, CEO 19, CEO 20, CEO 21, CEO 22, CEO 23, CEO 24, CEO 25, CEO 26, CEO 27, CEO 28, CEO 29, CEO 30, CEO 31.  
Regulations—Statutory Rules 1999 Nos 248, 249, 250, 270, 274, 275.
- Defence Act—  
Determinations under section 58B 1999 Nos 41, 42, 43, 44, 45, 46, 47, 48.  
Regulations—Statutory Rules 1999 No. 235.
- Endangered Species Protection Act—Declarations under section 18 No. 99/ESP8.
- Excise Act—Regulations—Statutory Rules 1999 No. 265.
- Financial Management and Accountability Act—Regulations—Statutory Rules 1999 No. 272.
- Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 1999 No. 252.
- Health Insurance Act—Regulations—Statutory Rules 1999 Nos 254, 255, 256, 257, 258.
- Higher Education Funding Act—Determinations 1999 No. T15.
- Jervis Bay Territory Acceptance Act—Ordinance—Fees Determination No. 1 of 1999.
- Migration Act—Regulations—Statutory Rules 1999 Nos 243, 259, 260.
- National Health Act—  
Determinations 1999 Nos IHS 16, IHS 17, IHS 18.  
Regulations—Statutory Rules 1999 No. 236.
- Navigation Act—Marine Orders 1999 Nos 16, 17.
- Occupational Health and Safety (Commonwealth Employment) Act—Codes of Practice Approved 1999 No. 3.
- Passports Act—Regulations—Statutory Rules 1999 No. 253.
- Patents Act—Regulations—Statutory Rules 1999 No. 261.
- Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 1999 No. 266.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 1999 No. 267.
- Primary Industries Levies and Charges Collection Act, National Residue Survey (Customs) Levy Act, National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules 1999 No. 269.



Primary Industries Levies and Charges Collection Act, Primary Industries (Customs) Charges Act and Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 1999 No. 268.

Privacy Act—Determination—Credit Reporting 1999 No. 1.

Public Service Act—Determinations—1999—

Australian Agency for International Development Nos 4, 5.

Defence Nos 8, 9.

Foreign Affairs and Trade No. 19.

No. 6.

Nos SESROB 58, SESROB 59, SESROB 60, SESROB 61.

Radiocommunications Act—

Determinations—Radiocommunications (Transfer of Licences) No. 1 of 1995—Amendment 1999 (No. 1).

Regulations—Statutory Rules 1999 No. 271.

Sales Tax Assessment Act—Rulings 1999 No. STD 6.

Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act—Regulations—Statutory Rules 1999 No. 240.

Superannuation (Self Managed Superannuation Funds) Taxation Act—Regulations—Statutory Rules 1999 No. 241.

*Superannuation Act 1976*—Regulations—Statutory Rules 1999 Nos 263, 264.

Superannuation Contributions and Termination Payments Taxes Legislation Amendment Act—Determinations 1999 No. SCD 6.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 1999 No. 239.

Sydney Airport Curfew Act—Dispensations 1999 No. 13.

Sydney Airport Demand Management Act—Determinations—Slot Management Scheme 1998 Amendment (No. 1).

Taxation Administration Act—Rulings—1999—Nos PR 98, PR 99, PR 100, PR 101, TD 46, TD 47, TD 48, TD 49, TD 50, TD 51, TD 52, TD 53, TD 54, TD 55, TD 56, TD 57, TD 58, TD 59, TD 60, TD 61, TD 62, TD 63, TD D100, TR97/12.

Telecommunications (Carrier Licence Charges) Act—Determinations under paragraph 15(1)(e) 1999 No. 2.

Telecommunications (Consumer Protection and Service Standards) Act—Determinations 1999 Telecommunications (Emergency Call Service).

Regulations—Statutory Rules 1999 No. 234.

Telecommunications Act 1997—Instruments—1999—Telecommunications Numbering Plan Amendment (No. 3).

Therapeutic Goods Act—

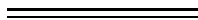
Instruments of approval under section 23AA, 22 October 1999.

Therapeutic Goods Orders No. 54B.

Trade Practices Act—Regulations—Statutory Rules 1999 Nos 238, 251.

Veterans' Entitlements Act—Instruments under section 196B 1999 Nos 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85.

Workplace Relations Act—Regulations—Statutory Rules 1999 No. 244.



#### **ATTENDANCE**

All Members attended (at some time during the sitting) except Ms Kernot, Mr Melham, Mr Prosser\*, Mr Smith and Mr Wilkie.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives