

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 84

THURSDAY, 25 NOVEMBER 1999



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 **NEW BUSINESS TAX SYSTEM (CAPITAL GAINS TAX) BILL 1999**

Mr Costello (Treasurer) presented a Bill for an Act to implement the New Business Tax System by amending the law relating to capital gains tax, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Costello presented an explanatory memorandum to the Bill.

Debate adjourned (Mr Melham), and, by leave, the resumption of the debate made an order of the day for a later hour this day.

3 **NEW BUSINESS TAX SYSTEM (INCOME TAX RATES) BILL (NO. 2) 1999**

Mr Costello (Treasurer) presented a Bill for an Act to implement the New Business Tax System by amending income tax rates, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Costello presented an explanatory memorandum to the Bill.

Debate adjourned (Mr Melham), and, by leave, the resumption of the debate made an order of the day for a later hour this day.

4 **THERAPEUTIC GOODS AMENDMENT BILL 1999**

Dr Wooldridge (Minister for Health and Aged Care), pursuant to notice, presented a Bill for an Act to amend the *Therapeutic Goods Act 1989* to give effect to Australia's obligations regarding therapeutic goods under an agreement on mutual recognition with the European Free Trade Association, and for related purposes.

Bill read a first time.

Dr Wooldridge moved—That the Bill be now read a second time.

*Paper*

Dr Wooldridge presented an explanatory memorandum to the Bill.

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

**5 A NEW TAX SYSTEM (INDIRECT TAX AND CONSEQUENTIAL AMENDMENTS) BILL (NO. 2) 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—

Debate resumed.

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. 144, 16 November 1999, recommending an appropriation for the purposes of the Bill; and

No. 145, 23 November 1999, recommending an appropriation for the purposes of amendments to the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr Crean (Deputy Leader of the Opposition) moved Opposition amendment (1).

Debate continued.

Debate adjourned (Mr Slipper—Parliamentary Secretary to the Minister for Finance and Administration), and the resumption of the debate made an order of the day for a later hour this day.

**6 PAPER**

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

Mid-year economic and fiscal outlook 1999-2000.

**7 A NEW TAX SYSTEM (INDIRECT TAX AND CONSEQUENTIAL AMENDMENTS) BILL (NO. 2) 1999.**

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 question—That Opposition amendment (1) moved by Mr Crean (Deputy Leader of the Opposition) be agreed to.

Question—That the amendment be agreed to—put.

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

## AYES, 59

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

## NOES, 75

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

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr Prosser	Ms Kernot

And so it was negatived.

Mr Crean, by leave, moved Opposition amendments (2) and (3) together.

Debate continued.

Question—That the amendments be agreed to—put.

The House divided (the Deputy Speaker, Mrs D. M. Kelly, in the Chair)—

AYES, 61

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

NOES, 74

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

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr Prosser	Ms Kernot

And so it was negatived.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, Government amendments (1) to (119) were made together, after debate.

*Paper*

Mr Slipper presented a supplementary explanatory memorandum to the Bill.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

**8 MESSAGE FROM THE SENATE—REGIONAL FOREST AGREEMENTS BILL 1998**

Message No. 246, 24 November 1999, from the Senate was reported returning the Regional Forest Agreements Bill 1998 and acquainting the House that the Senate insists upon its amendments Nos 1 to 15 disagreed to by the House; has agreed to the additional amendment made by the House with an amendment; desires the reconsideration of the Bill by the House in respect of the amendments disagreed to; and requests the concurrence of the House in the amendment made by the Senate to the additional amendment made by the House.

Ordered—That consideration of the message be made an order of the day for the next sitting.

**9 POSTPONEMENT OF ORDERS OF THE DAY**

Ordered—That orders of the day Nos 2 and 3, government business, be postponed until a later hour this day.

**10 CRIMES AT SEA 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—

Debate resumed.

Debate adjourned (Mr Hollis), and the resumption of the debate made an order of the day for a later hour this day.

**11 CSIRO RIVERSIDE CORPORATE PARK, NORTH RYDE, NSW—JOINT RESEARCH COMPLEX FOR CSIRO MOLECULAR SCIENCE AND FOOD SCIENCE AUSTRALIA —APPROVAL OF WORK**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: CSIRO Riverside Corporate Park, North Ryde, NSW—Joint Research Complex for CSIRO Molecular Science and Food Science Australia.

Question—put and passed.

**12 CSIRO DIVISION OF BUILDING CONSTRUCTION AND ENGINEERING DEVELOPMENT WORKS AT RIVERSIDE CORPORATE PARK, NORTH RYDE, NSW—APPROVAL OF WORK**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: CSIRO Division of Building Construction and Engineering Development Works at Riverside Corporate Park, North Ryde, NSW.

Question—put and passed.

**13 CSIRO CLAYTON (EASTERN PRECINCT) DEVELOPMENT WORKS, VICTORIA—APPROVAL OF WORK**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: CSIRO Clayton (Eastern Precinct) Development Works, Victoria.

Question—put and passed.

**14 CRIMES AT SEA 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—

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.

**15 QUESTIONS**

Questions without notice were asked.

**16 PAPERS**

The following papers were presented:

Airservices Australia—Report for 1998-99.

Australian Broadcasting Corporation—Equity and Diversity—Report for 1998-99.

Australian Institute of Health and Welfare—Report—Australia's Welfare 1999: Services and Assistance.

Australian Security Intelligence Organization—Joint Committee—Australian Security Intelligence Organisation Legislation Amendment Bill 1999—Advisory Report—Government response, June 1999.

Corporations and Securities Panel—Report for 1998-99.

Department of Immigration and Multicultural Affairs—Australian Citizenship Statistics 1998-99.

Department of Transport and Regional Development—A Measured Approach to Aviation Safety Reform—A Policy Statement by the Deputy Prime Minister and Minister for Transport and Regional Services, November 1999.

High Court of Australia—Report for 1998-99.

Refugee Review Tribunal—Report for 1998-99.

Tiwi Land Council—Report for 1998-99.

**17 PAPER—MOTION TO TAKE NOTE OF PAPER**

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

Australian Institute of Health and Welfare—Report—Australia's Welfare 1999: Services and Assistance.

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

**18 SPECIAL ADJOURNMENT**

Mr Reith (Leader of the House) moved—That the House, at its rising, adjourn until Monday, 6 December 1999, at 12.30 p.m., unless the Speaker fixes an alternative day or hour of meeting.

Debate ensued.

Question—put and passed.

**19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOODS AND SERVICES TAX**

The House was informed that Ms Macklin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to adequately resource hospitals to meet the administrative costs of the GST which will result in a further reduction in the capacity of hospitals to deliver quality health services”.

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Discussion concluded.

**20 TRADEX SCHEME BILL 1999 [NO. 2]—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.

**21 TRADEX DUTY IMPOSITION (CUSTOMS) BILL 1999—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.

**22 TRADEX DUTY IMPOSITION (EXCISE) BILL 1999—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.

**23 TRADEX DUTY IMPOSITION (GENERAL) BILL 1999—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.

**24 CUSTOMS TARIFF AMENDMENT (TRADEX) BILL 1999 [NO. 2]—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.

**25 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE AND APPROPRIATION FOR YEAR 2000—APPROPRIATION (EAST TIMOR) BILL 1999-2000**

Message No. 146, 24 November 1999, from His Excellency the Governor-General was announced in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure related to East Timor in respect of the year ending on 30 June 2000, and for related purposes.



Mr Fahey (Minister for Finance and Administration) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure related to East Timor in respect of the year ending on 30 June 2000, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Fahey presented an explanatory memorandum to the Bill.

Debate adjourned (Mr Crean—Deputy Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

**26 NEW BUSINESS TAX SYSTEM (CAPITAL GAINS TAX) 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—

Debate resumed.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Costello (Treasurer), the Bill was read a third time.

**27 NEW BUSINESS TAX SYSTEM (INCOME TAX RATES) BILL (NO. 2) 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—

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Costello (Treasurer), the Bill was read a third time.

**28 ADJOURNMENT NEGATIVED**

It being 5.30 p.m.—The question was proposed—That the House do now adjourn.

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) requiring the question to be put forthwith without debate—

Question—put and negatived.

**29 MESSAGE FROM THE SENATE—BORDER PROTECTION LEGISLATION AMENDMENT BILL 1999**

A message from the Senate was reported returning the following Bill with an amendment:

25 November 1999—Message No. 253—Border Protection Legislation Amendment 1999.

Ordered—That the amendment be considered forthwith.

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), the amendment was agreed to, after debate.

**30 FEDERAL MAGISTRATES BILL 1999—SENATE'S AMENDMENTS**

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

On the motion of Mr Williams (Attorney-General), Senate amendments Nos 1, 2, 13 and 14 were agreed to, after debate.

On the motion of Mr Williams, Senate amendments Nos 3 to 12 and 15 were disagreed to, after debate.

Mr Williams presented reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing to amendments Nos 3 to 12 and 15 of the Senate*

***Senate Amendment No. 3***

This amendment would allow appeals from decisions regarding transfers between the courts. A right to appeal in these circumstances would just increase costs and delays for litigants. The right to appeal against the substantive issue in dispute remains.

The House of Representatives does not accept this amendment.

***Senate Amendment No. 4***

This amendment omits the regulation making power mandating the transfer of proceedings from the Federal Magistrates Service to the other courts. This would mean that there would be no ability to adjust workloads and would lead to a danger of workload imbalance. The House of Representatives does not accept this amendment.

***Senate Amendments Nos 5 to 10***

These amendments would allow the Family and Federal Courts to order that a proceeding be transferred from the Federal Magistrates Service to the relevant superior court.

There is a real risk of the better resourced party using this provision to force a less well-resourced opponent into the more expensive superior court. This would mean that the under resourced party would be denied the benefit of having their case decided by the cheaper, faster and more efficient Federal Magistrates Service. Accordingly, the House of Representatives opposes these amendments.

***Senate Amendments Nos 11 and 12***

These amendments delete clauses 45 and 46 of the Bill which would have allowed discovery and interrogatories only with the leave of the court. The provisions were included to give an express legislative signal to the court about a new approach to be taken which would ensure more efficient conduct of litigation. The House of Representatives does not accept these amendments.

***Senate Amendment No. 15***

This amendment deletes clause 76 from the Bill. Clause 76 provided that reasons for decision could be given orally and in short form. The provision is important because it sends a signal to the Federal Magistrates Service to encourage it to use oral or short form reasons where appropriate and it will

encourage a more efficient use of judicial resources. The clause will not override common law obligations to give proper reasons for decision. The court itself would determine when short form reasons could be given under rules of court. Accordingly, the House of Representatives does not accept this amendment.

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

**31 FEDERAL MAGISTRATES (CONSEQUENTIAL AMENDMENTS) BILL 1999—  
SENATE'S AMENDMENTS**

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

On the motion of Mr Williams (Attorney-General), Senate amendments Nos 1 to 7, 16 to 18, 21 and 22 were agreed to.

On the motion of Mr Williams, Senate amendment No. 15 was disagreed to and Government amendments (1) and (2) were made in place thereof, after debate.

Mr Williams moved—That Senate amendments Nos 8 to 14, 19, 20 and 23 be disagreed to.

Debate continued.

Question—put.

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

AYES, 75

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

## NOES, 58

Mr Adams	Mr Fitzgibbon	Ms Livermore	Mr Quick
Mr Albanese	Ms Gerick	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	Mr Martin	Mr Sercombe*
Mr Cox	Ms Hoare	Mr Melham	Mr Sidebottom
Mr Crean	Mr Hollis	Mr Morris	Mr Snowdon
Mrs Crosio	Mr Horne	Mr Mossfield	Mr Tanner
Mr Danby	Mrs Irwin	Mr Murphy	Mr Wilkie
Mr Edwards	Mr Jenkins	Ms O'Byrne	Mr Wilton
Dr Emerson	Mr Kerr	Mr O'Keefe	Mr Zahra
Mr L. D. T. Ferguson	Dr Lawrence	Ms Plibersek	
Mr M. J. Ferguson	Mr Lee	Mr Price	

\* Tellers

*Pairs*

Mr Howard	Mr Beazley
Mr Prosser	Ms Kernot

And so it was resolved in the affirmative.

Mr Williams presented reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing to amendments Nos 8 to 14, 19, 20 and 23 of the Senate*

***Senate Amendment Nos 8***

This amendment omits the regulation making power mandating transfer of proceedings from the Family Court to the Federal Magistrates Service. This would mean that there would be no ability to adjust workloads and would lead to a danger of workload imbalance. The House of Representatives does not accept this amendment.

***Senate Amendments Nos 9 to 14***

These amendments concern family law property proceedings. The amendments allow family law property proceedings to be transferred from the Federal Magistrates Service during the proceeding (as opposed to only at the commencement) if property is worth more than \$300,000. The original clause provided that the time to consider the value of the property is when the proceeding is filed.

These amendments would have a significant impact on the efficient operation of the Federal Magistrates Service. If transfer applications could be made during proceedings, this could be used as a delaying tactic. A case could be heard partly in one court and then transferred to another, which could be disruptive and inefficient. Under the original clause, the Federal Magistrates Service could

still use its general transfer powers to transfer cases to the Family Court at any stage of the proceedings, if it considers it appropriate to do so.

Accordingly, the House of Representatives does not accept these amendments.

***Senate Amendment No. 19***

This amendment deletes the provision which would have allowed the Federal Court to give short form reasons on appeal where the appeal did not raise a general issue of principle. This amendment was suggested by the Federal Court itself as a means of encouraging the more efficient use of judicial resources on the hearing of appeals. Accordingly, the House of Representatives does not accept this amendment.

***Senate Amendment No. 20***

This amendment omits the regulation making power mandating transfer of proceedings from the Federal Court to the Federal Magistrates Service. This would mean that there would be no ability to adjust workloads and would lead to a danger of workload imbalance. The House of Representatives does not accept this amendment.

***Senate Amendment No. 23***

This amendment deleted Schedule 25 which gave the Federal Magistrates Service jurisdiction in some matters under the Workplace Relations Act.

This jurisdiction would provide quick, low cost relief for breaches of key aspects of workplace relations law. Accordingly, the House of Representatives opposes this amendment.

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

**32 MESSAGES FROM THE SENATE**

Messages from the Senate, 25 November 1999, were reported returning the following Bills without amendment:

Message—

No. 248—Social Security (International Agreements) 1999.

No. 252—Electronic Transactions 1999.

No. 252—National Residue Survey Levies Regulations (Validation and Commencement of Amendments) 1999.

**33 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS) BILL 1999**

Message No. 250, 25 November 1999, 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 other purposes.

Bill read a first time.

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

**34 MESSAGE FROM THE SENATE—SOCIAL SECURITY (ADMINISTRATION) BILL 1999**

A message from the Senate was reported returning the following Bill with amendments:

25 November 1999—Message No. 247—Social Security (Administration) 1999.

Ordered—That the amendments be considered at the next sitting.

**35 MESSAGE FROM THE SENATE—SOCIAL SECURITY (ADMINISTRATION AND INTERNATIONAL AGREEMENTS) (CONSEQUENTIAL AMENDMENTS) BILL 1999**

A message from the Senate was reported returning the following Bill with amendments:

25 November 1999—Message No. 249—Social Security (Administration and International Agreements) (Consequential Amendments) 1999.

Ordered—That the amendments be considered at the next sitting.

**36 ADJOURNMENT**

Mrs Sullivan (Parliamentary Secretary to the Minister for Foreign Affairs) moved—That the House do now adjourn.

Question—put and passed.

And then the House at 6.28 p.m. adjourned until Monday, 6 December 1999, at 12.30 p.m., in accordance with the resolution agreed to this sitting.

**PAPERS**

The following papers were deemed to have been presented on 25 November 1999:

Aboriginal and Torres Strait Islander Commission Act—Rules—1999—

Regional Council Election (Casual Vacancies) Amendment (No. 1).

Zone Election Amendment (No. 1).

Taxation Administration Act—Rulings—1999 Nos PR 102, PR 103, TR 16, TR 17.

**ATTENDANCE**

All Members attended (at some time during the sitting) except Ms Ellis, Ms Kernot, Mr O'Connor, Mr Prosser\*, Dr Theophanous and Mr K.J. Thomson.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives

1998-99

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

No. 84

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

**THURSDAY, 25 NOVEMBER 1999**

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 TRADEX SCHEME 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.

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 TRADEX DUTY IMPOSITION (CUSTOMS) 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—

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 TRADEX DUTY IMPOSITION (EXCISE) 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—

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 TRADEX DUTY IMPOSITION (GENERAL) 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—

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.

**7 CUSTOMS TARIFF AMENDMENT (TRADEX) 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—

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 ADJOURNMENT**

Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources) moved—That the Main Committee do now adjourn.

Debate ensued.

At 11.41 a.m. the Deputy Speaker adjourned the Main Committee.



**B. C. WRIGHT**

Clerk of the Main Committee