

1998-1999-2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 93

TUESDAY, 7 MARCH 2000

1 The House met, at 2.30 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

2 QUESTIONS

Questions without notice being asked—

Paper

Mr McMullan, by leave, presented the following paper:

Riverside Nursing Home—Review audit—Copy of facsimile from Sonia Cabrera, Aged Care Standards and Accreditation Agency Ltd to Mr Tim Friedrich, Office of Senator Chris Evans, 7 March 2000.

Questions without notice continued.

3 PAPERS

The following papers were presented:

Australian Radiation Protection and Nuclear Safety Agency—Report for 1998-99.

National Environment Protection Council—Report for 1998-99.

Treaties—

Bilateral—

*National interest analysis, together with text of the proposed treaty action and regulation impact statement—*Agreement between Australia and Romania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Protocol, done at Canberra on 2 February 2000.

Text, together with national interest analyses—

Agreement between Australia and the Kingdom of Denmark on Social Security, done at Canberra on 1 July 1999.

Agreement between the Government of Australia and the Government of New Zealand on Child and Spousal Maintenance.

Agreement between the Government of Australia and the Government of the Slovak Republic on Trade and Economic Co-operation, done at Canberra on 23 April 1999.

Agreement for co-operation between Australia and the United States of America concerning Technology for the separation of Isotopes of Uranium by Laser Excitation, Agreed Minute, and Exchange of Notes, done at Washington on 28 October 1999.

Multilateral—

National interest analyses, together with text of the proposed treaty action—

Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, done at the Hague on 2 October 1973.

Protocol of Amendment, done at Brussels on 26 June 1999, to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973.

United Nations Convention on the Elimination of all Forms of Discrimination Against Women—Partial Withdrawal of Australia's Reservation concerning Women in combat and combat related duties.

*National interest analysis for treaties previously tabled—*Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 November 1994.

4 UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN—PAPER—MOTION TO TAKE NOTE OF PAPER

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

Treaty—Multilateral—United Nations Convention on the Elimination of all Forms of Discrimination Against Women—Partial Withdrawal of Australia's Reservation concerning Women in combat and combat related duties.

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

5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MINISTER FOR AGED CARE

The House was informed that Mr Swan had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Minister for Aged Care to ensure that nursing homes provide quality care for all elderly Australians".

The proposed discussion having received the necessary support—

Mr Swan addressed the House.

Discussion ensued.

Discussion concluded.

6 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE

The House was informed that the Government Whip had nominated Mr Lindsay to be a member of the Joint Committee of Public Accounts and Audit in place of Mr Brough (Parliamentary Secretary to the Minister for Employment, Workplace Relations and Small Business).

Mrs B. K. Bishop (Minister for Aged Care), by leave, moved—That Mr Brough be discharged from the Joint Committee of Public Accounts and Audit and that, in his place, Mr Lindsay be appointed a member of the committee.

Question—put and passed.

7 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, 13 March 2000.

8 MAIN COMMITTEE—DAY OF NEXT MEETING

The Deputy Speaker reported that Wednesday, 8 March 2000, at 9.40 a.m., had been fixed for the next meeting of the Main Committee.

9 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:

Australian Wool Research and Promotion Organisation Amendment (Funding and Wool Tax) 2000;

Census Information Legislation Amendment 2000;

Aboriginal Land Rights (Northern Territory) Amendment (No. 3) 1999; and

Timor Gap Treaty (Transitional Arrangements) 2000.

Question—put and passed.

10 MIGRATION LEGISLATION AMENDMENT 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.

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.

11 CUSTOMS LEGISLATION AMENDMENT (CRIMINAL SANCTIONS AND OTHER MEASURES) 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) calls for an approach to illicit drug use which acknowledges that law enforcement alone cannot be a sufficient response to the health and social problems that confront us as a society in relation to illicit drugs, and policy makers and the community must focus on the effects of drug use on youth, and on developing harm minimisation strategies;
- (2) is of the opinion that the Bill is a misguided response to the issue of illicit drugs in Australia, as the ‘war on drugs’ rhetoric is misguided, misplaced and out of step with what is really going on in the Australian community;
- (3) is concerned that the increases in penalties contained in the Bill, have no coherent foundation and may lead to unintended and grossly unfair consequences; and
- (4) whilst accepting that there are sound public policy reasons in the lead up to the Sydney 2000 Olympic Games to support special measures to prohibit the importation of performance enhancing drugs, notes that there has been inadequate public consultation in the development of these measures and the other penalty measures in the legislation, and calls on the Government to refer these issues to the House of Representatives Standing Committee on Legal and Constitutional Affairs for a comprehensive review after the Sydney 2000 Games have concluded”—

Debate resumed.

Mr Prosser, by leave, again addressed the House.

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 Kerr, by leave, moved Opposition amendments (1) to (4) together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 61

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

NOES, 75

Mr Abbott	Mrs Elson	Mr Lindsay	Mr Schultz
Mr Anderson	Mr Entsch	Mr Lloyd	Mr Scott
Mr Andren	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	Mr Moore	Dr Stone
Mr Barresi	Mr Georgiou	Mrs Moylan	Mrs Sullivan
Mr Bartlett	Mr Haase	Mr Nairn	Mr C. P. Thompson
Mr Billson	Mr Hardgrave	Mr Nehl	Mr A. P. Thomson
Mrs B. K. Bishop	Mr Hawker	Dr Nelson	Mr Truss
Ms J. I. Bishop	Mr Hockey	Mr Neville	Mr Tuckey
Mr Brough	Mrs Hull	Mr Nugent	Mr M. A. J. Vaile
Mr Cadman	Mr Jull	Mr Prosser	Mrs D. S. Vale
Mr Cameron	Mr Katter	Mr Pyne	Mr Wakelin
Mr Causley	Mrs D. M. Kelly	Mr Reith	Dr Washer
Mr Charles	Dr Kemp	Mr Ronaldson	Mr Williams
Mr Downer	Mr Lawler	Mr Ruddock	Ms Worth
Mr Draper	Mr Lieberman	Mr St Clair	

* Tellers

Pairs

Mr Howard	Mr Beazley
Jackie Kelly	Mr Hatton

And so it was negatived.

Mr Williams (Attorney-General), by leave, moved Government amendments (1) to (11) together.

Debate continued.

Paper

Mr Williams presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

12 MESSAGE FROM THE SENATE

Message No. 308, 7 March 2000, from the Senate was reported acquainting the House that Senator Stott Despoja had been discharged from attendance on the Joint Standing Committee on Treaties, and Senator Bartlett had been appointed a member of the committee.

13 MESSAGE FROM THE SENATE—ABORIGINAL RECONCILIATION

Message No. 309, 7 March 2000, from the Senate was reported acquainting the House that the Senate had agreed to a resolution concerning Aboriginal reconciliation.

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

14 MESSAGE FROM THE SENATE—IMPORT PROCESSING CHARGES AMENDMENT (WAREHOUSES) BILL 1999

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

7 March 2000—Message No. 310—Import Processing Charges Amendment (Warehouses) 1999.

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

15 MESSAGE FROM THE SENATE—CUSTOMS AMENDMENT (WAREHOUSES) BILL 1999

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

7 March 2000—Message No. 311—Customs Amendment (Warehouses) 1999.

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

16 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos 3 to 6, government business, be postponed until the next sitting.

17 APPROPRIATION BILL (NO. 3) 1999-2000

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 Tanner, viz.—That all words after “That” be omitted with a view to substituting the following words: “whilst not denying the Bill a second reading, the House condemns:

- (1) the Government for its abdication of Commonwealth responsibility for appropriate national funding of health, education and other essential community services;
- (2) the recent statements by the Prime Minister indicating that Specific Purpose Payments to the States will be reduced as part of the introduction of the new tax system, breaking both his promise to the Australian people and to State and Territory leaders; and
- (3) the Government’s failure to abide by the independent arbitration process regarding the indexation of the Australian Health Care Agreement’s payments to the States for public hospitals”—

Debate resumed.

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

18 SELECTION COMMITTEE—AMENDED REPORT

Mr Nehl (Chair) presented the following paper:

Selection Committee—Amended report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 13 March 2000—

and, by leave, moved—That the report be adopted in lieu of the report presented earlier today.

Question—put and passed.

19 ADJOURNMENT

Mr Anthony (Minister for Community Services) moved—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 7 March 2000:

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Orders—Part 20—Amendments 2000 No. 1, 24 February.

Exemptions—2000—Nos CASA EX19, CASA EX20, CASA EX21, CASA EX22, CASA EX23, CASA EX24.

Lands Acquisition Act—
Statements under sub-section 40(3)—2000 March.
Statements under section 125—2000 March.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Hatton and Jackie Kelly*.

* On leave

I. C. HARRIS
Clerk of the House of Representatives