

1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 169

MONDAY, 5 MARCH 2001



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 **AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

Mr Forrest presented the following paper:

Australian Parliamentary Delegation to Hungary and Poland—Report, March 2001.

Mr Forrest and Mr Adams made statements in connection with the report.

Mr Adams and Mr Forrest, by leave, again addressed the House.

3 **ECONOMICS, FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Hawker (Chair) presented the following papers:

Economics, Finance and Public Administration—Standing Committee—Review of Reserve Bank of Australia annual report 1999-2000 Interim report: the Wagga Wagga hearing—

Report, February 2001.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Hawker, Ms Burke, Mrs Hull, Mr Latham, Dr Southcott and Mr Albanese made statements in connection with the report.

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

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

Mr Hawker 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.

4 EXCISE TARIFF AMENDMENT (PETROL TAX CUT) BILL 2001

Mr Beazley (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Excise Tariff Act 1921* to provide relief from the 1 February 2001 indexation of rates of excise duty applying to petroleum.

Mr Beazley 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 sessional order 104A.

5 CUSTOMS TARIFF AMENDMENT (PETROL TAX CUT) BILL 2001

Mr Beazley (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Customs Tariff Act 1995* to provide relief from the 1 February 2001 indexation of rates of customs duty applying to petroleum.

Mr Beazley 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 sessional order 104A.

6 MEMBERS' STATEMENTS

Members' statements were made and petitions were presented.

7 QUESTIONS

Questions without notice were asked.

Papers

Mr McMullan, by leave, presented the following papers:

Rent Assistance—

Indexation, tax reform and public rental quarantine—Information paper for Rent Deduction Scheme meeting prepared by Department of Family and Community Services, 18 January 2001.

Articles in *Not the RAT News*, February 2001.

New South Wales Opposition—Results of survey conducted by Newspoll published in *The Australian*, 5 March 2001.

8 PETITIONS

Petitions lodged for presentation were announced.

9 MAIN COMMITTEE—DAY OF NEXT MEETING

The Deputy Speaker reported that Monday, 5 March 2001, at 4.30 p.m., had been fixed for the next meeting of the Main Committee.

10 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:

Appropriation (No. 3) 2000-2001;

Appropriation (No. 4) 2000-2001; and
Appropriation (Parliamentary Departments) (No. 2) 2000-2001.
Question—put and passed.

11 EMPLOYEE PROTECTION (EMPLOYEE ENTITLEMENTS GUARANTEE) BILL 2001

Mrs Crosio, pursuant to notice, presented a Bill for an Act to provide for the establishment and administration of a scheme to guarantee the payment of wages and other accrued liabilities owed to employees in the event of employer insolvency, and for related purposes.

Paper

Mrs Crosio presented an explanatory memorandum to the Bill.

Mrs Crosio 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 sessional order 104A.

12 PARLIAMENTARY (CHOICE OF SUPERANNUATION) BILL 2001

Mr Andren, pursuant to notice, presented a Bill for an Act to amend the law relating to superannuation for parliamentarians, and for related purposes.

Paper

Mr Andren presented an explanatory memorandum to the Bill.

Mr Andren 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 sessional order 104A.

13 NATIONAL ROADS

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

- (1) records its dismay and sorrow at the horrific Christmas/New Year death toll on our nation's roads, particularly in New South Wales and records its sympathy to the family and friends of those people who have died or been seriously injured;
- (2) recognises the importance of maintaining an efficient and safe road transport network in both city and rural areas, as a vital component of lowering the road toll;
- (3) calls on all State and Territory governments to match the Commonwealth's significant increase in road funding;
- (4) acknowledges the Federal Government's increasing commitment to the national road network via its \$1.2 billion *Roads to Recovery* funding package; and
- (5) recognises the importance of on-going funding commitments to further improve the national highway system.

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

14 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.

15 MESSAGES FROM THE SENATE

Messages from the Senate, 1 March 2001, were reported returning the following Bills without amendment:

Message—

No. 556—Communications and the Arts Legislation Amendment (Application of Criminal Code) 2000.

No. 558—Aboriginal and Torres Strait Islander Commission Amendment 2000.

16 MESSAGE FROM THE SENATE—LAW AND JUSTICE LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Message No. 557, 1 March 2001, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for related purposes.

Bill read a first time.

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

17 MESSAGE FROM THE SENATE—BROADCASTING LEGISLATION AMENDMENT BILL 2001

Message No. 555, 1 March 2001, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Broadcasting Services Act 1992*, 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.

18 MESSAGE FROM THE SENATE—THERAPEUTIC GOODS AMENDMENT BILL (NO. 4) 2000

Message No. 560, 5 March 2001, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

Bill read a first time.

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

19 MESSAGE FROM THE SENATE—WORKPLACE RELATIONS AMENDMENT (TALLIES AND PICNIC DAYS) BILL 2000 [WORKPLACE RELATIONS AMENDMENT (TALLIES) BILL 2000]

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

5 March 2001—Message No. 559—Workplace Relations Amendment (Tallies and Picnic Days) 2000.

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

20 AUSTRALIAN RESEARCH COUNCIL BILL 2000—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of message No. 544 from the Senate returning the Australian Research Council Bill 2000—

On the motion of Dr Kemp (Minister for Education, Training and Youth Affairs), the House—

- (a) insisted on disagreeing to amendments Nos 3 to 7, 10 and 11 insisted on by the Senate; and
- (b) disagreed to the amendments made by the Senate in place of amendments Nos 1, 8 and 9 disagreed to by the House,

after debate.

Dr Kemp presented reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to the amendments of the Senate

Amendment in place of Senate Amendment (1)

This amendment extends the objects of the *Australian Research Council Bill 2000* to include the establishment of the ARC as a body that may, on its own initiative, conduct inquiries into matters related to research and research education and publish the results. It includes a caveat which prevents the ARC from performing this function if it will prejudice the performance of its other functions as set out in subclauses (3)(a)(i), (ii) or (iii).

The Government's 1999 policy statement *Knowledge and Innovation* clearly set out the role and functions of the ARC as providing strategic policy advice to Government. As well as providing distinct advice on matters requested by the Minister, the strategic planning process outlined in the Bill will provide a new and effective way of developing advice to Government on matters related to research.

There should also not be a separation of 'research education' from 'matters related to research'. If enacted, the range of matters on which the Minister has the power to seek advice from the ARC would be interpreted as being narrower than the range of matters on which the ARC may conduct inquiries.

There is nothing in the Bill which prevents the Chair of the ARC from drawing the Minister's attention to an issue which should be referred to them for further

investigation and advice. Such an approach ensures that there is regular consultation between the Minister and the primary advisory body on research matters, while maintaining the balance between the ARC's performance of those functions outlined in the Act, to which the Government would accord priority, and those matters which the ARC believe would enhance the Government's decision making ability.

The House notes that the amendment limits the power of the ARC to conduct inquiries on its own initiative, and questions the appropriateness of inserting such a limitation in an 'Objects of Act' provision.

Accordingly, the House of Representatives does not accept this amendment.

Amendments in place of Senate Amendments (8) and (9)

Amendment 2

This amendment increases the number of members appointed to the Board of the ARC by the Minister by one, requiring that the additional Board member be a higher degree research student.

While recognising the contribution made by higher degree research students to the national research effort, the House believes that the provisions already contained in subclause 14(2) – 'The Minister must... try to ensure that the composition of the Board reflects the breadth of academic, industry and community interests in the outcomes of research' – is sufficient. The House notes that there are many groups in the higher education research sector, and elsewhere, who make an equally important contribution to, or have an equally valid interest in, research and that these groups are not all allocated a specific and separate identified place on the Board. Accordingly, the House of Representatives does not accept this amendment.

Amendment 3

This amendment creates a distinction between the manner of appointing the proposed higher degree research student member and the non-student members of the ARC Board.

The House considers the issue of representation for higher degree research students on the proposed ARC Board will be considered in the context of meeting the requirement set out in sub-clause 14(2). Accordingly, the House does not accept this amendment.

Amendment 4

This amendment creates a distinction between the manner of appointing the proposed higher degree research student member and the non-student members of the ARC Board.

The House considers the issue of representation for higher degree research students on the proposed ARC Board will be considered in the context of meeting the requirement set out in sub-clause 14(2). Accordingly, the House does not accept this amendment.

Amendment 5

This amendment sets out the process by which the student member of the ARC Board is to be appointed, requiring the Minister to select one name from a list of at least three names provided by the Council of Australian Postgraduate Associations (CAPA).

The House considers the issue of representation for higher degree research students on the proposed ARC Board will be considered in the context of meeting the requirement set out in sub-clause 14(2). Accordingly, the House does not accept this amendment.

It is also inconsistent with the arrangements for appointing other members of the Board, particularly in that it restricts Ministerial prerogative if none of the names of the list are acceptable. The Minister must rely on CAPA to ensure that the representatives are current higher degree research students, enrolled at an Australian University.

Accordingly, the House of Representatives does not accept this amendment.

On the motion of Dr Kemp, the reasons were adopted.

21 AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000—SENATE'S AMENDMENTS

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

Dr Kemp (Minister for Education, Training and Youth Affairs) moved—That the House insists on disagreeing to amendments Nos 1 to 4 insisted on by the Senate.

Debate ensued.

Question—put.

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

AYES, 74

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Schultz
Mr Anderson	Mr Entsch	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	Mrs Moylan	Mrs Sullivan
Mr Billson	Mr Haase	Mr Nairn	Mr C. P. Thompson
Mrs B. K. Bishop	Mr Hardgrave	Mr Nehl	Mr A. P. Thomson
Ms J. I. Bishop	Mr Hawker	Dr Nelson	Mr Tuckey
Mr Brough	Mr Hockey	Mr Neville	Mr M. A. J. Vaile
Mr Cadman	Mrs Hull	Mr Nugent	Mrs D. S. Vale
Mr Cameron	Mr Jull	Mr Prosser	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
Mr Downer	Dr Kemp	Mr Ruddock	
Mr Draper	Mr Lawler	Mr St Clair	

NOES, 62

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Mr Fahey	Ms O'Byrne

And so it was resolved in the affirmative.

22 WORKPLACE RELATIONS AMENDMENT (UNFAIR DISMISSALS) BILL 1998 [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—*And on the amendment moved thereto by Mr Bevis, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the Bill be withdrawn and redrafted to provide for:

- (1) increased job security for all Australian workers;
- (2) protection for workers from harsh, unfair or unreasonable dismissal, regardless of the size of the business;
- (3) ready access for all workers to an affordable and fair industrial umpire to deal with unfair, unreasonable or harsh dismissal; and
- (4) repeal of paragraph 170CC(1)(a) of the *Workplace Relations Act 1996* to give workers engaged under a contract of employment for a specified period of time or a specified task protection from unfair, unreasonable or harsh dismissal”—

Debate resumed.

Mrs Moylan was granted leave to continue her speech when the debate is resumed.

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

23 MESSAGE FROM THE SENATE

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

5 March 2001—Message No. 561—Medicare Levy Amendment (CPI Indexation) (No. 2) 2000.

24 ADJOURNMENT

Mrs Gallus (Parliamentary Secretary to the Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs) moved—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.

PAPERS

The following papers were deemed to have been presented on 5 March 2001:

Aged Care Act—Schedule of residential care services determined to be adjusted residential care services as at 1 November 2000.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal 2001 No. 1.

Civil Aviation Act—Civil Aviation Regulations—
Airworthiness Directives—Part 39-105 2001 15, 16(2), 22 February.
Instruments—2001 Nos CASA 98, CASA 108.
Regulations—Statutory Rules 2001 No. 34.

Copyright Act—Regulations—Statutory Rules 2001 No. 29.

Customs Act—Regulations—Statutory Rules 2001 No. 30.

Defence Act—Regulations—Statutory Rules 2001 No. 32.

Export Inspection (Service Charge) Act—Regulations—Statutory Rules 2001
No. 28.

Family Law Act—Regulations—Statutory Rules 2001 No. 31.

Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 2001 No.
36.

Migration Act—Regulations—Statutory Rules 2001 No. 27.

Safety, Rehabilitation and Compensation Act—Notice 2001 No. 1.

Stevedoring Industry Finance Committee Act—Regulations—Statutory Rules
2001 No. 35.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules
2001 No. 37.

Superannuation (Resolution of Complaints) Act—Regulations—Statutory Rules
2001 No. 38

Taxation Administration Act—Rulings 2001 Nos CR 1, PR 16.

Textile, Clothing and Footwear Strategic Investment Program Act—Textile,
Clothing and Footwear Strategic Investment Program Scheme—2001
Amendment (No. 1).

Trade Marks Act—Regulations—Statutory Rules 2001 No. 33.

Workplace Relations Act—Rules—Statutory Rules 2001 No. 39.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Fahey*, Ms
Livermore, Ms O’Byrne*, Ms Plibersek*, Mr Ripoll and Ms Worth.

* On leave

I. C. HARRIS
Clerk of the House of Representatives

1998-1999-2000-2001

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 169

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

MONDAY, 5 MARCH 2001

1 The Main Committee met at 4.30 p.m.

2 APPROPRIATION BILL (NO. 3) 2000-2001

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 Tanner, 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 condemns this Government for its:

- (1) failure to address the significant investment needs in the areas of education and health and the provision of social and employment services since coming to Government;
- (2) blowout in the cost of the Pharmaceutical Benefits Scheme and the threat this presents to the sustainability of Australia’s subsidised medicines scheme;
- (3) belated and inadequate attempts to remedy the chronic underfunding of research and innovation;
- (4) mismanagement of the Defence Budget;
- (5) refusal to remove the effects of the sale of the rest of Telstra from the Budget aggregates consistent with the resolution of the Senate of 16 March 2000, the findings of the Besley report and the wishes of the Leader of the National Party;
- (6) mishandling of the move to accrual accounting by providing complex, confusing and uninformative budget documents;
- (7) wasteful and profligate spending on poor quality programs to buy Democrat support for its unfair GST;
- (8) failure to identify in the Budget papers the full cost of GST collection and implementation;
- (9) failure to put in place arrangements that deliver its guarantee that no Australian will be worse off as a result of the GST package; and

(10) bungling of the Business Activity Statement which has sent many small businesses to the wall”—

Debate resumed.

Suspension of sitting

At 6.12 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 6.25 p.m., the proceedings were resumed.

Debate continued.

Suspension of sitting

At 6.30 p.m., the Deputy Speaker left the Chair.

Resumption of sitting

At 8.00 p.m., the Deputy Speaker resumed the Chair.

Debate continued.

Debate adjourned (Dr Nelson—Parliamentary Secretary to the Minister for Defence), and the resumption of the debate made an order of the day for the next sitting.

3 ADJOURNMENT

On the motion of Dr Nelson (Parliamentary Secretary to the Minister for Defence), the Main Committee adjourned at 10.28 p.m.

The Deputy Speaker adjourned the Main Committee until 4.30 p.m. on Tuesday, 6 March 2001.

B. C. WRIGHT
Clerk of the Main Committee