1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 186

MONDAY, 4 JUNE 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 Sciacca presented the following paper:

Australian Parliamentary Delegation to the 46th Commonwealth Parliamentary Conference, United Kingdom—Report, September 2000.

Mr Sciacca, Mr Hardgrave and Mr Causley made statements in connection with the report.

3 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Hawker presented the following papers:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Rough Justice? An investigation into allegations of brutality in the Army's Parachute Battalion—

Report, incorporating a dissenting report, April 2001.

Evidence received by the committee, including a further submission received after the completion of the inquiry.

Ordered—That the report be printed.

Mr Hawker, Mr Hollis, Dr Southcott and Mr Price 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 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr A. P. Thomson (Chair) presented the following papers:

Treaties—Joint Standing Committee—39th report—Privileges and immunities of the International Tribunal on the Law of the Sea and the treaties tabled on 27 February and 6 March 2001—

Report, April 2001.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr A. P. Thomson and Mr Wilkie made statements in connection with the report.

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

Mr A. P. Thomson moved—That the House take note of the report.

Mr A. P. Thomson 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.

5 COMMUNICATIONS, TRANSPORT AND THE ARTS—STANDING COMMITTEE— REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Neville (Chair) presented the following papers:

Communications, Transport and the Arts—Standing Committee—Back on track: Progress in rail reform—

Report, April 2001.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Neville, Ms Livermore and Mr McArthur made statements in connection with the report.

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

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

Mr Neville 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.

6 DEFENCE ACT AMENDMENT (VICTORIA CROSS) BILL 2001

Mr Sidebottom, pursuant to notice, presented a Bill for an Act to amend the *Defence Act 1903* to declare the Parliament's intention with respect to the award of Victoria Crosses to certain persons.

Mr Sidebottom made a statement in relation to the Bill.

Paper

Mr Sidebottom, by leave, presented the following paper:

Victoria Cross recommendations—Ordinary Seaman Edward "Teddy" Sheean, Private John Simpson Kirkpatrick and Gunner Albert Neil Cleary.

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.

7 MEMBERS' STATEMENTS

Members' statements were made.

8 ASTON ELECTORAL DIVISION—ISSUE OF WRIT

The Speaker informed the House that on Friday, 1 June 2001, he had issued a writ for the election of a Member to serve for the Electoral Division of Aston, in the State of Victoria and the dates fixed in connection with the election were those announced to the House on 24 May 2001.

9 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mr M. A. J. Vaile (Minister for Trade), Mr Downer (Minister for Foreign Affairs) would answer questions on his behalf.

10 OUESTIONS

Questions without notice being asked—

Papers

Dr Wooldridge (Minister for Health and Aged Care) presented the following papers:

Seniors Health Card—Extract from Budget Measures 2001-02, Budget Paper No. 2.

Pharmaceutical Benefits Scheme—Letter from Ms Macklin to Dr Wooldridge, 2 July 1998.

Questions without notice continuing—

Mr Albanese asking a question—

Speaker's ruling

The Speaker ruled that the question could not proceed. To the extent that it made allegations as to the conduct of a Minister, it could only be raised as the subject of a substantive motion. In addition, the elements of the question that could reflect on the character or conduct of a person other than a Member should be placed on notice.

Dissent from ruling moved

Mr Beazley (Leader of the Opposition) moved—That the ruling be dissented from.

Debate ensued.

Mr McMullan addressing the House—

Closure

Mr Reith (Leader of the House) moved—That the question be now put. Question—put.

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

AYES, 74

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

NOES, 66

Mr Adams	Mr M. J. Ferguson	Ms Livermore	Mr Ripoll
WII Adams	Wii Wi. J. Felguson	MS LIVEITHOIE	MI KIPOII
Mr Albanese	Mr Fitzgibbon	Mr McClelland	Ms Roxon
Mr Beazley	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Mr Bevis	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Brereton	Mr Griffin	Mr McLeay	Mr Sciacca
Ms Burke	Ms Hall	Mr McMullan	Mr Sercombe*
Mr Byrne	Mr Hatton	Dr Martin	Ms Short
Ms Corcoran	Ms Hoare	Mr Melham	Mr Sidebottom
Mr Cox	Mr Hollis	Mr Morris	Mr Smith
Mr Crean	Mr Horne	Mr Mossfield	Mr Snowdon
Mrs Crosio	Mrs Irwin	Mr Murphy	Mr Swan
Mr Danby	Mr Jenkins	Ms O'Byrne	Mr Tanner
Mr Edwards	Ms Kernot	Mr O'Connor	Mr K. J. Thomson
Ms Ellis	Mr Kerr	Mr O'Keefe	Mr Wilkie
Mr Emerson	Mr Latham	Ms Plibersek	Mr Zahra
Mr M. J. Evans	Dr Lawrence	Mr Price	
Mr L. D. T. Ferguson	Mr Lee	Mr Quick	

* Tellers

Pairs

Mr M. A. J. Vaile Ms Gerick

And so it was resolved in the affirmative.

The Speaker, in response to a point of order, said that after the doors had been locked, he had put to the House in error the question—That the Member be no longer heard. He would now therefore put to the House the closure of question motion (moved by Mr Reith)—

Question—That the question be now put—put.

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

AYES, 74

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

NOES, 66

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

* Tellers

Pairs

Mr M. A. J. Vaile Ms Gerick

And so it was resolved in the affirmative.

And the question—That the ruling be dissented from—being accordingly put—

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

AYES, 66

Mr Adams	Mr M. J. Ferguson	Ms Livermore	Mr Ripoll
Mr Albanese	Mr Fitzgibbon	Mr McClelland	Ms Roxon
Mr Beazley	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Mr Bevis	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Brereton	Mr Griffin	Mr McLeay	Mr Sciacca
Ms Burke	Ms Hall	Mr McMullan	Mr Sercombe*
Mr Byrne	Mr Hatton	Dr Martin	Ms Short
Ms Corcoran	Ms Hoare	Mr Melham	Mr Sidebottom
Mr Cox	Mr Hollis	Mr Morris	Mr Smith
Mr Crean	Mr Horne	Mr Mossfield	Mr Snowdon
Mrs Crosio	Mrs Irwin	Mr Murphy	Mr Swan
Mr Danby	Mr Jenkins	Ms O'Byrne	Mr Tanner
Mr Edwards	Ms Kernot	Mr O'Connor	Mr K. J. Thomson
Ms Ellis	Mr Kerr	Mr O'Keefe	Mr Wilkie
Mr Emerson	Mr Latham	Ms Plibersek	Mr Zahra
Mr M. J. Evans	Dr Lawrence	Mr Price	
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NOES, 74

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

^{*} Tellers

Pairs

Mr M. A. J. Vaile Ms Gerick And so it was negatived.

Ouestions without notice concluded.

11 MEMBER ORDERED TO WITHDRAW

At 4.08 p.m. the Member for Chifley (Mr Price) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to seek to make remarks during a division while the Speaker was addressing the House, and he accordingly withdrew from the Chamber.

12 PETITIONS

Petitions lodged for presentation were announced.

13 LEAVE OF ABSENCE TO MEMBER

Mr Beazley (Leader of the Opposition) moved—That leave of absence for the remainder of the current period of sittings be given to Ms Gerick, on the ground of ill health.

Debate ensued.

Question—put and passed.

14 AUSTRALIAN ECONOMY

Dr Southcott, pursuant to notice, moved—That this House:

- (1) notes that amongst the OECD, Australia is ranked:
 - (a) 3rd in information and communications technology expenditure as a percentage of GDP;
 - (b) 3rd in secure servers for e-commerce;
 - (c) 3rd in internet multimedia content:
 - (d) 6th in personal computer ownership; and
 - (e) 8th in total online population;
- (2) notes Canberra has more adults accessing the internet than Washington; Darwin and Perth have more than Atlanta; Sydney, Melbourne and Hobart more than Los Angeles; and Brisbane and Adelaide are equal with New York:
- (3) notes our take up rates of cellular phones are amongst the highest in the world:
- (4) notes Australia's growth and increase in productivity during the 1990s exceeded that of the US:
- (5) notes the financial services sector is greater in size than the mining and agriculture sectors combined, as a percentage of GDP; and
- (6) rejects the view Australia represents an old economy.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

15 AUSTRALIAN ARMY—100TH ANNIVERSARY

Mrs Gash, pursuant to notice, moved—That this House:

- (1) recognises the 100th anniversary of the Australian Army;
- (2) celebrates not just the peaks of each wave of activity as the Australian Army entered into various frays, but also the times in between when our personnel were ever at the ready;
- (3) applauds not only those who joined the regular Army, but also those who volunteered or were conscripted at other times and who were prepared to do their duty for our great nation; and
- (4) remembers the efforts of the thousands or millions of spouses, partners, girlfriends, boyfriends and families of those who served with the Australian Army because they were the people who paid the most through the years so that we might retain our quality of life.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

16 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

25 May 2001—Message No. 310—

Compensation (Japanese Internment) 2001.

Family and Community Services and Veterans' Affairs Legislation Amendment (Further Assistance for Older Australians) 2001.

Family and Community Services Legislation Amendment (One-off Payment to the Aged) 2001.

Taxation Laws Amendment (Changes for Senior Australians) 2001.

17 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.

18 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE— REPORT—STATEMENT BY MEMBER

Mr Sercombe presented the following papers:

Corporations and Securities—Parliamentary Joint Committee—Provisions of:

- (a) the Corporations (Commonwealth Powers) Act 2001 (NSW); and
- (b) the Corporations Bill 2001 and the Australian Securities and Investments Commission Bill 2001.

Report, incorporating a dissenting report, May 2001.

Evidence received by the committee.

Ordered—That the report be printed.

Mr Sercombe, by leave, made a statement in connection with the report.

19 MESSAGE FROM THE SENATE—GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2001

Message No. 610, 24 May 2001, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Great Barrier Reef Marine Park Act 1975*, 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.

20 APPROPRIATION BILL (NO. 1) 2001-2002—BUDGET DEBATE

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 Tanner 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 condemns this Government for its:

- (1) reduction in the projected Budget cash surplus from \$14.6 billion when the 2001-02 Budget year first appeared in the 1998-99 Budget Papers to a surplus of \$1.5 billion and an accrual deficit of \$0.8 billion in this Budget;
- (2) failure to address the significant investment needs in the areas of education and health provision;
- (3) string of policy backflips and wasteful, panic driven spending across almost all program areas;
- (4) commitment to sell the rest of Telstra if re-elected;
- (5) failure to provide relief for Australian families under financial pressure;
- (6) failure to address the hardship, and red tape nightmare faced by small business arising from the introduction of the GST;
- (7) deception of self-funded retirees and pensioners through misleading taxation claims;
- (8) failure to provide a comprehensive retirement incomes policy which addresses the needs of the new century;
- (9) lax approach to corporate governance issues which has contributed to the recent spate of corporate failures;
- (10) lack of an ongoing commitment to the protection of employee entitlements;
- (11) misuse of taxpayers' money on its politically partisan GST advertising campaign;

- (12) provision of complex, confusing and uninformative budget documents;
- (13) failure to identify in the Budget papers the true cost of GST collection and implementation; and
- (14) failure to deliver its guarantee that no Australian will be worse off as a result of the GST package".

Debate continued.

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.

PAPERS

The following papers were deemed to have been presented on 4 June 2001:

Aged Care Act—

Determination under section 44—2001 Determination of rates of financial assistance.

Principles under section 96-1—2001—

Allocation Amendment (No. 2).

Residential Care Subsidy Amendment Nos 1 and 2.

Australian Meat and Live-stock Industry Act—Order—2001 Australian Meat and Live-stock Industry (Live Sheep Exports to Saudi Arabia) Amendment (No. 1).

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—Part 39-105—2001 17, 23(2) May.

Commonwealth Authorities and Companies Act—Orders—2001—

Amendment (No. 1).

Financial Statements 2000-2001.

Financial Statements 2001-2002.

Notice under section 45—Formation of the company Enterprise and Career Education Foundation Limited.

Crimes Act—Regulations—Statutory Rules—2001 No. 105.

Defence Act—Defence Force Remuneration Tribunal—Determinations—2001 Nos 6, 7, 8.

Export Control Act—Export Control (Orders) Regulations—Order—2001 Export Control (Fees) Amendment (No. 1).

Financial Management and Accountability Act—Orders—2001—Amendment (No. 2).

Financial Statements 2000-2001.

Financial Statements 2001-2002.

Gene Technology Act—Regulations—Statutory Rules—2001 No. 106.

Income Tax Assessment Act 1936—Regulations—Statutory Rules—2001 Nos 104, 107.

Radiocommunications Act—Determination—2001 Radiocommunications (Foreign Space Objects) Amendment (No. 1).

Radiocommunications (Receiver Licence Tax) Act—Determination—2001 Radiocommunications (Receiver Licence Tax).

Radiocommunications (Transmitter Licence Tax) Act—Determinations—2001—

Radiocommunications (Transmitter Licence Tax).

Radiocommunications (Transmitter Licence Tax) Amendment (No. 3).

Remuneration Tribunal Act—Remuneration Tribunal—

Determinations—2001 Nos 3, 6, 7, 8, 9, 10, 11.

Report-2001 No. 1.

Sydney Airport Curfew Act—Dispensations 2001 Nos 7, 8.

Taxation Administration Act—Rulings—

1999 No. PR 61 (Addendum).

2000 Nos PR 12 (Addendum), PR 64 (Addendum), PR 70 (Addendum), PR 78 (Addendum).

2001 Nos CR 16, PR 1 (Addendum), PR 3 (Addendum), PR 9 (Addendum), PR 13 (Addendum), PR 45 (Addendum), PR 67, PR 68, PR 69, PR 70, PR 71, PR 72, PR 73, PR 74, PR 75, PR 76, TR 2 (Addendum).

Telecommunications Act 1997—

Declaration—2001 Declaration of prohibited customer equipment mobile phone booster amplifiers for Global System for Mobiles ("GSM") and Code Division Multiple Access ("CDMA") mobile telecommunications services.

Notice—2001 Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment (No. 1).

Veterans' Entitlements Act—Instruments under section 196B—2001 Nos 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48.

Regulations—Statutory Rules—2001 Nos 102, 103.

Workplace Relations Act—Regulations—Statutory Rules—2001 No. 101.

ATTENDANCE

All Members attended (at some time during the sitting) except Mrs Draper, Ms Gerick* and Mr M. A. J. Vaile.

* On leave

I. C. HARRIS
Clerk of the House of Representatives