

1998-1999-2000-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 196

WEDNESDAY, 27 JUNE 2001



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 INTELLIGENCE SERVICES BILL 2001

Mr Downer (Minister for Foreign Affairs), pursuant to notice, presented a Bill for an Act relating to the Australian intelligence services, and for related purposes.

Bill read a first time.

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

Paper

Mr Downer presented an explanatory memorandum to the Bill.

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

3 INTELLIGENCE SERVICES (CONSEQUENTIAL PROVISIONS) BILL 2001

Mr Downer (Minister for Foreign Affairs), pursuant to notice, presented a Bill for an Act to deal with matters consequential on the enactment of the *Intelligence Services Act 2001*, and for related purposes.

Bill read a first time.

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

Paper

Mr Downer presented an explanatory memorandum to the Bill.

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

4 PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT BILL 2001

Mr Fahey (Minister for Finance and Administration), pursuant to notice, presented a Bill for an Act to amend the *Parliamentary Contributory Superannuation Act 1948*, 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 Horne), and the resumption of the debate, by leave, made an order of the day for a later hour this day.

5 CYBERCRIME BILL 2001

Mr Williams (Minister representing the Minister for Justice and Customs), pursuant to notice, presented a Bill for an Act to amend the law relating to computer offences, and for other purposes.

Bill read a first time.

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

Paper

Mr Williams presented an explanatory memorandum to the Bill.

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

6 FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) (CONSEQUENTIAL PROVISIONS) BILL 2001

Mr Williams (Attorney-General) presented a Bill for an Act to deal with matters consequential on the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2001*, and for related purposes.

Bill read a first time.

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

Paper

Mr Williams presented an explanatory memorandum to the Bill.

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

7 MIGRATION LEGISLATION AMENDMENT (IMMIGRATION DETAINEES) BILL (NO. 2) 2001

Mr Ruddock (Minister for Immigration and Multicultural Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to migration, and for related purposes.

Bill read a first time.

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

Papers

Mr Ruddock presented the following papers:

Explanatory memorandum to the Bill.

Draft protocol for strip search of immigration detainees—Department of Immigration and Multicultural Affairs.

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

8 AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Mr Truss (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, presented 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.

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

Paper

Mr Truss presented an explanatory memorandum to the Bill.

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

9 TAXATION LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2001

Mr Entsch (Parliamentary Secretary to the Minister for Industry, Science and Resources) presented a Bill for an Act to amend the law relating to taxation incentives for research and development, and for related purposes.

Bill read a first time.

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

Paper

Mr Entsch presented an explanatory memorandum to the Bill.

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

10 CUSTOMS TARIFF PROPOSAL

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) moved Customs Tariff Proposal No. 5 (2001).

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

11 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 2) 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 Smith, 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) notes the embarrassing failure of the Government’s datacasting spectrum auction in May this year due to the Government’s restrictive and unworkable genre-specific datacasting regime; and
- (2) calls on the Government to state publicly whether it remains committed to the 1998 Parliamentary framework on digital television and datacasting; and

- (a) if the Government does not remain committed to the 1998 Parliamentary framework, to establish immediately a public process to ascertain the views of industry generally on the future of digital television and datacasting; or
- (b) if the Government remains committed to the 1998 Parliamentary framework, to immediately announce the amendments it will propose to its unworkable and restrictive genre-specific datacasting regime to enable a viable datacasting industry to emerge”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 73

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

NOES, 62

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

* Tellers

Pairs

Mr Howard	Mr Beazley
Dr Wooldridge	Mr Kerr

And so it was resolved in the affirmative.

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.

Paper

Mr McGauran (Minister for the Arts and the Centenary of Federation) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr McGauran, by leave, Government amendments (1) to (14) were made together, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

12 COPYRIGHT AMENDMENT (PARALLEL IMPORTATION) BILL 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—

Debate resumed.

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr McMullan addressing the House—

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.

13 QUESTIONS

Questions without notice were asked.

14 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Auditor-General—Audit report No. 53 of 2000-2001—Performance audit—Commonwealth management of leased office property.

Ordered to be printed.

15 PAPERS

The following papers were presented:

Australian Competition and Consumer Commission—Reports—Changes in the prices paid for telecommunications services in Australia—1996-97 to 1999-2000.

Telecommunications competitive safeguards and Telstra's compliance with price control arrangements—1999-2000.

Committee reports—Government responses to parliamentary committee reports—Response to the schedule tabled by the Speaker on 7 December 2000, 27 June 2001.

Department of Defence—Special purpose flights—Schedule for period July to December 2000.

Judge Advocate General—Report for 2000.

Pharmaceutical Benefits Pricing Authority—Pharmaceutical Industry Investment Program—Report for 1999-2000.

16 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian Competition and Consumer Commission—Reports—Changes in the prices paid for telecommunications services in Australia—1996-97 to 1999-2000.

Telecommunications competitive safeguards and Telstra's compliance with price control arrangements—1999-2000.

Department of Defence—Special purpose flights—Schedule for period July to December 2000.

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

17 INTELLIGENCE SERVICES—PROPOSED JOINT SELECT COMMITTEE

Mr Reith (Leader of the House), having amended, by leave, notice No. 7, government business, moved—That:

- (1) a Joint Select Committee to be known as the Joint Select Committee on the Intelligence Services be appointed to inquire into and report on the proposed legislative reforms in:
 - (a) the Intelligence Services Bill 2001 and the Intelligence Services (Consequential Provisions) Bill 2001; and
 - (b) the provision in the Cybercrime Bill 2001 relating to the Australian Secret Intelligence Service (ASIS) and the Defence Signals Directorate (DSD) - Liability for Certain Acts.
- (2) the committee consist of 15 members: 5 members of the House of Representatives to be nominated by the Government Whip or Whips, 4 members of the House of Representatives to be nominated by the Opposition Whip or Whips, 3 senators to be nominated by the Leader of the Government in the Senate, 2 senators to be nominated by the Leader of the Opposition in the Senate and 1 senator to be nominated by any minority party.
- (3) every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) the members of the committee hold office as a joint select committee until presentation of the committee's report or until the House of Representatives is dissolved, whichever is the earlier.
- (5) the committee report no later than 20 August 2001.
- (6) the committee elect a Government member as its chair.
- (7) the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee.
- (8) at any time when the chair and deputy chair are not present at a meeting of the committee, the members present shall elect another member to act as chair at that meeting.
- (9) the chair, or the deputy chair when acting as chair, shall have a deliberative vote and, in the event of an equality of voting, a casting vote.
- (10) 5 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 3 members of either House of the Government parties and 2 members of either House of the non-government parties.
- (11) the committee have power to:
 - (a) send for persons, papers and records;
 - (b) move from place to place; and

- (c) adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (12) the committee may determine the manner of conduct of its proceedings and in so doing shall consider whether the procedures prescribed in s.92F(2) and (3) of the *Australian Security Intelligence Organisation Act 1979* ('the ASIO Act') should be followed.
- (13) the committee shall ensure that any documents having a national security classification provided to the committee are, while in the custody of the committee, kept at a place under such terms and conditions as are agreed between the committee and the Director-General of ASIS, the Director of DSD, or the Inspector-General of Intelligence and Security, as appropriate.
- (14) the committee shall ensure that the identity of staff of ASIS is appropriately protected in accordance with the provisions of the *Intelligence Services Bill 2001*.
- (15) the committee has leave to report from time to time its proceedings and the evidence taken and any recommendations as it may deem fit.
- (16) a message be sent to the Senate acquainting it with this resolution and requesting that it concur and take action accordingly.

Question—put and passed.

18 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOODS AND SERVICES TAX

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 savage impact of the Government's GST tax package on Australian families".

The proposed discussion having received the necessary support—

Mr Swan addressed the House.

Discussion ensued.

Discussion concluded.

19 PARLIAMENTARY ZONE—CONSTRUCTION OF RECONCILIATION PLACE—APPROVAL OF PROPOSAL

Mr Ruddock (Minister for Immigration and Multicultural Affairs), for Mr Anderson (Minister representing the Minister for Regional Services, Territories and Local Government), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 25 June 2001, namely: Construction of Reconciliation Place.

Debate ensued.

Question—put and passed.

20 MESSAGES FROM THE SENATE

Messages from the Senate, 27 June 2001, were reported returning the following Bills without amendment or requests:

No. 640—Appropriation (HIH Assistance) 2001.

No. 641—Appropriation (Parliamentary Departments) (No. 1) 2001-2002.

No. 642—Appropriation (No. 1) 2001-2002 (*without requests*).

No. 643—Appropriation (No. 2) 2001-2002.

No. 644—Taxation Laws Amendment (No. 3) 2001.

21 PASSENGER MOVEMENT CHARGE AMENDMENT BILL 2001—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with an amendment (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the amendment.

The amendment made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Scott (Minister for Veterans' Affairs), by leave, the Bill was read a third time.

22 COPYRIGHT AMENDMENT (PARALLEL IMPORTATION) BILL 2001

The order of the day having been read for the further consideration in detail of the Bill—

Consideration in detail

Bill, as a whole—

Debate resumed.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Scott (Minister for Veterans' Affairs), by leave, the Bill was read a third time.

23 MESSAGE FROM THE GOVERNOR-GENERAL—DAIRY PRODUCE LEGISLATION AMENDMENT (SUPPLEMENTARY ASSISTANCE) BILL 2001

Message No. 325, 27 June 2001, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments to a Bill for an Act to amend the *Dairy Produce Act 1986*, and for related purposes.

24 MESSAGE FROM THE SENATE—DAIRY PRODUCE LEGISLATION AMENDMENT (SUPPLEMENTARY ASSISTANCE) BILL 2001

Message No. 639, 26 June 2001, from the Senate was reported returning the Dairy Produce Legislation Amendment (Supplementary Assistance) Bill 2001 with a request for an amendment.

Ordered—That the amendment requested by the Senate be considered forthwith.

Mr Truss (Minister for Agriculture, Fisheries and Forestry) moved—That the requested amendment be not made, but in place thereof, the Government amendments be made.

Paper

Mr Truss presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

Question—put and passed.

25 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos 3 and 4, government business, be postponed until a later hour this day.

26 PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT BILL 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—

Debate resumed.

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

Message from the Governor-General

Message No. 324, 27 June 2001, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Andren moved amendment (1).

Debate continued.

Question—That the amendment be agreed to—put and negatived—Mr Andren dissenting.

Mr Andren, by leave, moved amendments (3) and (4) together.

Debate continued.

Question—That the amendments be agreed to—put and negatived—Mr Andren dissenting.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Fahey (Minister for Finance and Administration), by leave, the Bill was read a third time.

27 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (WILDLIFE PROTECTION) BILL 2001

The order of the day having been read for the second reading—Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That the Bill be now read a second time.

Paper

Dr Stone presented a revised explanatory memorandum to the Bill.

Debate ensued.

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

Consideration in detail

Bill, by leave, taken as a whole.

Paper

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) presented a supplementary explanatory memorandum to the Bill.

On the motion of Dr Stone, by leave, Government amendments (1) to (84) on sheet EK247 and Government amendments (1) to (6) on sheet XX229 were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Dr Stone, by leave, the Bill was read a third time.

28 PRIVILEGES COMMITTEE—REPORT

Mr Somlyay (Chair) presented the following paper:

Privileges Committee—Application from Mr Wayne Sanderson for the publication of a response to a reference made in the House of Representatives—Report, June 2001.

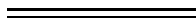
29 ADJOURNMENT

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.55 p.m., adjourned until tomorrow at 9.30 a.m.



PAPERS

The following papers were deemed to have been presented on 27 June 2001:

Health Insurance Act—Determination—2001 HS/2/01.

Lands Acquisition Act—

Statement under section 125—2001 June.

Statement under sub-section 40(3)—2001 June.

Safety, Rehabilitation and Compensation Act—Notice—2001 No. 2.

Social Security Act—Determination—2001 Social Security (Threshold Rates).



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Katter, Mr Kerr, Mr Ripoll, Dr Theophanous and Dr Wooldridge.

**I. C. HARRIS**

Clerk of the House of Representatives

1998-1999-2000-2001

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 196

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 27 JUNE 2001

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 PASSENGER MOVEMENT CHARGE AMENDMENT BILL 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—

Debate resumed.

Mr Fitzgibbon 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 the Government for:

- (1) ignoring the concerns of the tourism industry in this matter; and
 - (2) failing to consult on viable funding options for the Australian Tourist Commission, and breaking its promise not to increase taxes”.
-

Suspension of sitting

At 11.29 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 11.42 a.m., the proceedings were resumed.

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.

Paper

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Slipper, the Government amendment was made.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with an amendment.

4 SOCIAL SECURITY LEGISLATION AMENDMENT (CONCESSION CARDS) BILL 2001

The order of the day having been read for the second reading—Mr Anthony (Minister for Community Services) moved—That the Bill be now read a second time.

Paper

Mr Anthony presented an explanatory memorandum to the Bill.

Debate ensued.

Ms Gambaro 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.

5 ADJOURNMENT

On the motion of Mr Neville, the Main Committee adjourned at 12.59 p.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.



B. C. WRIGHT
Clerk of the Main Committee