

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 6

WEDNESDAY, 20 FEBRUARY 2002

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 WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) BILL 2002

Mr Abbott (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

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

Paper

Mr Abbott presented an explanatory memorandum to the Bill.

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

3 WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION) BILL 2002

Mr Abbott (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996* in relation to secret ballots for protected action, and for related purposes.

Bill read a first time.

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

Paper

Mr Abbott presented an explanatory memorandum to the Bill.

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

4 WORKPLACE RELATIONS AMENDMENT (GENUINE BARGAINING) BILL 2002

Mr Abbott (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

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

Paper

Mr Abbott presented an explanatory memorandum to the Bill.

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

5 WORKPLACE RELATIONS AMENDMENT (FAIR TERMINATION) BILL 2002

Mr Abbott (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996* and the *Workplace Relations Regulations 1996*, and for related purposes.

Bill read a first time.

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

Paper

Mr Abbott presented an explanatory memorandum to the Bill.

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

6 TRADE PRACTICES AMENDMENT (SMALL BUSINESS PROTECTION) BILL 2002

Mr Hockey (Minister for Small Business and Tourism), pursuant to notice, presented a Bill for an Act to amend the *Trade Practices Act 1974*, and for related purposes.

Bill read a first time.

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

Paper

Mr Hockey presented an explanatory memorandum to the Bill.

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

7 TRANSPORT AND REGIONAL SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2002

Mr Tuckey (Minister for Regional Services, Territories and Local Government), 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 Tuckey moved—That the Bill be now read a second time.

Paper

Mr Tuckey presented an explanatory memorandum to the Bill.

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

8 PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) AMENDMENT BILL 2002

Mr Tuckey (Minister for Regional Services, Territories and Local Government), pursuant to notice, presented a Bill for an Act to amend the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, and for related purposes.

Bill read a first time.

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

Paper

Mr Tuckey presented an explanatory memorandum to the Bill.

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

9 HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2002

Dr Nelson (Minister for Education, Science and Training), pursuant to notice, presented a Bill for an Act to amend the *Higher Education Funding Act 1998* and the *Australian Research Council Act 2001*, and for other purposes.

Bill read a first time.

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

Paper

Dr Nelson presented an explanatory memorandum to the Bill.

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

10 THERAPEUTIC GOODS AMENDMENT BILL (NO. 1) 2002

Ms Worth (Parliamentary Secretary to the Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

Bill read a first time.

Ms Worth moved—That the Bill be now read a second time.

Paper

Ms Worth presented an explanatory memorandum to the Bill.

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

11 SPACE ACTIVITIES AMENDMENT BILL 2002

Mr I. E. Macfarlane (Minister for Industry, Tourism and Resources), pursuant to notice, presented a Bill for an Act to amend the *Space Activities Act 1998*, and for related purposes.

Bill read a first time.

Mr I. E. Macfarlane moved—That the Bill be now read a second time.

Paper

Mr I. E. Macfarlane presented an explanatory memorandum to the Bill.

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

12 COAL INDUSTRY REPEAL (VALIDATION OF PROCLAMATION) BILL 2002

Mr I. E. Macfarlane (Minister for Industry, Tourism and Resources), pursuant to notice, presented a Bill for an Act to validate the Proclamation fixing 1 January 2002 as the commencement date of the *Coal Industry Repeal Act 2001*, and for related purposes.

Bill read a first time.

Mr I. E. Macfarlane moved—That the Bill be now read a second time.

Paper

Mr I. E. Macfarlane presented an explanatory memorandum to the Bill.

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

13 MINISTERS OF STATE AMENDMENT BILL 2002

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 K. J. Andrews—Minister for Ageing), and the resumption of the debate made an order of the day for a later hour this day.

14 BILL REFERRED TO MAIN COMMITTEE

Mr Lloyd (Chief Government Whip), by leave, moved—That the Ministers of State Amendment Bill 2002 be referred to the Main Committee for further consideration.

Question—put and passed.

15 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2002

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. 4, 19 February 2002, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Dr Nelson (Minister for Education, Science and Training), the Bill was read a third time.

16 WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002

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 by Mr McClelland who 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:

- (1) confirms that the protection from being unfairly dismissed is a fundamental safety net issue for Australian workers and their families irrespective of the size of the business in which they are employed;
- (2) notes that the Australian Labor Party, in Opposition and as a future Government, is committed to working with small business, employees and peak bodies to make unfair dismissal laws more effective by addressing procedural complexities and costs; and
- (3) condemns the Government for:
 - (a) promoting socially divisive policies for its political purposes;
 - (b) using the issue of unfair dismissal to deflect criticism of the fact that its taxation policies have tied up small business in an unprecedented level of complexity and red tape;
 - (c) proposing legislation that would actually expose small business to other areas of more complex and costly litigation;
 - (d) undermining the security that unfair dismissal laws have given Australian workers and their families;
 - (e) failing to assist small business to develop effective human resource strategies in terms of the selection, ongoing training, supervision and management of employees; and
 - (f) failing to heed calls from the small business community for a more constructive approach to the issue of unfair dismissal that is likely to result in uniform national standards underpinned by the concept of a ‘fair go all round’ ”.

Debate continued.

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.

17 QUESTIONS

Questions without notice were asked.

18 PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Abbott (Leader of the House) presented the following papers:

Administrative Review Council—Report for 2000-01.

National Australia Day Council—Report for 2000-01.

Native Title Act—Native title representative bodies—

Cape York Land Council—Report for 2000-01.

Gurang Land Council (Aboriginal Corporation)—Report for 2000-01.

Kimberley Land Council—Report for 2000-01.

Mirimbiak Nations Aboriginal Corporation—Report for 2000-01.

Ngaanyatjarra Council (Aboriginal Corporation)—Report for 2000-01.

Queensland South Representative Body aboriginal Corporation—Report for 2000-01.

and moved—That the House take note of the papers.

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

19 LEAVE OF ABSENCE TO MEMBER

Mr Crean (Leader of the Opposition) moved—That leave of absence from 19 March to 18 August 2002 be given to Ms Burke for maternity purposes.

Question—put and passed.

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PUBLIC SERVICE AND THE DEFENCE FORCES

The House was informed that Mr Rudd had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s systematic abuse of the public service and the defence forces for political and other purposes”.

The proposed discussion having received the necessary support—

Mr Rudd addressed the House.

Discussion ensued.

Member ordered to withdraw

At 3.53 p.m. the Member for Denison (Mr Kerr) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after being called to order by the Chair, and he accordingly withdrew from the Chamber.

Discussion continued.

Discussion concluded.

21 SELECTION COMMITTEE—REPORT—GENERAL PRINCIPLES—PRIVATE MEMBERS’ BUSINESS

Mr Causley (Chair) presented the following report from the Selection Committee:

General principles relating to the selection of private Members’ business, 20 February 2002.

The report is as follows:

REPORT

The Selection Committee submits its report to the House on the proposed general principles relating to the selection of private Members’ business, and recommends its adoption.

In accordance with standing order 331 the Selection Committee has resolved that the general principles be as follows:

Proposed general principles relating to the selection of private Members’ business

- (1) In formulating the priority to be given to items of private Members’ business the Selection Committee shall have regard to:
 - (a) the importance of the subject;
 - (b) the current level of interest in the subject;
 - (c) the extent of the current discussion on the subject both in the Parliament and elsewhere;
 - (d) the extent to which the subject comes within the responsibility of the Commonwealth Parliament;
 - (e) the probability of the subject being brought before the House by other means within a reasonable time; and
 - (f) whether the subject is the same, or substantially the same, as another item of business which has been debated or on which the House has already made a decision in the same period of sittings and, if so, whether new circumstances exist.
- (2) The Committee shall accord priority to private Members’ business:
 - (a) with regard to the numbers of Members affiliated with each party in the House;
 - (b) in a way which ensures that a particular Member or the Members who comprise the Opposition Executive do not predominate as the movers of the items selected; and
 - (c) in a way which seeks to ensure balance is achieved over each period of sittings.
- (3) When a private Member has the responsibility for the carriage of a Bill transmitted from the Senate for concurrence, the Bill shall be accorded priority following the question for the second reading being put to the House in the same way as a private Member’s Bill originating in the House is accorded priority by standing order 104A.

- (4) Priority shall not be accorded to any item of private Members' business if the matter should be dealt with by the House in another, more appropriate, form of proceeding.
- (5) The general principles set out above shall be observed by the Selection Committee but nothing in the general principles shall be taken to prevent the Selection Committee departing from those general principles in order to meet circumstances, which, in its opinion, are unusual or special.

IAN CAUSLEY

Chair

20 February 2002

Mr Tuckey (Minister for Regional Services, Territories and Local Government), by leave, moved—That the proposed general principles relating to the selection of private Members' business reported to the House by the Selection Committee this day be adopted.

Question—put and passed.

22 SELECTION COMMITTEE—REPORT

Mr Causley (Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on 11 March 2002.

23 COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2002—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the Bill had been agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Tuckey (Minister for Regional Services, Territories and Local Government), by leave, the Bill was read a third time.

24 RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2002—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 Tuckey (Minister for Regional Services, Territories and Local Government), by leave, the Bill was read a third time.

25 MINISTERS OF STATE AMENDMENT BILL 2002—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the Bill had been agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Tuckey (Minister for Regional Services, Territories and Local Government), by leave, the Bill was read a third time.

26 WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002

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 McClelland (see item 16, page 62)—*

Debate resumed.

27 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Deputy Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 20 February 2002:

Australian Communications Authority Act—Determinations—2002—
Telecommunications (Charges).

Telecommunications (Facility Installation Permit—Application Charge).

Telecommunications (Facility Installation Permit—Public Inquiry Charges).

Civil Aviation Act—Civil Aviation Regulations—
Amendment Order—2002 No. 3.

Instruments—2002 Nos CASA 107, CASA 123.

Customs Act—Instruments of approval—2002 Nos 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

Radiocommunications Act—
Class Licences—2002—

Radiocommunications (27MHz handphone stations).

Radiocommunications (Citizen band radio stations).

Radiocommunications (Infrared devices).

Radiocommunications (Radio-controlled models).

Class Licence Variation—2002—Radiocommunications Miscellaneous Devices (No. 1).

Telecommunications Act 1997—Instrument—2002 Telecommunications Numbering Plan Amendment (No. 1).

Telecommunications (Carrier Licence Charges) Act—Determination—2002 Telecommunications (Carrier Licence Application Charge).

ATTENDANCE

All Members attended (at some time during the sitting) except Mr P. E. King.

I. C. HARRIS
Clerk of the House of Representatives

2002

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 6

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 20 FEBRUARY 2002

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2002

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. 5, 11 February 2002, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

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 RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2002

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.

5 CHRISTMAS 2001 BUSHFIRES

The order of the day having been read for the resumption of the debate on the motion of Mr Howard (Prime Minister)—That the House:

- (1) extends its sympathies to those Australians who suffered personal losses during the Christmas 2001 bushfires that raged across New South Wales;
- (2) acknowledges the tireless commitment of the thousands of individuals from rural and metropolitan fire brigades, emergency and rescue services, ambulance services, the defence force, police, welfare groups, government agencies, councils and businesses from across the country who were involved in fighting these fires;
- (3) expresses its enduring gratitude and admiration to these Australians, many of whom were volunteers, for their efforts and sacrifices and in particular acknowledges the bravery of those who risked their lives in fighting the fires; and
- (4) recognises that the way that the community heroically pulled together in a time of crisis truly demonstrates the strength of the Australian spirit.

Debate resumed.

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 the next day of sitting.

6 MINISTERS OF STATE AMENDMENT BILL 2002

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. 6, 20 February 2002, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

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 ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH

The order of the day having been read for the resumption of the debate on the question—That the Address in Reply to the speech of His Excellency the Governor-General be agreed to (*see item number 7, page 18*)—

Debate resumed.

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

8 ADJOURNMENT

On the motion of Mr Neville, the Main Committee adjourned at 1.33 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