

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 9

TUESDAY, 12 MARCH 2002

1 The House met, at 2 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 Hockey (Minister for Small Business and Tourism) presented the following paper:

Menu for small business—Page from website of Dick Adams MP, printed 12 March 2002.

Questions without notice continuing—

Member ordered to withdraw

At 3.22 p.m. the Member for Charlton (Ms Hoare) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and she accordingly withdrew from the Chamber.

Questions without notice continuing—

Suspension of standing orders—Motion of censure of Prime Minister

Mr Crean (Leader of the Opposition), moved—That so much of the standing orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House censure the Prime Minister for:

- (1) his failure to ensure that he upheld his own Guide to Key Elements of Ministerial Responsibility, particularly:
 - (a) his failure to correct the public record through his repeated failure to disclose to the Australian public on 8 November 2001, and through his misleading of the House on 14 February 2002, that he was aware of doubts as to the veracity of the photographs of the alleged children overboard incident;
 - (b) his misleading of the House yesterday in which he failed to disclose that he knew of the transfer of funding for GP House on or before 17 October 2001; and
- (2) his failure to ensure that the former Minister for Defence, Mr Reith, upheld the Prime Minister's own Guide to Key Elements of Ministerial Responsibility, particularly the failure of Mr Reith to disclose at the earliest available opportunity that he had been advised on 7 November 2001 by the Acting Chief of the Australian Defence Forces, Air Vice Marshall Houston, that the photographs were not of the alleged children overboard incident; and
- (3) his failure to ensure that the Treasurer and the then Minister for Finance, Mr Fahey, upheld the Prime Minister's own Guide to Key Elements of Ministerial Responsibility, particularly the Treasurer's and the former Minister for Finance's failure to fully disclose the source of the funding for GP House in the Mid Year Economic and Fiscal Outlook released on 17 October 2001.

Debate ensued.

Question—put.

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

AYES, 60

Mr Adams	Mr Evans	Mr Latham	Ms Plibersek
Mr Albanese	Mr L. D. T. Ferguson	Dr Lawrence	Mr Price
Mr Beazley	Mr M. J. Ferguson	Ms Livermore	Mr Quick*
Mr Bevis	Ms George	Mr McClelland	Mr Ripoll
Mr Brereton	Mr Gibbons	Ms J. S. McFarlane	Ms Roxon
Ms Burke	Ms Gillard	Ms Macklin	Mr Sawford
Mr Byrne	Ms Grierson	Mr McLeay	Mr Sercombe
Ms Corcoran	Mr Griffin	Mr McMullan	Mr Sidebottom
Mr Cox	Ms Hall	Dr Martin	Mr S. F. Smith
Mr Crean	Mr Hatton	Mr Melham	Mr Swan
Mrs Crosio	Mrs Irwin	Mr Mossfield	Mr Tanner
Mr Danby*	Ms Jackson	Mr Murphy	Mr K. J. Thomson
Mr Edwards	Mr Jenkins	Ms O'Byrne	Ms Vamvakinou
Ms Ellis	Mr Kerr	Mr B. P. O'Connor	Mr Wilkie
Mr Emerson	Ms C. F. King	Mr G. M. O'Connor	Mr Zahra

NOES, 79

Mr Abbott	Mrs Draper	Mrs D. M. Kelly	Mr Ruddock
Mr Anderson	Mr Dutton	Jackie Kelly	Mr Schultz
Mr K. J. Andrews	Mrs Elson	Dr Kemp	Mr Scott
Mr Anthony	Mr Entsch	Mr P. E. King	Mr Secker
Fran Bailey	Mr Farmer	Mrs Ley	Mr Slipper
Mr Baird	Mr Forrest*	Mr Lindsay	Mr A. D. H. Smith
Mr Baldwin	Mrs Gallus	Mr Lloyd	Mr Somlyay
Mr Barresi	Ms Gambaro	Mr McArthur*	Dr Stone
Mr Bartlett	Mrs Gash	Mr I. E. Macfarlane	Mr C. P. Thompson
Mr Billson	Mr Georgiou	Mr McGauran	Mr Ticehurst
Mrs B. K. Bishop	Mr Haase	Mrs May	Mr Tollner
Mr Brough	Mr Hardgrave	Mrs Moylan	Mr Truss
Mr Cadman	Mr Hartsuyker	Mr Nairn	Mr M. A. J. Vaile
Mr Cameron	Mr Hawker	Dr Nelson	Mrs D. S. Vale
Mr Causley	Mr Hockey	Mr Neville	Mr Wakelin
Mr Charles	Mr Howard	Ms Panopoulos	Dr Washer
Mr Ciobo	Mrs Hull	Mr Pearce	Mr Williams
Mr Cobb	Mr Hunt	Mr Prosser	Mr Windsor
Mr Costello	Mr Johnson	Mr Pyne	Ms Worth
Mr Downer	Mr Jull	Mr Randall	

* Tellers

And so it was negatived.

Questions without notice concluded.

3 PAPER

Mr Abbott (Leader of the House), by indulgence, added to an answer given during question time and presented the following paper:

ALP Levy “Won’t impact on jobs”—Extract of interview with Mr McClelland, March 2001.

4 AUDITOR-GENERAL’S REPORTS

The Speaker presented the following papers:

Auditor-General—Audit reports of 2001-2002—

No. 33—Assurance and control assessment audit—Senate order of 20 June 2001 (February 2002).

No. 34—Assurance and control assessment audit—Management of Travel—Use of taxis.

No. 35—Performance audit—ATO progress in addressing the cash economy—Australian Taxation Office.

Severally ordered to be printed.

5 PAPERS

The following papers were presented:

Australian Submarine Corporation—Report for 2000-01.

Bundanon Trust—Report for 2000-01.

Commonwealth Grants Commission—Report on State revenue sharing relativities—2002 update.

Department of the Prime Minister and Cabinet—Expenditure on travel by former Governors-General—1 January to 30 June 2001.

National Institute of Clinical Studies Limited—Report for 2000-01.

National Office of Local Government—Report for 2000-01.

Treaties—

Bilateral—Text, together with national interest analyses—

Agreement between Australia and Uruguay on the promotion and protection of investments, done at Punta Del Este, Uruguay on 3 September 2001.

Agreement between the Commonwealth of Australia and the Kingdom of the Netherlands on mutual administrative assistance for the proper application of customs law and for the prevention, investigation and combating of customs offences, done at The Hague on 24 October 2001.

Agreement between the Government of Australia and the Government of the Arab Republic of Egypt on the promotion and protection of investments, done at Cairo on 3 May 2001.

Agreement between the Government of Australia and the Government of the Kyrgyz Republic concerning the status of Australian forces in the Kyrgyz Republic, done at Bishkek on 14 February 2002.

Agreement between the Government of Australia and the Government of the Republic of France on employment of dependents of agents of official missions of one of the two states in the other state, done at Adelaide on 2 November 2001.

Exchange of Notes amending the agreement on social security between the Government of Australia and the Government of New Zealand, done at Canberra on 28 March 2001.

Text, together with national interest analyses and regulation impact statements—

Agreement between the Government of Australia and the Government of the United States of America on social security, done at Canberra on 27 September 2000.

Exchange of Letters, done at Canberra on 27 September-25 October 2001, constituting an agreement between the Government of Australia and the Government of the New Zealand amending the agreement between the Government of Australia and the Government of New Zealand establishing a system for development of joint food standards of 1995.

Protocol, done at Canberra on 27 September 2001, amending the convention between the Government of Australia and the Government of the United States of America for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, done at Sydney on 6 August 1982.

Multilateral—Text, together with national interest analyses—

Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children, done at The Hague on 19 October 1996.

Convention on the recognition of qualifications concerning higher education in the European region, done at Lisbon on 11 April 1997.

International convention for the suppression of terrorist bombings, done at New York on 15 December 1997.

Pacific agreement on closer economic relations (PACER) done at Nauru on 18 August 2001.

6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FOREIGN CURRENCY SWAPS

The House was informed that Mr McMullan had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The gross financial mismanagement of the Government’s foreign currency swaps which has led to accumulated losses of billions of dollars for Australian taxpayers”.

The proposed discussion having received the necessary support—

Mr McMullan addressed the House.

Discussion ensued.

Discussion concluded.

7 COMMITTEES—STANDING ORDERS—AMENDMENTS

Mr Abbott (Leader of the House), pursuant to notice, moved—That, unless otherwise ordered, the following amendment to the standing orders be made:

Omit standing order 324 and substitute the following standing order:

General purpose standing committees

324 (a) The following general purpose standing committees shall be appointed:

- (i) Standing Committee on Aboriginal and Torres Strait Islander Affairs;
- (ii) Standing Committee on Ageing;
- (iii) Standing Committee on Agriculture, Fisheries and Forestry;
- (iv) Standing Committee on Communications, Information Technology and the Arts;
- (v) Standing Committee on Economics, Finance and Public Administration;
- (vi) Standing Committee on Education and Training;
- (vii) Standing Committee on Employment and Workplace Relations;
- (viii) Standing Committee on Environment and Heritage;
- (ix) Standing Committee on Family and Community Affairs;
- (x) Standing Committee on Industry and Resources;
- (xi) Standing Committee on Legal and Constitutional Affairs;
- (xii) Standing Committee on Science and Innovation; and
- (xiii) Standing Committee on Transport and Regional Services.

(b) A standing committee appointed pursuant to paragraph (a) shall be empowered to inquire into and report on any matter referred to it by either the House or a Minister, including any pre-legislation proposal, bill, motion, petition, vote or expenditure, other financial matter, report or paper.

Annual reports of government departments and authorities and reports of the Auditor-General tabled in the House shall stand referred to the relevant committee for any inquiry the committee may wish to make. Reports shall stand referred to committees in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee.

Provided that:

- (i) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker;
 - (ii) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that department or authority is presented to the House; and
 - (iii) if a committee intends to inquire into all or part of a report of the Auditor-General, it shall notify the Joint Committee of Public Accounts and Audit, in writing, of its intention.
- (c) Each committee appointed under subparagraphs (a)(i) to (a)(xiii) shall consist of 10 members, six government and four non-government members. Each committee may be supplemented with up to two members for a particular inquiry: provided that a maximum of one government and one non-government member may be appointed as supplementary members.

Debate ensued.

Question—put and passed.

8 HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 1) 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 Hardgrave (Minister for Citizenship and Multicultural Affairs), by leave, the Bill was read a third time.

9 POSTPONEMENT OF NOTICES

Ordered—That notices Nos 2 to 7, government business, be postponed until a later hour this day.

10 AUSTRALIAN CITIZENSHIP LEGISLATION 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.

Ms J. S. McFarlane 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 a later hour this day.

11 SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to enhance the Commonwealth's ability to combat terrorism, treason and politically motivated violence, 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 Melham), and the resumption of the debate made an order of the day for the next sitting.

12 SUPPRESSION OF THE FINANCING OF TERRORISM BILL 2002

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Criminal Code Act 1995*, the *Financial Transaction Reports Act 1988*, the *Mutual Assistance in Criminal Matters Act 1987* and the *Charter of the United Nations Act 1945* 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 Melham), and the resumption of the debate made an order of the day for the next sitting.

13 CRIMINAL CODE AMENDMENT (SUPPRESSION OF TERRORIST BOMBINGS) BILL 2002

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to create offences relating to international terrorist activities using explosive or lethal devices, 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 Melham), and the resumption of the debate made an order of the day for the next sitting.

14 BORDER SECURITY LEGISLATION AMENDMENT BILL 2002

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to border security, 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 Melham), and the resumption of the debate made an order of the day for the next sitting.

15 TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2002

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to telecommunications interceptions, 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 Melham), and the resumption of the debate made an order of the day for the next sitting.

16 CHRISTMAS 2001 BUSHFIRES—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the order of the day relating to the Christmas 2001 bushfires motion by the Prime Minister had been debated in the Main Committee and returned to the House (*see item No. 4, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the motion.

Question—put and passed.

17 BILL REFERRED TO MAIN COMMITTEE

Mr Lloyd (Chief Government Whip), by leave, moved—That the Taxation Laws Amendment (Film Incentives) Bill 2002 be referred to the Main Committee for further consideration.

Question—put and passed.

18 MESSAGES FROM THE SENATE

Messages from the Senate, 12 March 2002, were reported acquainting the House that the Senate had agreed to resolutions concerning capital works within the Parliamentary Zone, being:

- (a) the construction of two outdoor playgrounds for the childcare centre in the Treasury Building—Message No. 3; and
- (b) the refurbishment of the former Communications Centre in the John Gorton Building—Message No. 4.

19 AUSTRALIAN CITIZENSHIP LEGISLATION 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 third reading to be moved forthwith.

On the motion of Mr Hardgrave (Minister for Citizenship and Multicultural Affairs), the Bill was read a third time.

20 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (FURTHER SIMPLIFICATION OF INTERNATIONAL PAYMENTS) 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. 8, 15 February 2002, 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 Latham moved the Opposition amendment.

Amendment negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Anthony (Minister representing the Minister for Family and Community Services), by leave, the Bill was read a third time.

21 ADJOURNMENT

Mr Anthony (Minister for Children and Youth Affairs) moved—That the House do now adjourn.

Debate ensued.

Paper

Mr P. E. King, by leave, presented the following paper:

Report on visit to the State of Israel, 18 to 25 February 2002—Mr Peter King MP, Member for Wentworth.

Debate continued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 12 March 2002:

Defence Act—Determination under section 58B—2002 No. 2.

Financial Management and Accountability Act—Determinations to establish a special account—2002—Financial Management and Accountability (Special Accounts) No. 1.

Financial Management and Accountability (Special Accounts) Amendment (No. 1).

National Health Act—Determination under Schedule 1, paragraph (bj)—2002 No. HSR 6.

Sydney Airport Curfew Act—Dispensation—2002 No. 2.

ATTENDANCE

All Members attended (at some time during the sitting) except Ms J. I. Bishop, Mr Fitzgibbon, Mr Rudd, Mr Sciacca, Mr Snowdon, Dr Southcott and Mr Tuckey.

I. C. HARRIS
Clerk of the House of Representatives

2002

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 9

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

TUESDAY, 12 MARCH 2002

1 The Main Committee met at 4.30 p.m.

2 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 (Ms Worth—Parliamentary Secretary to the Minister for Health and Ageing), and the resumption of the debate made an order of the day for the next day of sitting.

3 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos 2 to 4, government business, be postponed until the next sitting.

4 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.

Mr Neville moved—That further proceedings be conducted in the House.

Question—put and passed.

5 ADJOURNMENT

On the motion of Mr Neville, the Main Committee adjourned at 6.32 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