

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 63

TUESDAY, 3 DECEMBER 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—

Papers

Mr Howard (Prime Minister) presented the following papers:

Electoral enrolment application forms—Mr A. J. Rogers—

12 March 2001.

22 November 2002.

Land Tax Assessment—Copy of letter to Office of State Revenue from Mr A. J. Rogers, 3 December 2002.

Questions without notice continued.

3 PAPER

Mr Downer (Minister for Foreign Affairs) presented the following paper:

Saddam Hussein: Crimes and human rights abuses—Report by Foreign and Commonwealth Office, London, November 2002.

4 AUDITOR-GENERAL'S REPORTS

The Speaker presented the following papers:

Auditor-General—Audit reports of 2002-2003—

No. 18—Business support process audit—Management of trust monies.

No. 19—Performance audit—The Australian Taxation Office's management of its relationship with tax practitioners.

Reports ordered to be printed.

5 PAPERS

The following papers were presented:

Australian National Residue Survey—Results for 2001-02.

Australian Technology Group Limited—Financial statements for 2002.

Companies Auditors and Liquidators Disciplinary Board—Report for 2001-02.

Department of Health and Ageing—Report for 2001-02—Erratum.

Department of Transport and Regional Services—Report for 2001-02—Erratum.

Employment Advocate—Report for 2001-02—Erratum.

Finance—

Consolidated financial statements in respect of the year ending 30 June 2002.

Mid-year economic and fiscal outlook 2002-03.

Freedom of Information Act—Report for 2001-02.

Health Services Australia—Report for 2001-02.

Inspector-General of Intelligence and Security—Report for 2001-02.

Medibank Private—Statement of corporate intent—2002 to 2005.

Members of Parliament (Staff) Act—Report on consultants engaged under section 4 for 2001-02.

States Grants (Primary and Secondary Education Assistance) Act 2000—Reports on financial assistance granted to each State in respect of 2001.

Treaties—*Multilateral*—

Text, together with national interest analyses—

Amendment, done at Cambridge, United Kingdom on 14 October 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946.

International Treaty on Plant Genetic Resources for Food and Agriculture (Rome, 3 November 2001).

Text, together with national interest analysis and regulation impact statement—Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on 5 September 1997.

War Crimes Act—Report for 2001-2002—Corrigendum.

6 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Companies Auditors and Liquidators Disciplinary Board—Report for 2001-02.

Department of Health and Ageing—Report for 2001-02—Erratum.

Employment Advocate—Report for 2001-02—Erratum.

Freedom of Information Act—Report for 2001-02.

Finance—

Consolidated financial statements in respect of the year ending 30 June 2002.

Mid-year economic and fiscal outlook 2002-03.

Health Services Australia—Report for 2001-02.

Medibank Private—Statement of corporate intent—2002 to 2005.

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

7 MANAGING MIGRATION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr Ruddock (Minister for Immigration and Multicultural and Indigenous Affairs), by leave, made a ministerial statement on managing migration and presented the following papers:

Managing Migration—Ministerial Statement.

Migration series instructions—

No. 370—Procedures for unaccompanied wards in immigration detention facilities.

No. 371—Alternative places of detention.

Mr Williams (Attorney-General) moved—That the House take note of the Ministerial Statement.

Suspension of standing and sessional orders—Extended time for speech

Mr Williams, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Ms Gillard speaking for a period not exceeding 35 minutes.

Question—put and passed.

Ms Gillard addressed the House.

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

8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MINISTERIAL CONDUCT

The House was informed that Mr Latham had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s failure to uphold proper standards of ministerial conduct”.

The proposed discussion having received the necessary support—

Mr Latham addressed the House.

Discussion ensued.

Discussion concluded.

9 SELECTION COMMITTEE—REPORT

Mr Jenkins (Acting Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 9 December 2002.

10 MAIN COMMITTEE—DAY OF NEXT MEETING

The Deputy Speaker reported that Wednesday, 4 December 2002, at 9.40 a.m., had been fixed for the next meeting of the Main Committee.

11 BILL REFERRED TO MAIN COMMITTEE

Mr Lloyd (Chief Government Whip), by leave, moved—That the Commonwealth Volunteers Protection Bill 2002 be referred to the Main Committee for further consideration.

Question—put and passed.

12 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

14 November 2002—Message—

No. 82—Criminal Code Amendment (Offences Against Australians) 2002.

No. 83—

Workplace Relations Amendment (Registration and Accountability of Organisations) 2002.

Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) 2002.

13 MESSAGES FROM THE SENATE

Message No. 170, 2 December 2002, from the Senate was reported acquainting the House that Senator Johnston had been appointed a member of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund.

14 MESSAGE FROM THE SENATE—PLANT BREEDER'S RIGHTS AMENDMENT BILL 2002

Message No. 161, 18 November 2002, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Plant Breeder's Rights Act 1994*, 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.

15 MESSAGE FROM THE GOVERNOR-GENERAL—HEALTH INSURANCE AMENDMENT (PROFESSIONAL SERVICES REVIEW AND OTHER MATTERS) BILL 2002

Message No. 81, 3 December 2002, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of an amendment to a Bill for an Act to amend the *Health Insurance Act 1973*, and for other purposes.

16 MESSAGE FROM THE SENATE—HEALTH INSURANCE AMENDMENT (PROFESSIONAL SERVICES REVIEW AND OTHER MATTERS) BILL 2002

Message No. 165, 18 November 2002, from the Senate was reported returning the Health Insurance Amendment (Professional Services Review and Other Matters) Bill 2002 with a request for an amendment.

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

On the motion of Mr K. J. Andrews (Minister for Ageing), the requested amendment was made.

17 MESSAGE FROM THE SENATE—FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (AUSTRALIANS WORKING TOGETHER AND OTHER 2001 BUDGET MEASURES) BILL 2002

Message No. 159, 15 November 2002, from the Senate was reported returning the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002, as divided and incorporating the Senate's amendments, and requesting the

concurrence of the House of Representatives in the action taken by the Senate and in the amendments made by the Senate.

Purported division of Bill by Senate—Statement by Deputy Speaker

The Deputy Speaker made the following statement:

Before the House proceeds with any action in relation to this message I wish to draw the attention of the House to the fact that the Senate has purported to divide the original Bill into two Bills and purported to make certain amendments. The Senate has transmitted one of the proposed Bills to the House, and has not completed its consideration of the second proposed Bill. The Senate has requested the concurrence of the House in the action taken by the Senate, and in amendments made by the Senate.

The House will recall that, on 29 August this year, in relation to the Research Involving Embryos and Human Cloning Bill 2002, I advised the House that there was no constraint upon the house in which a Bill originated considering a proposal to divide a Bill.

I reminded the House that on two occasions since 1995, the Senate had requested the House to consider a proposal to divide a House Bill. The position of the House has been that the division of a Bill in the house in which the Bill did not originate was not desirable.

Also, I understand that there may be grounds for the Senate action in purporting to divide a House Bill being considered to provide the first stage of a failure to pass a Bill for the purposes of section 57 of the Constitution.

On the two previous occasions on which a Senate message purported to divide a Bill originating in the House, the House did not consider the message seeking the concurrence of the House in the Senate action. It rests with the House as to whether it will consider the Senate message on this occasion.

Mr Anthony (Minister for Children and Youth Affairs) moved—That the House:

- (1) endorses the statement of the Deputy Speaker concerning the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002 and Senate message No. 159;
- (2) declines to consider Senate message No. 159; and
- (3) requests the Senate to reconsider the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002 as originally transmitted to the Senate by House of Representatives' message No. 77 of 30 May 2002.

Debate ensued.

Question—put.

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

AYES, 80

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 Secker
Mr Anthony	Mr Entsch	Mr P. E. King	Mr Slipper
Fran Bailey	Mr Farmer	Mrs Ley	Mr A. D. H. Smith
Mr Baird	Mr Forrest*	Mr Lindsay	Mr Somlyay
Mr Baldwin	Mrs Gallus	Mr Lloyd	Dr Southcott
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
Ms J. I. Bishop	Mr Hardgrave	Mrs Moylan	Mr Truss
Mr Brough	Mr Hartsuyker	Mr Nairn	Mr Tuckey
Mr Cadman	Mr Hawker	Dr Nelson	Mr M. A. J. Vaile
Mr Cameron	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr Charles	Mrs Hull	Ms Panopoulos	Mr Wakelin
Mr Ciobo	Mr Hunt	Mr Pearce	Dr Washer
Mr Cobb	Mr Johnson	Mr Prosser	Mr Williams
Mr Costello	Mr Jull	Mr Pyne	Mr Windsor
Mr Downer	Mr Katter	Mr Randall	Ms Worth

NOES, 60

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

* Tellers

And so it was resolved in the affirmative.

18 MESSAGE FROM THE SENATE

Message No. 171, 2 December 2002, from the Senate was reported acquainting the House of the following resolution agreed to by the Senate:

That the Senate—

- (a) notes, with concern, indications by the Government that it is considering entering into an agreement with the United States of America (US), pursuant to which Australia would agree not to surrender US nationals to the International Criminal Court without the consent of the US; and
- (b) refers the proposed agreement to the Joint Standing Committee on Treaties for inquiry and report, with particular reference to the following matters:
 - (i) whether the proposed agreement would breach the terms of, or be otherwise inconsistent with the spirit of, the Rome Statute which Australia has ratified;
 - (ii) the effect of the proposed agreement, either itself or in conjunction with similar agreements between the US and other states, on the ability of the International Criminal Court to effectively fulfil its intended function;

- (iii) the implications of any extradition provisions in the proposed agreement and whether the proposed agreement would require the re-negotiation of existing extradition agreements to which Australia is a party; and
- (iv) the implications of the proposed agreement with respect to Australia's national interest.

19 MEDICAL INDEMNITY 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 S. F. Smith who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “while supporting the passage of the Bills, the House:

- (1) condemns the Government for not adequately recognising the medical indemnity insurance problem and not acting quickly enough to address its adverse effects, including higher medical costs and reduced availability of services for Australians and their families;
- (2) condemns the Government for failing to address the effects of higher medical indemnity insurance premiums on midwives, private hospitals, family planning clinics and aboriginal medical services; and
- (3) calls on the Government to:
 - (a) assume a leadership role in the co-ordination of reforms necessary to State and Territory laws with the aim of uniformity in tort law reforms;
 - (b) consider putting in place a national scheme to ensure the long term care and rehabilitation needs of catastrophically injured Australians;
 - (c) ask the ACCC to ensure that whatever changes occur in medical indemnity insurance, no unfair or unreasonable oncosts flow to patients for the cost of their health care;
 - (d) play a more active role in bringing together medical defence organisations and representing them in negotiations with reinsurers; and
 - (e) support APRA with appropriate resources to fulfil its greater regulatory role in medical indemnity insurance”.

Debate continued.

Mrs Crosio addressing the House—

20 ADJOURNMENT

It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

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

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton*, Mr Causley*, Mr Scott*, Ms Vamvakinou and Mr Zahra.

* On leave

I. C. HARRIS
Clerk of the House of Representatives