

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 123

TUESDAY, 7 OCTOBER 2003

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

2 MINISTERIAL CHANGES AND ARRANGEMENTS—PAPER

Mr Howard (Prime Minister) presented the following paper:

Howard Ministry, 7 October 2003,

and informed the House that, during the absence abroad of Dr Kemp (Minister for the Environment and Heritage), Mr Truss (Minister for Agriculture, Fisheries and Forestry) would answer questions on his behalf.

3 QUESTIONS

Questions without notice were asked.

4 PAPER

Pursuant to section 65 of the *Parliamentary Service Act 1999*, the Speaker presented the following paper:

Department of the House of Representatives—Report for 2002-03.

Ordered to be printed.

5 AUDITOR-GENERAL—AUSTRALIAN NATIONAL AUDIT OFFICE—REPORTS

The Speaker presented the following papers:

Auditor-General—

Australian National Audit Office—Report for 2002-2003; and

Audit report No. 7 of 2003-2004—Business support process audit—Recordkeeping in large Commonwealth organisations.

Reports ordered to be printed.

6 PAPERS

The following papers were presented:

Aged Care Act 1997—Report for 2002-03.

Council of Financial Regulators—Report for 2002.

Crimes Act—Controlled operations—Report for 2002-03.

Medibank Private—

Report for 2002-03.

Statement of corporate intent—2003 to 2006.

Reserve Bank of Australia—Payments System Board—Report for 2003.

7 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Aged Care Act 1997—Report for 2002-03.

Crimes Act—Controlled operations—Report for 2002-03.

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

8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MEDICARE AND MEDICAL INDEMNITY

The House was informed that Ms Gillard had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The government’s plan to destroy Medicare and the government’s creation of the medical indemnity crisis”.

The proposed discussion having received the necessary support—

Ms Gillard addressed the House.

Discussion ensued.

Discussion concluded.

9 PRIVILEGES COMMITTEE—PAPERS—STATEMENT BY MEMBER

Mr Somlyay (Chair), by leave, presented the following papers:

Privileges Committee—

Protection of persons referred to in the House—Revised guidelines.

Handling of Members’ records and documents—Common questions.

Mr Somlyay, by leave, made a statement in connection with the papers.

10 BILLS REFERRED TO MAIN COMMITTEE

Mr Lloyd (Chief Government Whip), by leave, moved—That the following Bills be referred to the Main Committee for further consideration:

Petroleum (Submerged Lands) Amendment 2003;

Offshore Petroleum (Safety Levies) 2003;

Farm Household Support Amendment 2003;

Telecommunications Interception and Other Legislation Amendment 2003; and

Aboriginal Land Grant (Jervis Bay Territory) Amendment 2003.

Question—put and passed.

11 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:

23 September 2003—Message—

No. 167—

Australian Heritage Council 2003.

Australian Heritage Council (Consequential and Transitional Provisions) 2003.

No. 168—

Education Services for Overseas Students (Registration Charges) Amendment 2003.

Migration Amendment (Duration of Detention) 2003.

No. 169—

Higher Education Legislation Amendment Bill 2003.

Environment and Heritage Legislation Amendment (No. 1) 2003.

No. 170—Health Legislation Amendment (No. 1) 2003.

26 September 2003—Message No. 171—Quarantine Amendment (Health) 2003.

12 FAMILY AND COMMUNITY SERVICES AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2003 BUDGET AND OTHER MEASURES) BILL 2003

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 Swan 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 condemns:

- (1) the Government’s attempt to reduce the generosity of portability rules that assist people on social security benefits to attend to family commitments overseas; and
- (2) the Government’s failure to strengthen debt recovery rules to prevent Centrelink pressuring the aged and disabled to mortgage or sell their homes or use credit cards to recover debts that have arisen because of administrative errors rather than a deliberate attempt to defraud the Commonwealth”.

Debate continued.

Debate adjourned (Fran Bailey—Parliamentary Secretary to the Minister for Defence), and the resumption of the debate made an order of the day for a later hour this day.

13 MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) BILL 2003

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 L. D. T. Ferguson 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) supports the continuation of a statutory form of regulation of migration agents, believing that complete voluntary self-regulation, as advocated by the Coalition in the past, would seriously endanger vulnerable clients and badly undermine the integrity of our migration system;
- (2) expresses its dismay that the Government has allowed privileged access to Ministers, and Ministerial and Departmental staff, to a number of unregistered agents who are close associates of the Coalition;
- (3) notes growing concern about the Ministerial intervention process, particularly in so far as it entails unequal access by certain groups and individuals and arbitrary and non-transparent decision making by the Minister;
- (4) requires the Department of Immigration and Multicultural and Indigenous Affairs to display a stronger resolve to investigate and prosecute individuals engaged in unregistered practice, people trafficking, migration fraud and other offences under the Act, including matters referred to the Department by the Migration Agents Registration Authority (MARA);
- (5) urges MARA to address concerns about its visibility, efficiency, and accessibility and improve its means of communication with consumers, registered agents, ethnic community organisations and media outlets; and
- (6) requests the Minister for Citizenship and Multicultural Affairs to give priority attention to the need to bring overseas agents into the regulatory system and to develop a mechanism to require agents to maintain adequate professional indemnity insurance as a condition of registration”.

Debate continued.

Debate adjourned (Ms Gallus—Parliamentary Secretary to the Minister for Foreign Affairs), and the resumption of the debate made an order of the day for a later hour this day.

14 FAMILY AND COMMUNITY SERVICES AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2003 BUDGET AND OTHER MEASURES) BILL 2003

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 Swan (see item No. 12, page 1206)*—

Debate continued.

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

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

AYES, 73

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

NOES, 58

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

* Tellers

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.

Message from the Governor-General

Message No. 172, 23 September 2003, 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 Mr Anthony (Minister for Children and Youth Affairs), the Bill was read a third time.

15 MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) BILL 2003

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 L. D. T. Ferguson (see item No. 13, page 1207)*—

Debate resumed.

Mr G. M. O'Connor addressing the House—

16 ADJOURNMENT

It being 9 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 9.30 p.m., adjourned until tomorrow at 9 a.m.

PAPERS

The following papers were deemed to have been presented on 7 October 2003:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal—2003 No. 13.

Broadcasting Services Act—Broadcasting Services (Events) Notice No. 1 of 1994—Amendment 2003 No. 1.

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—
Part 39-105—2003 28 August, 3, 4(3), 10(14), 11, 15(2), 16, 17, 18(9), 19(6) September.

Part 39-106—2003 10 September.

Part 39-107—2003 10(3), 19 September.

Regulations—Statutory Rules 2003 No. 240.

Commonwealth Authorities and Companies Act—Notice under section 45—Commonwealth acquiring shares in Ceramic Fuel Cells Limited.

Customs Act—Instruments of approval—2003 Nos 24, 25.

Defence Act—

Defence Force Remuneration Tribunal—Determinations—2003 Nos 15, 16.

Regulations—Statutory Rules 2003 Nos 245, 246.

Defence Force (Home Loans Assistance) Act—Declarations of warlike service—
Operation Citadel, 16 September 2003.

Operation Falconer, 16 September 2003.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—
Certificates, 19 September 2003(2).

Environment Protection and Biodiversity Conservation Act—Instrument under section 33,
30 September 2003.

Extradiction Act—Regulations—Statutory Rules 2003 No. 243.

Fisheries Management Act—

Management Plan—2003 Southern and eastern scalefish and shark fishery.

Northern Prawn Fishery Management Plan 1995—2003 Amendment No. NPF 04.

Fuel Quality Standards Act—

Determination—2003 Fuel Standard (Biodiesel).

Guidelines—2003 Fuel Quality Standards (Register of prohibited fuel additives).

Health Insurance Act—Determination—2003 Health Insurance (Pathologist-determinable services).

Migration Act—Regulations—Statutory Rules 2003 Nos 239.

Navigation Act—Marine Orders—2003 No. 3.

Privacy Act—Determination under section 11B(1)(d)—2003 No. 3.

Primary Industries (Customs) Charges Act—Declaration—2003 Primary Industries (Customs) Charges
(Designated Body).

Radiocommunications Act—

Determinations—2003—

Radiocommunications (Frequency Assignment Certificates).

Radiocommunications Licence Conditions (Broadcasting Licence) Amendment (No. 1).

Principles—2003 Radiocommunications (Accreditation—Prescribed Certificates).

Variation—2003 2.1 GHz Band frequency band plan No. 1.

Remuneration Tribunal Act—Remuneration Tribunal—Determination—2003 No. 20.

Superannuation Guarantee (Administration) Act—Determinations—

1993 Nos SGD 2 (Withdrawal), SGD 3 (Withdrawal), SGD 8 (Withdrawal), SGD 9 (Withdrawal), SGD 12 (Withdrawal), SGD 13 (Withdrawal).

1994 Nos SGD 1 (Withdrawal), SGD 2 (Withdrawal), SGD 5 (Withdrawal).

1995 No. SGD 3 (Withdrawal).

2003 Nos SGD 2, SGD 3, SGD 4, SGD 5, SGD 6, SGD 7.

Taxation Administration Act—

Determinations—2003 Nos TD 22, TD 23.

Rulings—2003 Nos CR 81, CR 82, CR 83, CR 84, CR 85, CR 86, PR 56, PR 57, TR 12.

Telecommunications Act 1997—Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997—2003 Amendment No. 2.

Terrorism Insurance Act—Regulations—Statutory Rules 2003 No. 244.

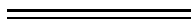
Veterans' Entitlements Act—Regulations—Statutory Rules 2003 No. 247.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Downer, Mr Georgiou, Dr Kemp, Mr Neville, Ms O'Byrne, Mr Snowdon*, Mr C. P. Thompson and Ms Vamvakinou.

* On leave



I. C. HARRIS

Clerk of the House of Representatives