

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 53

THURSDAY, 17 OCTOBER 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 MEDICAL INDEMNITY AGREEMENT (FINANCIAL ASSISTANCE—BINDING COMMONWEALTH OBLIGATIONS) 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 S. F. Smith, viz.*—That all words after “That” be omitted with a view to substituting the following words: “while supporting the provisions of the Bill, 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) recognises the ongoing problems in the general insurance, reinsurance and medical indemnity insurance industries and that confidence in those industries has been rocked by the collapse of HIH and the provisional liquidation of UMP/AMIL; 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;
  - (e) support APRA with appropriate resources to fulfil a greater regulatory role in medical indemnity insurance;
  - (f) require mandatory reporting of negligence claims and national data collection on health care negligence cases to help assess where major problem areas and issues lie;
  - (g) promote the enactment of national “open disclosure” legislation, including provision that an apology made as part of an open disclosure process is inadmissible in an action for medical negligence; and
  - (h) ensure that medical services provided by private hospitals, midwives, family planning clinics and aboriginal medical services are not disrupted due to a lack of appropriate and affordable insurance”—

Debate resumed.

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

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

## AYES, 71

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

## NOES, 61

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

\* 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. 69, 27 June 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 Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

**3 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (SPECIAL BENEFIT ACTIVITY TEST) 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 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:

- (1) deplores the Government’s inconsistency in requiring people holding temporary protection visas and receiving special benefit to undertake mutual obligation activities while denying them access to English language courses and full Job Network services that are important tools in assisting people receiving income support payments to obtain work; and
- (2) calls on the Government to ensure that temporary protection visa holders receiving special benefits who are subject to mutual obligation activities are given access to English language services and full Job Network services”.

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.

#### 4 MINISTERIAL ARRANGEMENTS

Mr Costello (Acting Prime Minister) informed the House that, during the absence abroad of Mr Howard (Prime Minister), he would answer questions on his behalf.

Mr Costello also informed the House that, during the absences abroad of Mr Anderson (Deputy Prime Minister) and Mr M. A. J. Vaile (Minister for Trade), Mr Tuckey (Minister for Regional Services, Territories and Local Government) and Mr Downer (Minister for Foreign Affairs), respectively, would answer questions on their behalf.

#### 5 QUESTIONS

Questions without notice being asked—

*Paper*

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

Bulletin to Australian Citizens Living in Indonesia—Australian Embassy, Jakarta, 3 October 2002.

Department of State travel warning: Indonesia—Department of State Public Announcement for Indonesia, U.S. Embassy Jakarta Home Page, 23 November 2001.

Terrorist threat to United States interests in the United States and overseas—Travel bulletin, Australian Department of Foreign Affairs and Trade, 11 October 2002.

Threatened attacks against US economic interests—Press release by U.S. Department of Justice, Federal Bureau of Investigation, 9 October 2002.

Travel advice: Indonesia—Advice from Department of Foreign Affairs and Trade, Consular Branch, 20 September 2001.

U.S. Embassy Jakarta Notice for Americans in Yogyakarta—Embassy of the United States of America, Public Affairs Section, Jakarta, Indonesia, 26 September 2002.

Worldwide caution—Public announcement, U.S. Department of State, 10 October 2002.

Questions without notice continued.

#### 6 PAPER

Mr Downer (Minister for Foreign Affairs) added to an answer given during question time and presented the following paper:

Indonesia—Travel Warning—U.S. Consular Information Sheets and Travel Warnings Page, 14 October 2002.

#### 7 PAPERS

The Speaker presented the following papers:

Bali terrorist attacks—Condolence Messages—

Embassy of the State of Kuwait.

Legislative Assembly of Tonga.

Macedonian Orthodox Church of Australia.

Mr F. William Hessmer, a citizen of the United States.

National Assembly of Hungary.

#### 8 DISORDER IN MAIN COMMITTEE—REPORT TO HOUSE

The Deputy Speaker reported that he had adjourned the meeting of the Main Committee in accordance with the provisions of standing order 282 because of disorder arising in the Committee. He further reported that the Member for Werriwa (Mr Latham) had disregarded the authority of the Chair of the Main Committee.

Mr Latham, on indulgence, having addressed the Chair, the matter was not proceeded with.

#### 9 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 2001-02.

Mr Abbott (Leader of the House) moved—That the report be printed.

Question—put and passed.

#### 10 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Film Finance Corporation Australia Limited—Report for 2001-02.

International Air Services Commission—Report for 2001-02.

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

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

#### 11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BALI TERRORIST ATTACK

The House was informed that Ms Macklin (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “Australia’s concern for the victims of the Bali terrorist attack, and their families, and the urgent need to assist them”.

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Discussion concluded.

#### 12 MESSAGES FROM THE SENATE

Messages from the Senate, 16 October 2002, were reported returning the following Bills without amendment:

Message—

No. 123—Workplace Relations Amendment (Registration and Accountability of Organisations) 2002.

No. 124—Workplace Relations Amendment (Registration and Accountability of Organisations) (Consequential Provisions) 2002.

No. 126—Treasury Legislation Amendment (No. 1) 2002.

No. 127—Taxation Laws Amendment (No. 3) 2002.

#### 13 AUSTRALIAN ANIMAL HEALTH COUNCIL (LIVE-STOCK INDUSTRIES) FUNDING 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 Jackie Kelly (Parliamentary Secretary to the Prime Minister), by leave, the Bill was read a third time.

**14 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (BUDGET INITIATIVES AND OTHER MEASURES) BILL 2002—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, an Administrator'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 Jackie Kelly (Parliamentary Secretary to the Prime Minister), by leave, the Bill was read a third time.

**15 INSURANCE AND AVIATION LIABILITY LEGISLATION 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 Jackie Kelly (Parliamentary Secretary to the Prime Minister), by leave, the Bill was read a third time.

**16 PARLIAMENTARY ZONE—CONSTRUCTION OF A ROOF EXTENSION TO THE GARDENER'S COMPOUND AT PARLIAMENT HOUSE—APPROVAL OF PROPOSAL**

Jackie Kelly (Parliamentary Secretary to the Prime Minister), for Mr Tuckey (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 14 October 2002, namely: Construction of a roof extension to the gardener's compound at Parliament House.

Question—put and passed.

**17 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (SPECIAL BENEFIT ACTIVITY TEST) 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 Swan (see item No. 3, page 500)*—

Debate resumed.

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

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

AYES, 70

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

## NOES, 56

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

\* 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.

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.

#### 18 WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002 [NO. 2]

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.

Ms Grierson addressing the House—

**19 ADJOURNMENT**

It being 5.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 5.54 p.m., adjourned until Monday next, at 12.30 p.m.



**PAPERS**

The following papers were deemed to have been presented on 17 October 2002:

Commonwealth Authorities and Companies Act—

Notice under section 45—Commonwealth becoming a member of Aboriginal Hostels Limited.

Notice under section 9(2)—Statement relating to extension of time for presentation of report—

Anindilyakwa Land Council—Report for 2001-02

Central Land Council—Report for 2001-02.

Tiwi Land Council—Report for 2001-02.

Ozone Protection Act—Exemption under section 40, 24 September 2002.



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Anderson, Mr Brereton\*, Mr Crean, Ms Hoare, Mr Howard, Mrs May\*, Ms O'Byrne\*, Mr Sciacca, Mr Scott\*, Mr M. A. J. Vaile and Ms Worth\*.

\* On leave



**I. C. HARRIS**

Clerk of the House of Representatives

2002

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 53

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

THURSDAY, 17 OCTOBER 2002

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made.

**3 AUSTRALIAN ANIMAL HEALTH COUNCIL (LIVE-STOCK INDUSTRIES) FUNDING 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. 66, 25 September 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 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (BUDGET INITIATIVES AND OTHER MEASURES) 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 Administrator*

Message No. 67, 16 October 2002, from His Excellency the Administrator 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.

**5 INSURANCE AND AVIATION LIABILITY 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 the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.



**6 HEALTH CARE (APPROPRIATION) 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.

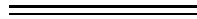
Debate adjourned (Mr Neville), and the resumption of the debate made an order of the day for the next sitting.

**7 ADJOURNMENT**

Mr Neville moved—That the Main Committee do now adjourn.

Debate ensuing—

Disorder arising, the Deputy Speaker adjourned the Main Committee at 12.57 p.m. and indicated that he would report the matter to the House.



**B. C. WRIGHT**  
Clerk of the Main Committee