

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 60

WEDNESDAY, 13 NOVEMBER 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 (TERMINATION OF EMPLOYMENT) BILL 2002**

Mr Abbott (Minister for Employment and Workplace Relations), pursuant to notice, presented a Bill for an Act to amend laws relating to workplace relations, and for other 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 Melham), 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 [NO. 2]**

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 Melham), and the resumption of the debate made an order of the day for the next sitting.

**4 WORKPLACE RELATIONS AMENDMENT (AWARD SIMPLIFICATION) 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 Melham), and the resumption of the debate made an order of the day for the next sitting.

**5 WORKPLACE RELATIONS AMENDMENT (CHOICE IN AWARD COVERAGE) 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 Melham), and the resumption of the debate made an order of the day for the next sitting.

#### **6 MEDICAL INDEMNITY BILL 2002**

Mr K. J. Andrews (Minister representing the Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to make provision in relation to indemnities in relation to the practice of medical professions and vocations, and for related purposes.

Bill read a first time.

Mr K. J. Andrews moved—That the Bill be now read a second time.

*Paper*

Mr K. J. Andrews presented an explanatory memorandum to the following Bills:

Medical Indemnity Bill 2002.

Medical Indemnity (Consequential Amendments) Bill 2002.

Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002.

Medical Indemnity (IBNR Indemnity) Contribution Bill 2002.

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

#### **7 MEDICAL INDEMNITY (CONSEQUENTIAL AMENDMENTS) BILL 2002**

Mr K. J. Andrews (Minister representing the Minister for Health and Ageing) pursuant to notice, presented a Bill for an Act to make amendments consequential on the enactment of the medical indemnity legislation, and for related purposes.

Bill read a first time.

Mr K. J. Andrews moved—That the Bill be now read a second time.

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

#### **8 MEDICAL INDEMNITY (ENHANCED UMP INDEMNITY) CONTRIBUTION BILL 2002**

Mr K. J. Andrews (Minister representing the Minister for Health and Ageing) presented a Bill for an Act to impose a tax on certain members and former members of United Medical Protection Limited, and for related purposes.

Bill read a first time.

Mr K. J. Andrews moved—That the Bill be now read a second time.

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

#### **9 MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION BILL 2002**

Mr K. J. Andrews (Minister representing the Minister for Health and Ageing) presented a Bill for an Act to impose a tax on certain members and former members of certain medical defence organisations, and for related purposes.

Bill read a first time.

Mr K. J. Andrews moved—That the Bill be now read a second time.

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

#### **10 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS—BUDGET MEASURES) BILL 2002 [NO. 2]**

Mr K. J. Andrews (Minister representing the Minister for Health and Ageing), pursuant to notice, presented a Bill for an Act to change the Pharmaceutical Benefits Scheme, and for related purposes.

Bill read a first time.

Mr K. J. Andrews moved—That the Bill be now read a second time.

*Paper*

Mr K. J. Andrews presented an explanatory memorandum to the Bill.

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

#### 11 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' NOTICE

Mr Anthony (Minister for Children and Youth Affairs), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 12, private Members' business, being called on forthwith.

Question—put and passed.

#### 12 STANDARD 9 (EMPLOYMENT CONDITIONS) OF THE DISABILITY SERVICES (DISABILITY EMPLOYMENT AND REHABILITATION PROGRAM) STANDARDS 2002—MOTION FOR DISALLOWANCE

Ms Ellis, pursuant to notice, moved—That Standard 9 (Employment Conditions) of the Disability Services (Disability Employment and Rehabilitation Program) Standards 2002 made under the *Disability Services Amendment (Improved Quality Assurance) Act 2002*, be disallowed.

Debate ensued.

Question—put.

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

AYES, 61

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

## NOES, 75

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

\* Tellers

And so it was negatived.

### 13 CRIMINAL CODE AMENDMENT (OFFENCES AGAINST AUSTRALIANS) 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 Williams (Attorney-General), the Bill was read a third time.

### 14 TELECOMMUNICATIONS COMPETITION 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 Tanner who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words:

“whilst not denying the Bill a second reading, the House condemns the Government for its failure to foster a competitive telecommunications environment as evidenced by:

- (1) inadequate competition in the Australian telecommunications sector with Telstra completely dominating industry revenue and profits;
- (2) inadequate regulatory transparency of Telstra’s wholesale and retail accounts which this Bill fails to adequately correct;
- (3) rising prices in core telecommunications services such as phone line rental fees, mobile phone flag fall and messaging charges, and Internet access charges;
- (4) inadequate competition in broadband services resulting from Telstra’s domination of the core telecommunications network and its defensive, secretive and piecemeal approach to national broadband roll out; and
- (5) inadequate consumer protection measures for consumers leading to rip offs such as massive unfair mobile phone contracts, poor complaint handling processes and dubious billing practices”.

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.

**15 QUESTIONS**

Questions without notice being asked—

*Paper*

Mr S. F. Smith, by leave, presented the following paper:

PBS Savings—Senate Community Affairs Legislation Committee, answers to estimates questions on notice, Health and Ageing portfolio, Budget Estimates 2002-03, 5 & 6 June 2002.

Questions without notice continuing—

*Paper*

Mr Costello (Treasurer) presented the following paper:

Labor Council of New South Wales—Extract from Minutes of meeting held 24 October 2002.

Questions without notice continued.

**16 PAPERS**

The following papers were presented:

Anindilyakwa Land Council—Report for 2001-02.

Radiocommunications review—

Report, June 2001.

Government response.

Enterprise and Career Education Foundation—Report for 2001-02.

National Australia Day Council—Report for 2001-02.

Sydney Airports Corporation Limited—Report for 2001-02.

Treaties—List of multilateral treaty action under negotiation or consideration by the Australian Government, or expected to be within the next twelve months, November 2002.

**17 PAPERS—MOTION TO TAKE NOTE OF PAPERS**

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

Anindilyakwa Land Council—Report for 2001-02.

Enterprise and Career Education Foundation—Report for 2001-02.

Treaties—List of multilateral treaty action under negotiation or consideration by the Australian Government, or expected to be within the next twelve months, November 2002.

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

**18 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BANK FEES**

The House was informed that Mr Griffin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s failure to refer bank fees to the ACCC despite clear evidence of inadequate competition and fees having doubled since 1996”.

The proposed discussion having received the necessary support—

Mr Griffin addressed the House.

Discussion ensued.

Discussion concluded.

**19 MIGRATION LEGISLATION AMENDMENT (MIGRATION ADVICE INDUSTRY) 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 I. E. Macfarlane (Minister for Industry, Tourism and Resources), by leave, the Bill was read a third time.

**20 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 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 I. E. Macfarlane (Minister for Industry, Tourism and Resources), by leave, the Bill was read a third time.

**21 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 2) 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 I. E. Macfarlane (Minister for Industry, Tourism and Resources), by leave, the Bill was read a third time.

**22 BILL REFERRED TO MAIN COMMITTEE**

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

Question—put and passed.

**23 TELECOMMUNICATIONS COMPETITION 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 Tanner (see item No. 14, page 556)*—

Debate resumed.

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

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

AYES, 77

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

## NOES, 57

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

\* 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 McGauran (Minister for Science), the Bill was read a third time.

**24 AUSTRALIAN CRIME COMMISSION ESTABLISHMENT 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.

Mr Kerr addressing the House—

**25 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 Speaker adjourned the House until tomorrow at 9.30 a.m.

**PAPERS**

The following papers were deemed to have been presented on 13 November 2002:

Christmas Island Act—Utilities and Services Ordinance—Marine traffic and harbour facilities (cargo storage)—Determination—No. 2 of 2002.

Environment Protection and Biodiversity Conservation Act—Instrument under section 303EB, 12 September 2002.

National Health Act—Determination—2002 No. PB 15.

Radiocommunications Act—Determination—2002 Radiocommunications Licence Conditions (Broadcasting Licence) Amendment (No. 1).

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Barresi, Mr Brereton\*, Mr Causley\*, Mrs Draper, Mr Edwards, Ms O'Byrne\*, Mr Scott\*, Ms Vamvakinou and Dr Washer.

\* On leave

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**I. C. HARRIS**

Clerk of the House of Representatives



2002

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

No. 60

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 13 NOVEMBER 2002

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1 The Main Committee met at 9.40 a.m.

**2 MEMBERS' STATEMENTS**

Members' statements were made and a petition was presented.

**3 MIGRATION LEGISLATION AMENDMENT (MIGRATION ADVICE INDUSTRY) 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.

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*Suspension of sitting*

At 10.32 a.m., a division having been called in the House, the proceedings were suspended.

*Resumption of sitting*

At 10.46 a.m., the proceedings were resumed.

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Debate continued.

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.

**4 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 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 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 2) 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.

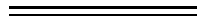
Leave granted for the question on the report to be put forthwith.

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

**6 ADJOURNMENT**

On the motion of Mr Neville, the Main Committee adjourned at 12.28 p.m.

The Acting 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