

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 65

THURSDAY, 5 DECEMBER 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 **MIGRATION LEGISLATION AMENDMENT (CONTRIBUTORY PARENTS MIGRATION SCHEME) BILL 2002**

Mr Ruddock (Minister for Immigration and Multicultural and Indigenous Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to migration, and for related purposes.

Bill read a first time.

Mr Ruddock moved—That the Bill be now read a second time.

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

3 **MIGRATION (VISA APPLICATION) CHARGE AMENDMENT BILL 2002**

Mr Ruddock (Minister for Immigration and Multicultural and Indigenous Affairs) presented a Bill for an Act to amend the *Migration (Visa Application) Charge Act 1997*, and for related purposes.

Bill read a first time.

Mr Ruddock moved—That the Bill be now read a second time.

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

4 **VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL (NO. 3) 2002**

Jackie Kelly (Parliamentary Secretary to the Prime Minister), for Mrs D. S. Vale (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to amend the law with respect to veterans' entitlements, and for related purposes.

Bill read a first time.

Jackie Kelly moved—That the Bill be now read a second time.

Paper

Jackie Kelly presented an explanatory memorandum to the Bill.

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

5 **TAXATION LAWS AMENDMENT BILL (NO. 8) 2002**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Slipper moved—That the Bill be now read a second time.

Paper

Mr Slipper presented an explanatory memorandum to the Bill.

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

6 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—*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 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 resumed.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Messages from the Governor-General

The following messages from His Excellency the Governor-General were announced:

No. 84, 14 November 2002, recommending an appropriation for the purposes of the Bill; and

No. 85, 2 December 2002, recommending an appropriation for the purposes of amendments to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Paper

Ms Worth (Parliamentary Secretary to the Minister for Health and Ageing) presented a supplementary explanatory memorandum to the Bill.

On the motion of Ms Worth, by leave, Government amendments (1) to (6) were made together, after debate.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Ms Worth, by leave, the Bill was read a third time.

7 MEDICAL INDEMNITY (CONSEQUENTIAL AMENDMENTS) 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—

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Health and Ageing), the Bill was read a third time.

8 MEDICAL INDEMNITY (ENHANCED UMP INDEMNITY) CONTRIBUTION 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—

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Health and Ageing), the Bill was read a third time.

9 MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION 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—

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Ms Worth (Parliamentary Secretary to the Minister for Health and Ageing), the Bill was read a third time.

10 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 1) 2002

The order of the day having been read for the second reading—Jackie Kelly (Parliamentary Secretary to the Prime Minister) moved—That the Bill be now read a second time.

Paper

Jackie Kelly presented an explanatory memorandum to the Bill.

Mr Tanner moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not seeking to deny the Bill a second reading, the House condemns the Government for:

- (1) continued fiddling with its disintegrating digital television regime without addressing the overall problems inherent in the regime;
- (2) refusing to acknowledge that its digital television regime is failing, particularly with respect to the very poor consumer take up of digital receivers;
- (3) creating confusion in the broadcasting sector by promoting multi channelling but not acting to enable it to occur;
- (4) maintaining a failed datacasting strategy which has been completely rejected by the media sector; and
- (5) granting \$260 million in digital television conversion funding rebates to the regional television networks to cover the cost of digital conversion without entrenching guarantees that existing services such as regional news services would be maintained”.

Debate continued.

Amendment negatived.

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 Ms Worth (Parliamentary Secretary to the Minister for Health and Ageing), the Bill was read a third time.

11 TAXATION LAWS AMENDMENT (VENTURE CAPITAL) 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 Slipper (Parliamentary Secretary to the Minister for Finance and Administration), the Bill was read a third time.

12 VENTURE CAPITAL 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—

Question—put and passed—Bill read a second time.

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.

13 COPYRIGHT AMENDMENT (PARALLEL IMPORTATION) 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 McClelland who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House declines to give the Bill a second reading and condemns the Government for proposing to further remove protections against the parallel importation of software products, books, periodicals and print music in circumstances where the Government has failed to:

- (a) address concerns about increased piracy by responding to the House of Representatives Standing Committee on Legal and Constitutional Affairs 2000 report on copyright enforcement *Cracking down on copycats*;
- (b) adduce properly researched and credible evidence that the removal of parallel importation restrictions has resulted in lower music CD prices for consumers; and
- (c) reform and simplify technical and regulatory guidelines that place strictures on the development of Australia’s computer software and computer games industries”.

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.

14 QUESTIONS

Questions without notice being asked—

Paper

Mr Ruddock (Minister for Immigration and Multicultural and Indigenous Affairs) presented the following paper:

Impact of skilled migration on the Commonwealth Budget per 1,000 persons over 5 years—Chart.

Questions without notice continuing—

Paper

Mr McClelland, by leave, presented the following paper:

Jonathan Hamberger (Employment Advocate) v Ian Williamson and another—Extract of transcript of proceedings—Federal Court of Australia, 21 May 2001.

Questions without notice continuing—

Paper

Mr McClelland, by leave, presented the following paper:

Hamberger (Employment Advocate) v Williamson and Construction, Forestry, Mining and Energy Union—Reasons for judgement—Federal Court of Australia, 23 November 2000.

Hamberger (Employment Advocate) v Williamson and Construction, Forestry, Mining and Energy Union—Reasons for judgement—Federal Court of Australia, 9 March 2001.

Questions without notice continued.

15 STATEMENT BY SPEAKER—PAPERS

The Speaker made a statement concerning water consumption at Parliament House and presented the following papers:

Consumption of water—

Parliament House—Water usage paper—December 2002.

Question to the Speaker from Mr Kelvin Thomson—Hansard extract, 2 December 2002.

Letter to the Speaker from Mr Kelvin Thomson, 28 November 2002.

16 PAPERS

The following papers were presented:

Australian Broadcasting Corporation—Equity and diversity—Report for 2001-02.

Communications, Transport and the Arts—House of Representatives Standing Committee—Report—Covering Your Arts: Art indemnity in Australia—Government response.

Productivity Commission—

Report No. 22—Radiocommunications, 1 July 2002.

Government response.

Tiwi Land Council—Report for 2001-02.

17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REGIONAL CO-OPERATION ON TERRORISM

The House was informed that Mr Rudd had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The fundamental importance to Australia’s long-term national security of regional co-operation in combating the threat of terrorism”.

The proposed discussion having received the necessary support—

Mr Rudd addressed the House.

Discussion ensued.

Discussion concluded.

18 COMMITTEES—MEMBERSHIP

The House was informed that the Chief Government Whip had nominated Members to be members of certain committees.

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, moved—That:

- (1) Ms Panopoulos be discharged from the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund and that, in her place, Mrs Ley be appointed a member of the committee; and
- (2) Mrs Ley be discharged from the Joint Standing Committee on Electoral Matters and that, in her place, Ms Panopoulos be appointed a member of the committee.

Question—put and passed.

19 AVIATION 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 with amendments (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), by leave, the Bill was read a third time.

20 MESSAGE FROM THE SENATE—RESEARCH INVOLVING EMBRYOS BILL 2002

A message from the Senate was reported returning the following Bill with amendments:

5 December 2002—Message No. 174—Research Involving Embryos Bill 2002.

Ordered—That the amendments be considered at the next sitting.

21 MESSAGES FROM THE SENATE

Messages from the Senate, 5 December 2002, were reported:

- (a) acquainting the House that the Senate had agreed to a resolution concerning capital works within the Parliamentary Zone, being to construct additional security elements, including vehicular access gates and bollards, to prevent access to the Ministerial entry by unauthorised vehicles—Message No. 172;
- (b) returning the Health Insurance Amendment (Professional Services Review and Other Matters) Bill 2002 and acquainting the House that the Senate had agreed to the Bill as amended by the House at the request of the Senate—Message No. 173; and
- (c) returning the following Bills without amendment:
 - No. 175—Charter of the United Nations Amendment 2002;
 - No. 176—International Tax Agreements Amendment (No. 2) 2002;
 - No. 177—Trade Practices Amendment (No. 1) 2002; and
 - No. 178—Workplace Relations Legislation Amendment 2002.

22 TAXATION LAWS AMENDMENT (EARLIER ACCESS TO FARM MANAGEMENT DEPOSITS) BILL 2002

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Slipper moved—That the Bill be now read a second time.

Paper

Mr Slipper presented an explanatory memorandum to the Bill.

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

23 COPYRIGHT AMENDMENT (PARALLEL IMPORTATION) 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 McClelland (see item No. 13, page 614)*—

Debate resumed.

Debate adjourned (Dr Stone—Parliamentary Secretary to the Minister for the Environment and Heritage), and the resumption of the debate made an order of the day for the next sitting.

24 ADJOURNMENT

Dr Stone (Parliamentary Secretary to the Minister for the Environment and Heritage) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 5.57 p.m., adjourned until Monday next at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 5 December 2002:

Defence Act—Defence Force Remuneration Tribunal—Determinations—2002 Nos 22, 24, 25.

Financial Management and Accountability Act—Regulations—Statutory Rules 2002 No. 298.

Fisheries Management Act—Regulations—Statutory Rules 2002 No. 283.

Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 2002 No. 301.

Health Insurance Act—

Approval—2002 HS/12.

Determinations—2002 HS/13, HS/14.

Principles—2002 HS/11.

Horticulture Marketing and Research and Development Services Act—Regulations—Statutory Rules 2002 No. 284.
Income Tax Assessment Act 1936—Regulations—Statutory Rules 2002 No. 302.
International Transfer of Prisoners Act—Regulations—Statutory Rules 2002 No. 296.
Migration Act—Regulations—Statutory Rules 2002 No. 299.
Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2002 No. 300.
Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2002 Nos 286, 289.
Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2002 Nos 287, 290.
Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2002 Nos 288, 291.
Primary Industries Levies and Charges Collection Act, National Residue Survey (Customs) Levy Act, National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules 2002 No. 292.
Quarantine Act—Regulations—Statutory Rules 2002 No. 285.
Radiocommunications (Transmitter Licence Tax) Act—Determination—Radiocommunications (Transmitter Licence Tax) Amendment (No. 2).
Remuneration Tribunal Act—Remuneration Tribunal—Determinations—2002 Nos 19, 20.
Spirits Act—Regulations—Statutory Rules 2002 No. 303.
Superannuation Industry (Supervision) Act—Statement under subsection 230A(1)—Financial assistance for small APRA funds exposed to the Global Bank Account and Enhanced Income Trust.
Telecommunications Act 1997—Regulations—Statutory Rules 2002 No. 297.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton*, Mr Cadman, Mr Causley*, Mr Latham, Dr Lawrence, Mr Scott*, Mrs D. S. Vale and Ms Vamvakinou.

* On leave

I. C. HARRIS
Clerk of the House of Representatives

2002

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 65

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 5 DECEMBER 2002

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 AVIATION 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—*And on the amendment moved thereto by Mr M. J. Ferguson, viz.*—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) condemns the Howard Government for their tardiness on transport security policy thereby putting the travelling public at higher risk; and
- (2) calls on the Government to release a comprehensive statement of policy to assure the travelling public that their safety and security is being appropriately attended to by our national government”—

Debate resumed.

Amendment negatived.

Question—put and passed—Bill read a second time.

Consideration in detail

Bill, by leave, taken as a whole.

Paper

Jackie Kelly (Parliamentary Secretary to the Prime Minister) presented a supplementary explanatory memorandum to the Bill.

On the motion of Jackie Kelly, by leave, Government amendments (1) to (26) were made together.

Bill, as amended, agreed to.

Consideration in detail concluded.

Question—That the Bill be reported to the House with amendments—put and passed.

4 TERRORIST ATTACKS IN BALI—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Abbott (Leader of the House)—That the House take note of the paper (*presented on 15 October 2002*), viz.:

Terrorist attacks in Bali—

Debate resumed.

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

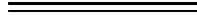
5 ADJOURNMENT

Ms Gambaro moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.

At 1.02 p.m. the Acting Deputy Speaker adjourned the Main Committee until Wednesday, 11 December 2002, at 9.40 a.m.



D. R. ELDER
Clerk of the Main Committee