

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 42

MONDAY, 16 SEPTEMBER 2002

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Neil Andrew) took the Chair, and read Prayers.

**2 PROCEDURE—STANDING COMMITTEE—PAPER—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Price presented the following paper:

Procedure—Standing Committee—Discussion paper—Proposed revised standing orders, September 2002.

Mr Price, Mrs B. K. Bishop, Mr M. J. Ferguson and Mr P. E. King made statements in connection with the paper.

The time allotted for making statements on the paper having expired—

Mr Price moved—That the House take note of the paper.

Mr Price was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting.

**3 TOBACCO EXCISE WINDFALL RECOVERY (ASSESSMENT) BILL 2002**

Mr S. F. Smith, pursuant to notice, presented a Bill for an Act to assess certain windfall amounts not paid to the States as tobacco franchise fees or to the Commonwealth as tobacco excise and for related purposes.

Mr S. F. Smith made a statement in relation to the Bill.

*Paper*

Mr S. F. Smith presented an explanatory memorandum to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting, in accordance with standing order 104A.

**4 DEFENCE FORCE PERSONNEL**

Mr Hawker, pursuant to notice, moved—That this House:

- (1) recognises the significant contribution Australia's defence servicemen and women are making overseas in places including East Timor, the Persian Gulf and Afghanistan;
- (2) praises the skills, dedication and professionalism of these fine young Australians;
- (3) draws these matters to the attention of Parliament and all Australians; and
- (4) acknowledges the success of the Armed Forces Parliamentary Programme in giving Members of Parliament a greater understanding and better appreciation of the commitment of our defence force personnel.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 106A, and the resumption of the debate made an order of the day for the next sitting.

#### 5 MEMBERS' STATEMENTS

Members' statements were made.

#### 6 CUNNINGHAM ELECTORAL DIVISION—ISSUE OF WRIT

The Speaker informed the House that he had today issued the writ in connection with the by-election for the Division of Cunningham, and that the dates fixed were those announced to the House on 27 August 2002.

#### 7 QUESTIONS

Questions without notice being asked—

##### *Paper*

Mr Rudd, in accordance with standing order 321, having called for the document quoted from by Mr Howard (Prime Minister)—

Mr Howard presented the following paper:

Iraq: Compliance with UN resolutions—Paper provided by Defence, Intelligence and Security Branch, 16 September 2002.

Questions without notice continuing—

##### *Paper*

Mr Hockey (Minister for Small Business and Tourism) presented the following paper:

2002 Country Labor Conference, Cooma—Media letter by ALP New South Wales Branch, 3 September 2002.

Questions without notice continued.

#### 8 PAPERS

Mr Crean (Leader of the Opposition), by leave, presented the following papers:

Launch of the Incident Response Regiment and Tactical Assault Group (East)—Transcript of speech by Senator the Hon. Robert Hill, Minister for Defence, 4 September 2002.

Aust PM Howard says plenty of evidence of Iraq weapons—Australian Associated Press news item, Melbourne, 12 September 2002.

#### 9 PETITIONS

Petitions lodged for presentation were announced.

#### 10 BROADBAND SERVICES

Mr Mossfield, pursuant to notice, moved—That this House:

(1) acknowledges that:

- (a) quality access to the Internet and to information technology in general is becoming a necessity, rather than a luxury, in modern Australian society; and
- (b) infrastructure is not keeping pace with technological advancements, particularly in new and developing suburbs on the outer metropolitan fringe of Australia's capital cities;

(2) notes that:

- (a) Telstra and Optus discontinued its cable roll-out before many of the new, outer metropolitan, suburbs existed;
- (b) the existing location of Telstra exchanges means that ADSL is unavailable in many developing suburbs;
- (c) there has been an increase in the use of "split pair gains" as a method of providing basic telephone services to developing suburbs which is also incompatible with ADSL; and
- (d) satellite is the only broadband delivery system available to many Australians and that this is the most expensive broadband service available; and

- (3) calls on the Government to:
- (a) investigate the true extent of this problem facing many Australians in developing communities;
  - (b) examine whether Telstra's Community Service Obligation is adequate when dealing with broadband delivery services; and
  - (c) develop a comprehensive solution to the problem of lack of access to broadband services.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting, and Mr Hunt was granted leave to continue his speech when the debate is resumed.

#### 11 ADHESIVE ARACHNOIDITIS

Ms George, pursuant to notice, moved—That this House:

- (1) acknowledges the pain and suffering of Australians living with the disease—Adhesive Arachnoiditis;
- (2) accepts that many current sufferers were at some time involved in a spinal x-ray procedure known as a myelogram;
- (3) believes that an independent inquiry is necessary to investigate:
  - (a) the effects of exposure to the chemical Iophendylate (marketed under the names Pantopaque and Myodil);
  - (b) the basis on which Iophendylate was licensed, marketed and used in Australia; and
  - (c) the social and economic costs arising from the disease;
- (4) acknowledges the important work undertaken by the support group—Chemically Induced Adhesive Arachnoiditis Sufferers of Australia and its founder Derek Morrison; and
- (5) requests the Government to provide some resources and assistance to the Committee to enable it to carry on its worthwhile work which up until now has been done on a voluntary basis.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting.

#### 12 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

#### 13 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:

3 September 2002—Message No. 52—

Family Law Amendment (Child Protection Convention) 2002.

Jurisdiction of Courts Legislation Amendment 2002.

4 September 2002—Message No. 53—Health Insurance Commission Amendment 2002.

#### 14 MESSAGE FROM THE SENATE—WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) BILL 2002

Message No. 99, 28 August 2002, from the Senate was reported returning the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 and acquainting the House that the Senate insists upon its amendments disagreed to by the House of Representatives and desires the reconsideration of the Bill by the House in respect of the amendments.

Ordered—That consideration of the message be made an order of the day for the next sitting.

**15 TARIFF PROPOSALS**

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration) moved—  
Excise Tariff Proposal No. 4 (2002); and  
Customs Tariff Proposal No. 3 (2002).

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

**16 RESEARCH INVOLVING EMBRYOS 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—

Pursuant to the resolution of 29 August 2002, question—put.

The House divided (the Speaker, Mr J. N. Andrew, in the Chair)—

## AYES, 103

Mr Adams	Mr Emerson	Mr Jenkins	Ms Roxon
Mr Albanese	Mr Entsch	Mr Johnson	Mr Rudd
Mr Anthony	Mr Evans	Dr Kemp	Mr Ruddock
Fran Bailey	Mr L. D. T. Ferguson	Mr Kerr	Mr Sawford
Mr Baird	Mr M. J. Ferguson	Ms C. F. King	Mr Sercombe
Mr Barresi	Mr Fitzgibbon	Mr P. E. King	Mr Sidebottom
Mr Beazley	Mrs Gallus	Dr Lawrence	Mr A. D. H. Smith
Mr Bevis	Mrs Gash	Mrs Ley	Mr S. F. Smith
Mr Billson	Ms George	Mr Lindsay	Mr Snowdon
Mrs B. K. Bishop	Mr Georgiou	Ms Livermore	Mr Somlyay
Ms J. I. Bishop	Mr Gibbons	Mr McArthur*	Dr Southcott
Mr Brough	Ms Gillard	Mr McClelland	Dr Stone
Ms Burke	Ms Grierson	Mr I. E. Macfarlane	Mr Swan
Mr Causley	Mr Griffin	Ms J. S. McFarlane	Mr Tanner
Mr Charles	Mr Haase	Ms Macklin	Mr C. P. Thompson
Mr Ciobo	Ms Hall	Mr McLeay	Mr K. J. Thomson
Mr Cobb	Mr Hardgrave	Mr McMullan	Mr Tollner
Ms Corcoran	Mr Hartsuyker	Mr Melham	Mr Truss
Mr Costello	Mr Hatton	Mrs Moylan	Mr Tuckey
Mr Cox	Ms Hoare	Mr Nairn	Ms Vamvakinou
Mr Crean	Mr Hockey	Dr Nelson	Mr Wakelin
Mrs Crosio*	Mr Howard	Mr B. P. O'Connor	Dr Washer
Mr Dutton	Mrs Hull	Mr Pearce	Mr Wilkie
Mr Edwards	Mr Hunt	Ms Plibersek	Mr Williams
Ms Ellis	Mrs Irwin	Mr Prosser	Mr Zahra
Mrs Elson	Ms Jackson	Mr Ripoll	

## NOES, 36

Mr Abbott	Mrs Draper	Mr McGauran	Mr Randall
Mr Anderson	Mr Farmer	Mr Mossfield	Mr Schultz
Mr Andren	Mr Forrest	Mr Murphy	Mr Sciacca
Mr K. J. Andrews	Mr Hawker	Mr Neville*	Mr Secker
Mr Baldwin	Mr Jull	Mr G. M. O'Connor	Mr Slipper
Mr Bartlett	Mr Katter	Ms Panopoulos	Mr Ticehurst
Mr Byrne	Mrs D. M. Kelly	Mr Price	Mr M. A. J. Vaile
Mr Cadman*	Jackie Kelly	Mr Pyne	Mrs D. S. Vale
Mr Cameron	Mr Lloyd	Mr Quick	Mr Windsor

\* Tellers

And so it was resolved in the affirmative—Bill read a second time.

On the motion of Mr Abbott (Minister for Employment and Workplace Relations), further consideration of the Bill was made an order of the day for a later hour this day.

**17 WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) 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 (Ms Livermore), and the resumption of the debate made an order of the day for a later hour this day.

**18 RESEARCH INVOLVING EMBRYOS BILL 2002**

The order of the day having been read for the further consideration of the Bill—

*Consideration in Detail*

Clauses 1 to 24, by leave, taken together and agreed to.

Clause 25—

Mr Cadman, by leave, moved amendments (1) and (2) together.

Debate continued.

**19 ADJOURNMENT**

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

Debate ensued.

*Debate extended*

It being approximately 11 p.m., the debate was interrupted.

Mr K. J. Andrews (Minister for Ageing) required the debate to be extended.

The debate continuing until 11.05 p.m., the Speaker adjourned the House until tomorrow at 2 p.m.

**PAPERS**

The following papers were deemed to have been presented on 16 September 2002:

Agricultural and Veterinary Chemicals Code Act—Regulations—Statutory Rules 2002 No. 207.

Air Passenger Ticket Levy (Collection) Act—Regulations—Statutory Rules 2002 No. 220.

Airports Act—Regulations—Statutory Rules 2002 No. 190.

Australian Communications Authority Act and Radiocommunications Act—Determination—2002 Radiocommunications (Interpretation) Amendment (No. 1).

Charter of the United Nations Act—Regulations—Statutory Rules 2002 No. 196.

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—

Part 39-105—2002 19, 20(7), 21, 22(8), 23(16), 26, 28(4), 29 August, 2(2), 4(5), 5(2) September.

Part 39-106—2002 22, 23(3), 29 August.

Part 39-107—2002 23(5) August.

Amendment Orders—2002 Nos 13, 14.

Exemptions—2002 Nos CASA EX17, CASA EX18.

Instrument—2002 No. CASA 501.

Regulations—Statutory Rules 2002 No. 221.

Crimes Act—Regulations—Statutory Rules 2002 No. 194.

Customs Act—CEO Directions—

2000 No. 1.

2002 No. 2.

Customs (Prohibited Exports) Regulation 13E(1)—2002 Instrument of Amendment No. DSGL 1.

Regulations—Statutory Rules 2002 Nos 195, 204, 205, 206.

- Environment Protection and Biodiversity Conservation Act—Instrument under subsection 303DC(1), 20 August 2002.
- Extradition Act—Regulations—Statutory Rules 2002 No. 201.
- Federal Court of Australia Act—Rules of Court—Statutory Rules 2002 No. 222.
- Financial Management and Accountability Act—  
Financial Management and Accountability (Amendment of Special Account) 2002 No. 6.  
Regulations—Statutory Rules 2002 No. 211.
- Fisheries Management Act—Northern Prawn Fishery Management Plan 1995 Direction No. NPFD 65.
- Great Barrier Reef Marine Park Act—  
Great Barrier Reef Marine Park—Gumoo Woobjabuddee Section Zoning Plan, 12 September 2002.  
Regulations—Statutory Rules 2002 No. 209.
- Health Insurance Commission Act—Determination—2002 HICA 8AA(4)/1.
- Higher Education Funding Act—Determination—2002 No. T15.
- Income Tax Assessment Act 1936*—Regulations—Statutory Rules 2002 No. 215.
- Migration Act—Regulations—Statutory Rules 2002 Nos 212, 213.
- Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 2002 No. 202.
- National Health Act—Determination under Schedule 1, paragraph (bj)—2002 No. HSR 23.
- Navigation Act—Regulations—Statutory Rules 2002 No. 199.
- Overseas Missions (Privileges and Immunities) Act—Regulations—Statutory Rules 2002 No. 197.
- Parliamentary Entitlements Act—Advice under paragraph 18(a), 3 September 2002.
- Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2002 No. 198.
- Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2002 No. 191.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2002 No. 192.
- Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2002 No. 193.
- Public Service Act—Regulations—Statutory Rules 2002 No. 214.
- Radiocommunications Act—Determinations—2002—  
Radiocommunications Licence Conditions (Maritime Coast Licence).  
Radiocommunications Licence Conditions (Maritime Ship Licence).
- Remuneration Tribunal Act—Remuneration Tribunal—Determinations—2002 Nos 14, 15.
- Small Superannuation Accounts Act—Regulations—Statutory Rules 2002 No. 216.
- Social Security (International Agreements) Act—Regulations—Statutory Rules 2002 No. 210.
- Superannuation Contributions Tax (Assessment and Collection) Act—Regulations—Statutory Rules 2002 No. 217.
- Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act—Regulations—Statutory Rules 2002 No. 218.
- Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act, Superannuation Industry (Supervision) Act, Superannuation (Unclaimed Money and Lost Members) Act, and Retirement Savings Account Act—Regulations—Statutory Rules 2002 No. 200.
- Taxation Administration Act—  
Determinations—2002—  
Nos TD 20, TD 21.  
Rulings—  
2001 No. CR 42 (Addendum).  
2002 Nos CR 55, CR 56, CR 57, CR 58, CR 59, CR 60, CR 61, CR 62, CR 63, CR 64, CR 65, CR 66, CR 67, CR 68, CR 69, CR 70, IT 2328, PR 90 (Addendum), PR 109, PR 110, PR 111, PR 112.
- Telecommunications Act 1997*—Regulations—Statutory Rules 2002 No. 203.
- Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme—2002 Amendment (No. 1).
- Trade Practices Act—Regulations—Statutory Rules 2002 No. 219.
- Workplace Relations Act—Regulations—Statutory Rules 2002 No. 208.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Brereton, Mr Danby, Mr Downer, Ms Gambaro, Mr Latham, Mrs May, Ms O'Byrne\*, Mr Scott and Ms Worth.

\* On leave

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**I. C. HARRIS**

Clerk of the House of Representatives