Historic loss for PM as Coalition defeated on refugee bill

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smugglers and risk more deaths at sea from asylum seeker boats.

The government is preparing to ramp up its attack on Labor by announcing “contingency measures” to discourage boat arrivals, with one option being the reopening of the detention centre on Christmas Island.

Mr Shorten dismissed the government’s claims and declared Labor would uphold national security but treat people humanely.

“The government tells us that this bill is a constitutional crisis. The fact of the matter is this bill is about providing treatment to sick people,” he told Parliament. “We can have strong borders while still fulfilling our duty of care to the people in our care. This bill and our amendments are about Australia’s character. It’s about how we treat sick people in our care.”

The final vote, shortly after 6pm, delivered a stunning victory for Labor, the Greens and crossbench MPs to enforce new rules to give doctors more say over the transfer of refugees from Manus Island and Nauru for treatment in Australia.

The bill will go to a vote in the Senate today, where the government does not appear to have the numbers to stop the new scheme becoming law.

Labor made a strategic move to avoid turning the bill into a test of confidence in the government, withdrawing part of the medical transfer scheme that required funding to pay for medical experts to review transfers.

The move cut short a furious debate over whether the vote in the lower house could be seen as a vote on a money bill and was therefore a vote of no confidence in the government itself.

Constitutional expert Anne Twomey, a professor of law at the University of Sydney, said the Labor decision to cut the cost of the medical panel changed the implications of the loss in Parliament.

“Now that it is no longer a money bill, and given that the government did not declare it to be an issue of confidence, the government can continue governing,” she said.

Professor Twomey said one parallel with the government’s loss in the House was the fall of the Fadden government in 1941, when the budget was amended to reduce it by the nominal sum of one pound.

Mr Shorten proved the government’s vulnerability by gaining support from five independent and one Greens MP to gain 75 votes on the floor to pass the new rules.

In a surprise legal twist just hours before the vote, the government cited legal advice from the Solicitor-General to argue the bill would incur additional expenses by creating a panel of medical experts...
to rule on refugee transfers. This launched an argument over section 53 of the constitution, which states the Senate “may not amend any proposed law so as to increase any proposed charge or burden on the people”, and led Labor to remove the cost of the medical panel to side-step the threat.

Labor had its 69 members as well as support from Greens MP Adam Bandt and independents Julia Banks, Cathy McGowan, Kerryn Phelps, Rebekha Sharkie and Andrew Wilkie.

“I know how much the people who are sick on Manus Island and Nauru are suffering and Parliament is saying enough is enough,” Dr Phelps said.