

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 120

WEDNESDAY, 8 FEBRUARY 1995

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—TAXATION LAWS AMENDMENT BILL (NO. 5) 1994—RECONSIDERATION**

Mr Gear (Assistant Treasurer), for Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That so much of the standing and sessional orders be suspended as would prevent the recorded decision of the House on the third reading of the Taxation Laws Amendment Bill (No. 5) 1994, on 7 February 1995, being rescinded, and the detail and remaining stages being considered forthwith.

Debate ensued.

Question—put and passed.

3 **TAXATION LAWS AMENDMENT BILL (NO. 5) 1994—RESCISSION OF RECORDED DECISION**

Mr Gear (Assistant Treasurer) moved—That the recorded decision of the House on the third reading of the Taxation Laws Amendment Bill (No. 5) 1994, on 7 February 1995, be rescinded, and the detail and remaining stages be considered forthwith.

Question—put and passed.

4 **TAXATION LAWS AMENDMENT BILL (NO. 5) 1994**

Consideration in detail

Bill, by leave, taken as a whole.

Mr Gear (Assistant Treasurer), by leave, moved the following amendments together:

Schedule 1—

Part 2, page 5, item 13, omit “24ABJ”, substitute “24ABJA”.

Part 2, page 6, item 17, proposed section 24ABJ, renumber the proposed section as “24ABJA”.

Part 10, page 20, after item 78 insert the following item:

“78A. Paragraph 221AZK(3)(a):

Omit ‘on’, substitute ‘at the end of’.”.

Part 10, page 21, item 79, proposed subsection 221AZKA(1), after “before the” (first occurring) insert “end of the”.

Part 10, page 21, item 79, proposed subsection 221AZKA(1), omit “on or”.

Part 10, page 21, item 79, proposed subsection 221AZKA(3), after “before the” insert “end of the”.

Part 10, page 21, item 79, proposed subsection 221AZKA(4), after “before the” insert “end of the”.

Part 10, page 22, after item 79 insert the following item:

“79A. Paragraph 221AZMA(b):

Omit ‘beginning’, substitute ‘end’.”.

Part 10, page 22, item 82, proposed paragraph 221AZU(1)(c), after “instalments” insert “, other than the final instalment,”.

Part 10, page 23, item 82, proposed subsection 221AZU(4), omit all the words and paragraphs after “by which:”, substitute the following words and paragraphs:

“(a) the sum of the instalments, other than the final instalment, payable under this Division in respect of the current year by the taxpayer and the other taxpayer, or taxpayers, referred to in paragraph (1)(c);

is exceeded by:

(b) the greatest sum that would have been so payable, or might reasonably be expected to have been so payable, if the arrangement had not been entered into or carried out.”.

Paper: Mr Gear presented a supplementary explanatory memorandum to the Bill.

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Gear, by leave, the Bill was read a third time.

5 HEALTH LEGISLATION (PRIVATE HEALTH INSURANCE REFORM) AMENDMENT BILL 1994

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 Mrs Bishop, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House will not decline to give the Bill a second reading if the following assertions of principle are agreed to, being of the opinion that:

- (1) there is no evidence that the Bill will meet the objective of reducing private health insurance premiums so as to stem the flow from health fund membership; in fact the evidence is to the contrary;
- (2) freedom of choice of doctor and hospital is effectively denied;

- (3) there is no adequate default payment provision for patients treated in hospitals other than under hospital purchase-provider agreements;
- (4) the community rating principle is undermined by allowing contracts between health funds and contributors to exclude coverage for the treatment of certain illnesses and conditions;
- (5) there is no specific appeal mechanism from the Complaints Commissioner;
- (6) the Bill grants the Minister excessive power, specifically:
 - (a) the ability to intervene in contracts, applicable benefits arrangements, complaints, and mergers of health funds;
 - (b) power to intrude upon the privacy of individual patients, without adequate guidelines and safeguards being provided; and
 - (c) to avoid competition policy and the provisions of the Trade Practices Act;
- (7) many in the industry have not been able to have their view heard, and accordingly, the Bill should be referred to the Senate Committee on Community Affairs to examine inter alia:
 - (a) the question as to whether the amendments to the Principal Act made by this Bill may be construed as an authorisation of any form of civil conscription in relation to medical and dental services as prohibited by section 51 (xxiiiA) of the Constitution;
 - (b) the submission made by the Australian Private Hospital Association that the date of the implementation of the mandatory contractual agreements be delayed until 1 July 1996 with the agreements remaining in place till then, and the apparent inflexibility of Casemix based payment systems; and
 - (c) the provision of an independent agency to receive information under the Hospital Casemix Protocol; and
- (8) should this second reading amendment not be agreed to, the Bill's second reading should be declined"—

Debate resumed.

Debate adjourned (Mr Lee—Minister for Communications and the Arts), and the resumption of the debate made an order of the day for a later hour this day.

6 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

7 FIRST CORPORATE LAW SIMPLIFICATION BILL 1994

The order of the day having been read for the second reading—Mr Lavarch (Attorney-General) moved—That the Bill be now read a second time.

Mr Williams moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the principles of this Bill, the House is of the opinion that, given the importance of simplification to the business community and the need for the process to proceed in an appropriate manner, that the Parliamentary Joint Committee on Corporations and Securities should be given a general reference to inquire into and report on the simplification process, following its anticipated consideration of this Bill”.

Debate continued.

Mr S. F. Smith addressing the House—

Absence of quorum: Mr Truss called the attention of the Deputy Speaker to the fact that a quorum of Members was not present.

The bells having been rung, and a quorum not having been obtained within the prescribed time, the Deputy Speaker at 2.47 p.m., in accordance with standing order 45, announced that he would take the Chair again at 3 p.m.

At 3 p.m., the Speaker resumed the Chair, and a quorum of Members was present.

It being 3 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.

8 QUESTIONS

Questions without notice being asked—

Paper: Mr Beazley (Minister for Finance) presented the following paper:

Welfare recipients—Copy of facsimile from Mr Ted Horton, Republic Advertising Pty Ltd to Mr Andrew Robb, 6 February 1995.

Questions without notice continued.

9 PAPERS

The following papers were presented:

Primary Industries and Energy Research and Development Act—Grape and Wine Research and Development Corporation and Grape and Wine Research and Development Corporation Selection Committee—Reports for 1993-94.

Wheat Marketing Act—Australian Wheat Board—Report for period 1 October 1993 to 30 September 1994.

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENERGY TAX

The House was informed that Mr McGauran had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The proposed imposition by the Government of a new energy tax which will increase the cost of fuel and electricity to all Australian households and businesses".

The proposed discussion having received the necessary support—

Mr McGauran addressed the House.

Discussion ensued.

Discussion concluded.

11 PRAWN BOAT LEVY BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Prawn Boat Levy Bill 1994 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), by leave, the Bill was read a third time.

12 PRAWN EXPORT CHARGE BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Prawn Export Charge Bill 1994 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), by leave, the Bill was read a third time.

13 PRAWN EXPORT PROMOTION BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Prawn Export Promotion Bill 1994 had been fully considered in 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 Mr Free (Minister for Schools, Vocational Education and Training), by leave, the Bill was read a third time.

14 ASIAN DEVELOPMENT BANK (ADDITIONAL SUBSCRIPTION) BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Asian Development Bank (Additional Subscription) Bill 1994 had been fully considered in 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 Mr Free (Minister for Schools, Vocational Education and Training), by leave, the Bill was read a third time.

15 NATIONAL CRIME AUTHORITY—PARLIAMENTARY JOINT COMMITTEE

Mr Free (Minister for Schools, Vocational Education and Training), by leave, moved—That Mr Snow be appointed a member of the Parliamentary Joint Committee on the National Crime Authority in place of Mr Duffy, resigned.

Question—put and passed.

16 MESSAGE FROM THE SENATE

Message No. 407, dated 6 February 1995, from the Senate was reported acquainting the House that Senator Devereux had resigned from the Parliamentary Standing Committee on Public Works.

17 INCOME TAX (INTERNATIONAL AGREEMENTS) AMENDMENT BILL 1995

Mr Free (Minister for Schools, Vocational Education and Training) presented a Bill for an Act to amend the *Income Tax (International Agreements) Act 1953*, and for related purposes.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

18 EXCISE TARIFF PROPOSAL

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved Excise Tariff Proposal No. 1 (1995).

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

19 FIRST CORPORATE LAW SIMPLIFICATION BILL 1994

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 Williams, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the principles of this Bill, the House is of the opinion that, given the importance of simplification to the business community and the need for the process to proceed in an appropriate manner, that the Parliamentary Joint Committee on Corporations and Securities should be given a general reference to inquire into and report on the simplification process, following its anticipated consideration of this Bill”—

Debate resumed.

Member ordered to withdraw: At 5.47 p.m. the Member for Page (Mr Woods) was ordered, under standing order 304A, to withdraw from the House for 1 hour for raising a spurious point of order, and he accordingly withdrew from the Chamber.

Debate continued.

Paper: Mr Abbott, by leave, presented the following paper:

Faulkner v. The Commonwealth and Flint—Brief of material gained under the Freedom of Information Act together with covering note from L. J. M. Cooray, School of Law, Macquarie University.

Amendment negatived.

Suspension of standing and sessional orders—Referral of Bill to committee: Mr Brereton (Minister for Transport), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Transport moving a motion to refer the First Corporate Law Simplification Bill 1994 to the Parliamentary Joint Committee on Corporations and Securities for consideration and an advisory report.

Question—put and passed.

Mr Brereton moved—

(1) That:

- (a) the First Corporate Law Simplification Bill 1994 be referred to the Parliamentary Joint Committee on Corporations and Securities for consideration and an advisory report to the House by 27 February 1995; and
- (b) the terms of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

(2) That a message be sent to the Senate acquainting it of this reference to the committee.

Question—put and passed.

Debate adjourned (Mr Brown) on the question—That the Bill be now read a second time, and the resumption of the debate made an order of the day for the next sitting.

20 HEALTH LEGISLATION (PRIVATE HEALTH INSURANCE REFORM) AMENDMENT BILL 1994

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 Mrs Bishop, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House will not decline to give the Bill a second reading if the following assertions of principle are agreed to, being of the opinion that:

- (1) there is no evidence that the Bill will meet the objective of reducing private health insurance premiums so as to stem the flow from health fund membership; in fact the evidence is to the contrary;
- (2) freedom of choice of doctor and hospital is effectively denied;
- (3) there is no adequate default payment provision for patients treated in hospitals other than under hospital purchase-provider agreements;
- (4) the community rating principle is undermined by allowing contracts between health funds and contributors to exclude coverage for the treatment of certain illnesses and conditions;
- (5) there is no specific appeal mechanism from the Complaints Commissioner;
- (6) the Bill grants the Minister excessive power, specifically:
 - (a) the ability to intervene in contracts, applicable benefits arrangements, complaints, and mergers of health funds;
 - (b) power to intrude upon the privacy of individual patients, without adequate guidelines and safeguards being provided; and
 - (c) to avoid competition policy and the provisions of the Trade Practices Act;
- (7) many in the industry have not been able to have their view heard, and accordingly, the Bill should be referred to the Senate Committee on Community Affairs to examine inter alia:
 - (a) the question as to whether the amendments to the Principal Act made by this Bill may be construed as an authorisation of any form of civil conscription in relation to medical and dental services as prohibited by section 51 (xxiiiA) of the Constitution;
 - (b) the submission made by the Australian Private Hospital Association that the date of the implementation of the mandatory contractual agreements be delayed until 1 July 1996 with the agreements remaining in place till then, and the apparent inflexibility of Casemix based payment systems; and
 - (c) the provision of an independent agency to receive information under the Hospital Casemix Protocol; and
- (8) should this second reading amendment not be agreed to, the Bill’s second reading should be declined”—

Debate resumed.

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

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

AYES, 73

Mr Adams	Mrs Easson	Mr Jones	Mr Sawford*
Mr Baldwin	Mr Elliott	Mr Kerr	Mr Sciacca
Mr Beazley	Mr M. J. Evans	Mr Knott	Mr L. J. Scott
Mr Bevis	Ms Fatin	Mr Langmore	Mr Simmons
Mr Bilney	Mr Ferguson	Mr Latham	Mrs S. J. Smith
Mr Brereton	Mr Fitzgibbon	Mr Lavarch	Mr S. F. Smith
Mr Brown	Mr Gear	Dr Lawrence	Mr Snow
Mr Campbell	Mr Gibson	Mr Lindsay	Mr Snowdon
Mr Chynoweth	Mr Grace*	Ms McHugh	Mr Staples
Mr Cleary	Mr Griffin	Mr Mack	Mr Swan
Mr Cleeland	Mr Haviland	Mr McLeay	Mr Tanner
Ms Crawford	Ms Henzell	Mr Melham	Dr Theophanous
Mr Crean	Mr Holding	Mr A. A. Morris	Mr Tickner
Mrs Crosio	Mr Hollis	Mr P. F. Morris	Mr Walker
Mr Cunningham	Mr Home	Mr O'Connor	Mr Willis
Ms Deahm	Mr Howe	Mr O'Keefe	Mr Woods
Mr Dodd	Mr Humphreys	Mr Price	
Mr Duffy	Mr Jenkins	Mr Punch	
Mr Duncan	Mr Johns	Mr Quick	

NOES, 59

Mr Abbott	Mr Costello	Mr Lieberman	Mr Ruddock
Mr Aldred	Mr Dobie	Mr McArthur	Mr B. C. Scott
Mr Anderson	Mr R. D. C. Evans	Mr McGauran	Mr Sharp
Mr J. N. Andrew	Mr Filing	Mr McLachlan	Mr Sinclair
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr Slipper
Mr Atkinson	Mr Forrest	Mr Moore	Mr Somlyay
Mr Beale	Mrs Gallus	Mr Nehl	Mrs Sullivan
Mrs Bishop	Mr Georgiou	Mr Neville	Mr Taylor
Mr Bradford	Mr Halverson	Mr Nugent	Mr Truss
Mr Braithwaite	Mr Hawker*	Mr Prosser	Mr Tuckey
Mr Cadman	Dr Hewson	Mr Pyne	Mr Vaile
Mr Cameron	Mr Hicks*	Mr Reid	Mr Wakelin
Mr Charles	Mr Jull	Mr Reith	Mr Williams
Mr Cobb	Mr Katter	Mr Rocher	Ms Worth
Mr Connolly	Dr Kemp	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

Debate adjourned (Mr Beazley—Minister for Finance), and the resumption of the debate made an order of the day for the next sitting.

21 TAX LAW IMPROVEMENT (SUBSTANTIATION) BILL 1994

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

Mr Rocher addressing the House—

22 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.59 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 8 February 1995:

Employment Services Act—Determinations under section—

37—1995 No. 1.

49—1995 No. 1.

62—1995 No. 1.

66—1995 No. 1.

67—1995 No. 1.

Health Insurance Act—Directions under section 106K, 31 January 1995.

States Grants (Primary and Secondary Education Assistance) Act—
Determination No. 1995-139-S107.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Gorman, Mr Hall and Mr Keating.

L. M. BARLIN

Clerk of the House of Representatives

1993-94-95

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 120

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 8 FEBRUARY 1995

1 The Main Committee met at 10 a.m.

Suspension of sitting: At 10 a.m., the Deputy Speaker left the Chair due to the lack of a quorum.

Resumption of sitting: At 10.05 a.m. the Deputy Speaker resumed the Chair, and a quorum being present—

2 **DECLARATION OF BILLS AS COGNATE BILLS**

Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, declared that the Prawn Boat Levy Bill 1994, the Prawn Export Charge Bill 1994 and the Prawn Export Promotion Bill 1994 were cognate Bills.

3 **PRAWN BOAT LEVY BILL 1994**

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

Debate ensued.

Mr Duncan, by leave, again addressed the Main Committee without closing the debate.

Debate continued.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Gear (Assistant Treasurer), Bill to be reported to the House without amendment.

4 **PRAWN EXPORT CHARGE BILL 1994**

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Gear, Bill to be reported to the House without amendment.

5 PRAWN EXPORT PROMOTION BILL 1994

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

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

Message from the Governor-General: Message No. 234, dated 12 December 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Gear, Bill to be reported to the House without amendment.

6 ASIAN DEVELOPMENT BANK (ADDITIONAL SUBSCRIPTION) BILL 1994

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

Debate ensued.

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

Message from the Governor-General: Message No. 235, dated 30 August 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Elliott (Parliamentary Secretary to the Treasurer), Bill to be reported to the House without amendment.

7 ADJOURNMENT

On the motion of Mr Elliott (Parliamentary Secretary to the Treasurer), the Main Committee adjourned at 12.50 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.

I. C. HARRIS

Clerk of the Main Committee