

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 86

WEDNESDAY, 2 NOVEMBER 1988

- 1 The House met, at 10 a.m., pursuant to adjournment. The Acting Speaker (Mr McLeay) took the Chair, and read Prayers.
- 2 **TAXATION LAWS AMENDMENT (TAX FILE NUMBERS) BILL 1988:** 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 Macphee addressing the House—
It being 12.45 p.m., the debate was interrupted in accordance with sessional order 101A, and the resumption of the debate made an order of the day for a later hour this day.
- 3 **QUESTIONS:** Questions without notice being asked—
Paper: Mr West (Minister for Administrative Services) presented the following paper:
Kakadu conservation zone—Exploration and access authorities—Schedule of environmental conditions, specified by Mr West, Minister for Administrative Services, dated 25 August 1988.
Questions without notice continued.
- 4 **PAPERS:** The following papers were presented:
Independent Air Fares Committee Act—Independent Air Fares Committee—7th Report, including freedom of information statement, for 1987-88.
Steel Industry Authority Act—Steel Industry Authority—Report for 1987-88.
- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AVIATION:** The House was informed that Mr Blunt had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The crises confronting Australian aviation".
The proposed discussion having received the necessary support—
Mr Blunt addressed the House.
Discussion ensued.
Discussion concluded.
- 6 **SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED:** Mr Tuckey moved—That so much of the standing and sessional orders be suspended as would prevent the Member for O'Connor from moving—That this House authorises the release of all *in camera* evidence provided to the Standing Committee on Expenditure inquiry 1984-85 into the Aboriginal Development Commission and all documents, proceedings and reports of this committee to the Minister for Aboriginal Affairs and to all other persons directly associated with such inquiries into the Aboriginal Development Commission or the Aboriginal Affairs Department as the Minister authorises.

Debate ensued.

The time allowed by standing order 91 for debate on the motion having expired—
Question—put.

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

AYES, 55

Mr Adermann	Mr Dobie	Mr McArthur	Mr Sharp
Mr Aldred	Mr Downer	Mr McGauran	Mr Shipton
Mr Andrew*	Mr Fife	Mr MacKellar	Mr Sinclair
Mr Beale	Mr T. A. Fischer	Mr Macphee	Mr Smith
Mr Blunt	Mr P. S. Fisher	Mr Moore	Mr Spender
Mr Braithwaite	Mr Goodluck	Mr Nehl	Mrs Sullivan
Mr N. A. Brown	Mr Hall	Mr Porter	Mr Taylor
Mr Burr	Mr Halverson	Mr Pratt	Mr Tuckey
Mr Cadman	Mr Hawker	Mr Prosser	Mr Webster
Mr E. C. Cameron	Dr Hewson	Mr Reith	Mr White
Mr I. M. D. Cameron	Mr Hicks*	Mr Robinson	Mr Wilson
Mr Carlton	Mr Hunt	Mr Rocher	Dr Woods
Mr Cobb	Mr Jull	Mr Ruddock	Dr Wooldridge
Mr Cowan	Mr Lloyd	Mr Shack	

NOES, 75

Mr Baldwin	Mr Duffy	Mr Jones	Mr O'Neil
Mr Beazley	Mr Duncan	Mrs Kelly	Mr Price
Mr Bilney	Ms Fatin	Mr Kent	Mr Punch
Mr Blanchard	Mr Fitzgibbon	Mr Kerin	Mr Saunderson
Dr Blewett	Mr Free	Mr Kerr	Mr Sawford
Mr Bowen	Mr Gayler	Dr Klugman	Mr Scholes
Mr J. J. Brown	Mr Gear	Mr Lamb*	Mr Sciacca
Mr Campbell	Mr Gorman	Mr Langmore	Mr J. L. Scott
Mr Charles	Mr Grace	Mr Lavarch	Mr L. J. Scott
Dr Charlesworth	Mr Griffiths	Mr Lee	Mr Simmons
Mr Chynoweth	Mr Hand	Mr Lindsay	Mr Snow
Mr Cleeland	Mrs Harvey	Ms McHugh	Mr Snowdon
Mr Cohen	Mr Holding	Mr Martin	Mr Staples
Mr Courtice	Mr Hollis	Mr Mildren	Dr Theophanous
Ms Crawford	Mr Howe	Mr Milton	Mr Tickner
Mr Cross	Mr Humphreys	Mr A. A. Morris	Mr Uren
Mr Cunningham*	Mrs Jakobsen	Mr P. F. Morris	Mr West
Mr Dawkins	Mr Jenkins	Mr Mountford	Mr Wright
Mr Dubois	Mr Johns	Mr O'Keefe	

* Tellers

And so it was negated.

7 CORPORATIONS LEGISLATION—JOINT SELECT COMMITTEE—MEMBERSHIP:

The House was informed of the following nominations of Members to be members of the Joint Select Committee on Corporations Legislation:

Mr R. F. Edwards, Mr Kerr and Mr Lindsay had been nominated by the Prime Minister and Mr P. S. Fisher and Mr Smith had been nominated by the Leader of the Opposition.

8 MESSAGE FROM THE SENATE—AGRICULTURAL AND VETERINARY CHEMICALS BILL 1988: The following message from the Senate was reported:

Mr Acting Speaker, Message No. 220

The Senate returns to the House of Representatives the Bill for "*An Act to establish procedures for examining agricultural chemical products and veterinary chemical products to ascertain their suitability for use in Australia and in the external Territories, and for related purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 1 November 1988

Ordered—That the amendments be taken into consideration, in committee of the whole House, at the next sitting.

- 9 **BROADCASTING (NATIONAL METROPOLITAN RADIO PLAN) BILL 1988:** Mr Kerin (Minister for Primary Industries and Energy), for Mr Willis (Minister for Transport and Communications), pursuant to notice, presented a Bill for an Act to amend the *Broadcasting Act 1942*, and for related purposes.

Bill read a first time.

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

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

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

- 10 **RADIO LICENCE FEES (NATIONAL METROPOLITAN RADIO PLAN) BILL 1988:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Radio Licence Fees Act 1964*, and for related purposes.

Bill read a first time.

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

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

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

- 11 **TRITICALE LEVY BILL 1988:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to impose a levy on triticale produced in Australia.

Bill read a first time.

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

Paper: Mr Kerin presented an explanatory memorandum to the following Bills:

Triticale Levy 1988.

Triticale Levy Collection 1988.

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

- 12 **TRITICALE LEVY COLLECTION BILL 1988:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act providing for the collection of levy imposed by the *Triticale Levy Act 1988*.

Bill read a first time.

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

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

- 13 **RURAL INDUSTRIES RESEARCH AMENDMENT BILL 1988:** Mr Kerin (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend the *Rural Industries Research Act 1985*, the Rural Industries Research Regulations and certain other Acts, and for related purposes.

Bill read a first time.

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

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

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

- 14 **TAXATION LAWS AMENDMENT (TAX FILE NUMBERS) BILL 1988:** 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.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

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

Clause 2—

Page 1, omit subclause (1), substitute the following subclause:

“(1) Subject to subsection (2), this Act commences on the day on which the *Privacy Act 1988* commences.”.

Page 1, lines 10 and 11, omit “subregulations 54ZED (1) and (2)”, substitute “regulation 54ZED”.

Page 1, at the end of subclause (2) add the following words:

“, being a day not earlier than the day on which the *Privacy Act 1988* commences.”.

Clause 6—

Page 5, line 5, omit “the approved form”, substitute “a form approved by the Commissioner”.

Page 7, line 3, omit “1 November 1988”, substitute “the first day of the phasing-in period for this Division”.

Page 7, line 4, omit “shall”, substitute “may”.

Page 7, line 7, omit “shall make an employment declaration in relation to each”, substitute “may make an employment declaration in relation to a”.

Page 7, line 12, omit “shall”, substitute “may”.

Page 7, line 15, omit “1 November 1988”, substitute “the day fixed by Proclamation as the first day of the phasing-in period for this Division”.

Page 7, line 17, omit “the Minister, by notice published in the *Gazette*,”, substitute “Proclamation”.

Page 10, proposed item 3 in the Table in proposed subsection 202D (1), omit “or a deposit to which item 2 applies”, substitute “, a deposit to which item 2 applies or a loan by a financial institution”.

Pages 11 and 12, omit proposed sections 202DB and 202DC, substitute the following section:

Quotation of tax file numbers in connection with investments

“202DB. A person who, at any time after the beginning of the phasing-in period for this Division, is an investor in relation to an investment to which this Part applies may quote the person’s tax file number to the investment body in connection with the investment.”.

Page 12, lines 14 and 15, omit “a requirement that the person quote a tax file number to an investment body is satisfied”, substitute “the person shall be taken to have quoted the person’s tax file number to the investment body concerned”.

Page 14, lines 24-26, omit proposed paragraph 202E (1) (a), substitute the following paragraph:

“(a) a child is an investor in relation to an investment to which this Part applies;”.

Page 14, line 32, after “body” insert “concerned”.

Page 15, line 19, omit “require”, substitute “provide for”.

Page 15, after proposed subsection 202EA (1) insert the following subsections:

“(1A) For the purposes of this Part, a person who is being paid a pension or benefit referred to in subsection (2) shall be taken to have quoted his or her tax file number in an employment declaration given to an employer of the person if a statement is made in the declaration to the effect that the person is being paid such a pension or benefit.

“(1B) A person who, as a person who is being paid a pension or benefit referred to in subsection (2), is taken, because of this section, to have quoted his or her tax file number in an employment declaration shall continue to be taken to have, because of this section, quoted the number

in the declaration until the Commissioner gives a written notice to the person to the effect that the person is no longer entitled to exemption under this section.

“(1C) The Commissioner may not give a notice under subsection (1B) until the person has ceased to be paid any pension or benefit referred to in subsection (2).”.

Page 15, line 24, omit “Subsection (1)”, substitute “This section”.

Page 15, lines 35-40, omit proposed subsection 202EB (1), substitute the following subsection:

“202EB. (1) For the purposes of this Part, a person to whom this section applies shall be taken to have quoted his or her tax file number under Division 4 in connection with the investment if the investment body concerned is given a written declaration, made by the person, under subsection (2).”.

Page 16, lines 16 and 17, omit “at the maximum rate at which the pension or benefit is payable”.

Page 16, line 27, omit “at the maximum rate at which the allowance is payable”.

Page 16, lines 30 and 31, omit “at the maximum rate at which the pension is payable”.

Page 16, lines 34-38, omit proposed paragraph 202EC (1) (a), substitute the following paragraph:

“(a) an entity that is not required to furnish to the Commissioner a return under section 161 in respect of a year of income is, at any time during that year, an investor in relation to an investment to which this Part applies; and”.

Page 16, line 41, after “body” insert “concerned”.

Page 17, lines 15-30, omit proposed subsection 202EC (4), substitute the following subsection:

“(4) Where an entity in respect of which a declaration under subsection (2) has been given to an investment body in connection with an investment becomes obliged under section 161 to furnish a return in respect of a year of income, the person who is the public officer of the entity for the purposes of this Act is guilty of an offence if:

(a) the entity is, at the end of the year of income, still an investor in relation to the investment; and

(b) the investment body is not, within 2 months after the end of the year of income, informed of the entity’s tax file number or informed that the entity is obliged to furnish the return.

Penalty: \$1,000.”.

Page 18, lines 25-27, omit “becomes obliged, as an investor in relation to an investment, to quote his or her tax file number to the investment body under Division 4”, substitute “is an investor in relation to an investment to which this Part applies”.

Page 18, line 32, after “body” insert “concerned”.

Page 19, lines 21-23, omit “becomes obliged, as an investor in relation to an investment, to quote the non-resident’s tax file number to the investment body under Division 4”, substitute “is an investor in relation to an investment to which this Part applies”.

Page 19, lines 30-40, omit proposed subsection 202EF (1), substitute the following subsections:

“202EF. (1) For the purposes of this Part, an employee shall be taken to have quoted the employee’s tax file number in an employment declaration given to the employer concerned under section 202C if income derived from the employment would be exempt from income tax because of Division 1A of Part III.

'(1A) For the purposes of this Part, an investor in relation to an investment to which this Part applies shall be taken to have quoted the investor's tax file number under Division 4 in connection with the investment if income derived from the investment would be exempt from income tax because of Division 1A of Part III.'

Clause 14—

Page 28, lines 22-24, omit "the investor is in breach of an obligation under Part VA to quote the investor's tax file number", substitute "the investor's tax file number is not taken, for the purposes of Part VA, to have been quoted".

Page 28, lines 26-27, omit "the investor is in breach of the obligation because a provision of Division 5 of Part VA", substitute "a provision of Division 5 of Part VA that previously applied to the investor".

Clause 26—

Page 34, lines 10 and 11, omit proposed paragraph 8WA (1) (a), substitute the following paragraph:

"(a) provision is made by or under a taxation law for the person to quote the number to the first-mentioned person;"

Page 34, at the end of proposed section 8WA add the following subsection:

"(4) Nothing in this section shall be read as imposing on a person an obligation to require another person to quote a tax file number."

Page 35, at the end of proposed section 8WB add the following subsection:

"(2) Without affecting any obligation imposed by or under a law of the Commonwealth other than this section, nothing in subsection (1) shall be read as imposing on a person an obligation to do an act referred to in paragraph (1) (a), (b) or (c)."

Schedule 2—

Page 39, omit the proposed amendment to regulation 11, substitute the following amendment:

"Regulation 11:

Add at the end the following subregulation:

'(3) Subregulation (2) does not apply in relation to a period in respect of which a company is obliged to prepare and give to the Commissioner a report under regulation 43C.'

Page 41, omit proposed subregulation 43B (7) (including the word and figures "Penalty: \$2,000.>").

Page 41, proposed subregulation 43C (2), after "ended" insert "at or".

Page 43, omit proposed subregulation 43C (9) (including the word and figures "Penalty: \$2,000.>").

Page 45, omit proposed paragraph 54DAAB (2) (a), substitute the following paragraph:

"(a) is not an employee in respect of whom Part VA of the Act provides for the making of an employment declaration to his or her employer; or"

Page 45, proposed paragraph 54DAAB (2) (b), before "receives" insert "is under 16 years of age and".

Page 45, omit proposed subregulation 54DAC (2A), substitute the following subregulation:

"(2A) Nothing in subregulation (2) affects the operation of section 202C of the Act in relation to the making by an employee of a separate employment declaration in relation to each of the employee's employers."

Page 47, omit proposed subregulation 54DAP (1B), substitute the following subregulation:

"(1B) For the purposes of subregulation (1A), an employee shall be taken to have quoted his or her tax file number in a statement under regulation 54DAQ if:

- (a) the employee is not an employee in respect of whom Part VA of the Act provides for the making of an employment declaration to his or her employer; or
- (c) had the statement been an employment declaration given to his or her employer under Part VA of the Act, the employee would have been taken, for the purposes of that Part, to have quoted the number in the declaration.’”.

Page 49, after the proposed new Division 3B of Part VI of the Income Tax Regulations insert the following amendment:

“Regulation 65:

Add at the end the following subregulation:

‘(?) This regulation does not apply in relation to regulation 43B or 43C.’”.

Papers: Mr Keating presented the following papers:

Supplementary explanatory memorandum to the Bill.

Second supplementary memorandum to the Bill.

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Blanchard reported accordingly.

On the motion of Mr Keating, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

- 15 **PRIVACY BILL 1988:** 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.
The House resolved itself into a committee of the whole.

In the committee

Clause 1—

Progress to be reported, and leave asked to sit again.

The House resumed; Mr Blanchard reported accordingly.

Ordered—That the House will, at the next sitting, again resolve itself into the said committee.

- 16 **ANL (CONVERSION INTO PUBLIC COMPANY) BILL 1988:** 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 Blunt, 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) notes the failure of the Government to achieve micro-economic reform in coastal shipping and the Australian waterfront; and
- (2) calls on the Government to introduce immediately a program to increase the efficiency of coastal shipping, including the introduction of ships from OECD countries and other measures to overcome the problems identified by the IAC in its report and the Business Council of Australia, in its action plan”—

Debate resumed.

Mr Moore addressing the House—

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

Debate ensued.

The House continuing to sit until 11 p.m.—The Acting Speaker adjourned the House until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 2 November 1988:

Archives Act—Regulations—Statutory Rules 1988, No. 256.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal for collection of information—1988—No. 62—Extension of quarterly survey of balance sheet information.

Australian Capital Territory Supreme Court Act—Rules of Court—Statutory Rules 1988, No. 257.

Banking Act—Regulations—Statutory Rules 1988, No. 254.

Bankruptcy Act—Rules—Statutory Rules 1988, No. 261.

Defence Act—Determination—1988—No. 57—Overseas Living Allowance and other allowances.

Income Tax Assessment Act—Regulations—Statutory Rules 1988, No. 262.

National Measurement Act—Regulations—Statutory Rules 1988, Nos. 258, 259.

World Heritage Properties Conservation Act—Notices of consent pursuant to section 9, dated 27 October and 2 November 1988.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr R. J. Brown, Mr Brumby, Mr D. M. Cameron, Mrs Child, Mrs Darling, Dr H. R. Edwards, Mr R. F. Edwards, Mr Katter, Mr Miles and Mr Willis.

A. R. BROWNING

Clerk of the House of Representatives