

1998

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 7

THURSDAY, 26 NOVEMBER 1998

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 **WORKPLACE RELATIONS LEGISLATION AMENDMENT (YOUTH EMPLOYMENT) BILL 1998**

Mr Reith (Minister for Employment, Workplace Relations and Small Business), pursuant to notice, presented a Bill for an Act to amend legislation relating to workplace relations.

Bill read a first time.

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

Paper

Mr Reith presented an explanatory memorandum to the Bill.

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

3 **RURAL ADJUSTMENT AMENDMENT BILL 1998**

Mr M. A. J. Vaile (Minister for Agriculture, Fisheries and Forestry), pursuant to notice, presented a Bill for an Act to amend the *Rural Adjustment Act 1992*, and for related purposes.

Bill read a first time.

Mr M. A. J. Vaile moved—That the Bill be now read a second time.

Paper

Mr M. A. J. Vaile presented an explanatory memorandum to the Bill.

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

4 **REGIONAL FOREST AGREEMENTS BILL 1998**

Mr Tuckey (Minister for Forestry and Conservation), pursuant to notice, presented a Bill for an Act relating to Regional Forest Agreements.

Bill read a first time.

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

Paper

Mr Tuckey presented an explanatory memorandum to the Bill.

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

5 SUPERANNUATION LEGISLATION AMENDMENT (RESOLUTION OF COMPLAINTS) BILL 1998

Mr Hockey (Minister for Financial Services and Regulation), pursuant to notice, presented a Bill for an Act relating to superannuation.

Bill read a first time.

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

Paper

Mr Hockey presented an explanatory memorandum to the Bill.

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

6 ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 1998

Mr Slipper (Parliamentary Secretary to the Minister for Finance and Administration), pursuant to notice, presented a Bill for an Act to amend the law relating to elections and referendums.

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 Swan), and the resumption of the debate made an order of the day for the next sitting.

7 HEALTH LEGISLATION AMENDMENT BILL (NO. 3) 1998

Dr Wooldridge (Minister for Health and Aged Care), pursuant to notice, presented a Bill for an Act to amend legislation relating to health, and for related purposes.

Bill read a first time.

Dr Wooldridge moved—That the Bill be now read a second time.

Paper

Dr Wooldridge presented an explanatory memorandum to the Bill.

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

8 ANTI-PERSONNEL MINES CONVENTION BILL 1998

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 Downer (Minister for Foreign Affairs), the Bill was read a third time.

9 ACTS INTERPRETATION AMENDMENT BILL 1998

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.

Consideration in detail

Bill, by leave, taken as a whole.

Mr McClelland moved the Opposition amendment, as circulated.

Debate continued.

Amendment negatived.

Mr Williams (Attorney-General), by leave, moved Government amendments (1) to (5) as circulated, together.

Paper

Mr Williams 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 Williams, by leave, the Bill was read a third time.

10 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 3, government business, be postponed until a later hour this day.

11 TAXATION LAWS AMENDMENT BILL (NO. 2) 1998

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 K. J. Thomson who was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

12 ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH

The order of the day having been read for the resumption of the debate on the question—That the Address in Reply to the speech of His Excellency the Governor-General be agreed to (*see item number 19, page 13*)—

Debate resumed.

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.

13 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw

At 2.55 p.m. the Member for Melbourne (Mr Tanner) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continued.

14 PAPERS

The following papers were presented:

Administrative Appeals Tribunal Act—Administrative Review Council—Report for 1997-98—Erratum.

Commissioner of Taxation—Report for 1997-98—Corrigenda.

Commonwealth Authorities and Companies Act—Private Health Insurance Ombudsman—Report for 1997-98.

Health Insurance Act—Medical Training Review Panel—2nd report, for 1997-98.

High Court of Australia Act—High Court of Australia—Report for 1997-98.

Workplace Relations Act—Industrial Relations Court of Australia—Report for 1997-98.

15 PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Reith (Leader of the House) moved—That the House take note of the following papers:

The following papers were presented:

Commissioner of Taxation—Report for 1997-98—Corrigenda.

Commonwealth Authorities and Companies Act—Private Health Insurance Ombudsman—Report for 1997-98.

Health Insurance Act—Medical Training Review Panel—2nd report, for 1997-98.

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

16 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIVATE HEALTH INSURANCE REBATE

The House was informed that Ms Macklin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The continuing failure of the Government to fully disclose the economic modelling

for its private health insurance rebate including the basis for the claimed benefits for Australia's public hospital system".

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Discussion concluded.

17 ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH

The order of the day having been read for the resumption of the debate on the question—That the Address in Reply to the speech of His Excellency the Governor-General be agreed to—

Debate resumed.

Debate adjourned (Mr K. J. Thomson), and the resumption of the debate made an order of the day for a later hour this day.

18 TAXATION LAWS AMENDMENT BILL (NO. 2) 1998

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 K. J. Thomson who moved, as an amendment—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 recent comments of the Commissioner of Taxation to the Chartered Accountants in Business Congress 98 that:
 - (a) there is a growing culture of aggressive tax planning in Australia;
 - (b) there has been a huge growth in a range of tax effective investments in such things as research, films and primary production;
 - (c) these investments were blossoming in the 1996-97 year and are continuing to increase;
 - (d) circular financing is used to leverage up the deductions claimed to be available to investors;
 - (e) another tax avoidance arrangement which has grown strongly recently involves employee benefit arrangements designed to circumvent the reasonable benefit limits and involve several hundred million dollars to New Zealand superannuation funds alone; and
 - (f) the most aggressive new tax avoidance products are structured financial products, including structured option arrangements which generate artificial capital losses, and that other products are emerging which offer tax deferral; and
- (2) condemns the Government for allowing this aggressive new tax avoidance culture to thrive and calls on the Government to act to stamp out these practices, thereby improving the fairness of the taxation scheme and providing adequate revenue to finance the delivery of a decent level of public services".

Debate continued.

Paper

Mr Hockey (Minister for Financial Services and Regulation) presented a correction to the explanatory memorandum to the Bill.

Amendment negatived.

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

Consideration in detail

Bill, by leave, taken as a whole, and agreed to, after debate.

Consideration in detail concluded.

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

19 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT (STRENGTHENING OF PROVISIONS RELATING TO CHARACTER AND CONDUCT) BILL 1998

Message No. 7, 25 November 1998, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Migration Act 1958*, and for other purposes.

Bill read a first time.

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

20 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had been unable to complete consideration of the Bill and returned the Bill for further consideration (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill.

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

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

AYES, 71

Mr Abbott	Mr Entsch	Mr Lloyd	Mr Secker
Mr Anderson	Mr Fahey	Mr McArthur*	Mr Slipper
Mr K. J. Andrews	Mr Forrest*	Mr I. Macfarlane	Mr Somlyay
Mr Anthony	Mrs Gallus	Mr McGauran	Dr Southcott
Mrs Bailey	Ms Gambaro	Ms May	Mrs Stone
Mr Barresi	Mrs Gash	Mrs Moylan	Mrs Sullivan
Mr Bartlett	Mr Georgiou	Mr Nairn	Mr C. P. Thompson
Mr Billson	Mr Haase	Dr Nelson	Mr A. P. Thomson
Mrs B. K. Bishop	Mr Hardgrave	Mr Neville	Mr Truss
Ms J. I. Bishop	Mr Hawker	Mr Nugent	Mr Tuckey
Mr Brough	Mr Hockey	Mr Prosser	Mr M. A. J. Vaile
Mr Cameron	Mrs Hull	Mr Pyne	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Reith	Mr Wakelin
Mr Charles	Miss J. M. Kelly	Mr Ronaldson	Dr Washer
Mr Costello	Dr Kemp	Mr Ruddock	Mr Williams
Mr Downer	Mr Lawler	Mr St Clair	Dr Wooldridge
Mrs Draper	Mr Lieberman	Mr Schultz	Ms Worth
Mrs Elson	Mr Lindsay	Mr Scott	

NOES, 59

Mr Adams	Ms Gerick	Ms Livermore	Mr Quick
Mr Albanese	Mr Gibbons	Mr McClelland	Mr Ripoll
Mr Andren	Ms Gillard	Ms J. S. McFarlane	Ms Roxon
Mr Bevis	Mr Griffin	Ms Macklin	Mr Rudd
Ms Burke	Ms Hall	Mr McLeay	Mr Sawford*
Mr Cox	Mr Hatton	Mr McMullan	Mr Sercombe*
Mr Crean	Ms Hoare	Mr Martin	Mr Sidebottom
Mrs Crosio	Mr Hollis	Mr Melham	Mr Smith
Mr Danby	Mr Horne	Mr Mossfield	Mr Snowdon
Ms Ellis	Mrs Irwin	Mr Murphy	Mr Tanner
Dr Emerson	Mr Jenkins	Ms O'Byrne	Mr K. J. Thomson
Mr G. J. Evans	Ms Kernot	Mr O'Connor	Mr Wilkie
Mr L. D. T. Ferguson	Mr Kerr	Mr O'Keefe	Mr Wilton
Mr M. J. Ferguson	Dr Lawrence	Ms Plibersek	Mr Zahra
Mr Fitzgibbon	Mr Lee	Mr Price	

* Tellers

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

Message from the Governor-General

Message No. 8, 11 November 1998, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

Mr Fahey (Minister for Finance and Administration) moved—That the Bill be now read a third time.

Debate ensued.

Question—put.

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

AYES, 71

Mr Abbott	Mr Entsch	Mr Lloyd	Mr Secker
Mr Anderson	Mr Fahey	Mr McArthur*	Mr Slipper
Mr K. J. Andrews	Mr Forrest*	Mr I. Macfarlane	Mr Somlyay
Mr Anthony	Mrs Gallus	Mr McGauran	Dr Southcott
Mrs Bailey	Ms Gambaro	Ms May	Mrs Stone
Mr Barresi	Mrs Gash	Mrs Moylan	Mrs Sullivan
Mr Bartlett	Mr Georgiou	Mr Nairn	Mr C. P. Thompson
Mr Billson	Mr Haase	Dr Nelson	Mr A. P. Thomson
Mrs B. K. Bishop	Mr Hardgrave	Mr Neville	Mr Truss
Ms J. I. Bishop	Mr Hawker	Mr Nugent	Mr Tuckey
Mr Brough	Mr Hockey	Mr Prosser	Mr M. A. J. Vaile
Mr Cameron	Mrs Hull	Mr Pyne	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Reith	Mr Wakelin
Mr Charles	Miss J. M. Kelly	Mr Ronaldson	Dr Washer
Mr Costello	Dr Kemp	Mr Ruddock	Mr Williams
Mr Downer	Mr Lawler	Mr St Clair	Dr Wooldridge
Mrs Draper	Mr Lieberman	Mr Schultz	Ms Worth
Mrs Elson	Mr Lindsay	Mr Scott	

NOES, 61

Mr Adams	Ms Gerick	Mr McClelland	Ms Roxon
Mr Albanese	Mr Gibbons	Ms J. S. McFarlane	Mr Rudd
Mr Andren	Ms Gillard	Ms Macklin	Mr Sawford*
Mr Bevis	Mr Griffin	Mr McLeay	Mr Sercombe*
Ms Burke	Ms Hall	Mr McMullan	Mr Sidebottom
Mr Cox	Mr Hatton	Mr Martin	Mr Smith
Mr Crean	Ms Hoare	Mr Melham	Mr Snowdon
Mrs Crosio	Mr Hollis	Mr Mossfield	Mr Swan
Mr Danby	Mr Horne	Mr Murphy	Mr Tanner
Mr Edwards	Mrs Irwin	Ms O'Byrne	Mr K. J. Thomson
Ms Ellis	Mr Jenkins	Mr O'Connor	Mr Wilkie
Dr Emerson	Ms Kernot	Mr O'Keefe	Mr Wilton
Mr G. J. Evans	Mr Kerr	Ms Plibersek	Mr Zahra
Mr L. D. T. Ferguson	Dr Lawrence	Mr Price	
Mr M. J. Ferguson	Mr Lee	Mr Quick	
Mr Fitzgibbon	Ms Livermore	Mr Ripoll	

* Tellers

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

21 TELECOMMUNICATIONS LEGISLATION AMENDMENT BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had been unable to complete consideration of the Bill and returned the Bill for further consideration, and presented a certified copy of the Bill.

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 Mr Fahey (Minister for Finance and Administration), the Bill was read a third time.

22 TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY) AMENDMENT BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had been unable to complete consideration of the Bill and returned the Bill for further consideration, and presented a certified copy of the Bill.

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 Mr Fahey (Minister for Finance and Administration), the Bill was read a third time.

23 TELECOMMUNICATIONS (CONSUMER PROTECTION AND SERVICE STANDARDS) BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had been unable to complete consideration of the Bill and returned the Bill for further consideration, and presented a certified copy of the Bill.

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

Message from the Governor-General

Message No. 9, 11 November 1998, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Fahey (Minister for Finance and Administration), the Bill was read a third time.

24 NRS LEVY IMPOSITION AMENDMENT BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had been unable to complete consideration of the Bill and returned the Bill for further consideration, and presented a certified copy of the Bill.

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 Mr Fahey (Minister for Finance and Administration), the Bill was read a third time.

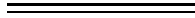
25 ADJOURNMENT

Mr Fahey (Minister for Finance and Administration) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 6 p.m., adjourned until Monday next at 12.30 p.m.

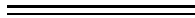


PAPERS

The following papers were deemed to have been presented on 26 November 1998:

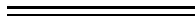
Corporations Act—Accounting standard No. AASB 1038.

Fisheries Levy Act and Fisheries Management Act—Regulations—Statutory Rules 1998 No. 314.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton, Mr Fischer and Mr Sciacca.



I. C. HARRIS

Clerk of the House of Representatives

1998

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 7

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 26 NOVEMBER 1998

1 The Main Committee met at 9.40 a.m.

2 MEMBERS' STATEMENTS

Members' statements were made.

3 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 1998

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.

Ms Hoare addressing the Main Committee—

Adjournment negatived

It being 12.30 p.m.—The question was proposed—That the Committee do now adjourn.

Mr Fahey (Minister for Finance and Administration) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Mr Fahey moved—That further proceedings be conducted in the House.

Question—put and passed—Bill to be returned to the House.

4 ORDERS OF THE DAY—RETURNED TO HOUSE

On the motion of Mr Fahey (Minister for Finance and Administration), by leave, Main Committee orders of the day Nos. 2 to 5, government business, were to be returned to the House.

5 ADJOURNMENT

Mr Fahey (Minister for Finance and Administration) moved—That the Main Committee do now adjourn.

Debate ensued.

Question—put and passed.

At 1.19 p.m. the Deputy Speaker adjourned the Main Committee until Wednesday, 2 December 1998, at 10 a.m.

B. C. WRIGHT
Clerk of the Main Committee