



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**A NEW TAX SYSTEM (TRADE  
PRACTICES AMENDMENT) BILL 2000**

**Consideration of Senate Message**

**SPEECH**

**Wednesday, 7 June 2000**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Wednesday, 7 June 2000  
**Page** 17245  
**Questioner**  
**Speaker** Cox, David, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr COX** (Kingston) (4.44 pm)—I simply want to lay to rest some of the misrepresentations made by the Minister for Financial Services and Regulation when speaking of the Labor Party's reasons for moving the amendment to the A New Tax System (Trade Practices Amendment) Bill 2000 which he has reluctantly accepted. He said that we did this for the purpose of delaying the passage of the legislation. At the time that the amendment was conceived, we expected the legislation to be dealt with very swiftly. We believed that the legislation required an amendment because, without it, the legislation would be obnoxious, thuggish and antidemocratic; that the purpose of the legislation was to intimidate people who are in trade or commerce from commenting on the price effects of the GST in the fear that the ACCC would find that they had made some error.

The key to seeing the intent of the government was that the original legislation said 'misrepresent all or any of the price effects of the GST'. If its purpose was to protect consumers, it might perhaps have wanted to stop people from making statements that misrepresented the price effects on a particular product. But why did the government want to stop people commenting on all of the price effects of the GST? It did not want people who were in trade or commerce entering into the political debate about the price effects of the GST. The piece of legislation was simply a device designed to silence people who are in trade or commerce. The government could not silence political parties; it could not silence community groups. But with this legislation, it could silence people like the brewers. That is why the government did it. It was entirely to head off that kind of campaign. That is why I felt it was an obnoxious piece of legislation and why I raised this amendment in caucus.

The minister has made a little Freudian slip this afternoon in saying that it has made it difficult for the ACCC to get prosecutions in this area because it will have to prove intent. It will have to prove intent in that the reason that the transgressor has transgressed is that they were transgressing for the purposes of price exploitation, which is the evil that we are trying to remedy.

**Mr Hockey**—So how do you prove it?

**Mr COX**—They will have to have achieved price exploitation by doing it. It is as simple as that. If the minister cannot see that—

**Mr Hockey**—Tell me what intention there is.

**Mr COX**—You are the one who has brought in intention. They will have to do it for the purpose of price exploitation. Can't the minister see that? I think the minister can see that.

**Mr Hockey**—Proving the intention is very difficult.

**Mr COX**—The purpose of this legislation, because the government did not want an appropriate standard of proof, was to intimidate and silence all those in trade or commerce who chose to speak up about the price effects of the GST. It was specifically designed to head off campaigns such as that which the brewers have mounted.

Question put:

That the amendments (**Mr Crean's**) be agreed to.