

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 154

TUESDAY, 3 NOVEMBER 1992

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.

2 **PHOTOGRAPHS OF PROCEEDINGS OF HOUSE—STATEMENT BY SPEAKER:**
The Speaker made a statement informing the House that, for a trial period, up to four press photographers would be allowed access to the public galleries during question time and other times of significance to take photographs under similar conditions to those which apply to camera operation and television broadcasters.

3 **MINISTERIAL ARRANGEMENTS:** Mr Keating (Prime Minister) informed the House that, during the absence of Mr Kerin (Minister for Trade and Overseas Development), Dr Blewett (Minister for Social Security) would answer questions on his behalf.

Mr Keating also informed the House that, during the absence of Mr Griffiths (Minister for Tourism and Minister for Resources), Mr Simmons (Minister for Local Government and Minister for Family Support) would answer questions relating to tourism and Mr Crean (Minister for Primary Industries and Energy) would answer questions relating to resources.

4 **QUESTIONS:** Questions without notice being asked—

Suspension of standing orders moved: Mr Reith (Deputy Leader of the Opposition) moved—That so much of the standing orders be suspended as would prevent the Deputy Leader of the Opposition moving forthwith: “That this House censures the Treasurer for his attempted cover-up of the breach by the Victorian Government of its global borrowing limits as set by the Loan Council for financial year 1991-92”.

Question—put and negatived.

Questions without notice continued.

5 **TREASURER—MOTION OF CENSURE:** Mr Reith (Deputy Leader of the Opposition), by leave, moved—That this House censures the Treasurer for his attempted cover-up of the breach by the Victorian Government of its global borrowing limits as set by the Loan Council for financial year 1991-92.

Ordered—That Mr Reith be granted an extension of time.

Mr Dawkins (Treasurer) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House censures the Opposition for playing politics with normal Commonwealth/State relations in Loan Council arrangements in direct

contravention of the wishes of their colleagues in the Victorian State Government who have supported the Commonwealth's handling of their loan arrangements".

Papers: Mr Dawkins, by leave, presented the following papers:

Loan Council—Copies of documents (33) relating to Victoria's borrowings 1991-92.

Closure moved: Mr Dawkins moved—That the question be now put.

*Question—*That the question be now put—put and negatived.

Mr Howard rising to address the House—

Closure: Mr Beazley (Leader of the House) moved—That the question be now put.

*Question—*That the question be now put—put.

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

AYES, 69

| | | | |
|-----------------|--------------|-----------------|----------------|
| Mr Baldwin | Mr Dubois | Mrs Jakobsen | Mr Punch |
| Mr Beazley | Mr Duffy | Mr Jenkins | Mr Sawford |
| Mr Beddall | Mr Duncan | Mr Johns | Mr Sciacca |
| Mr Bevis | Mr Elliott | Mr Keating | Mr J. L. Scott |
| Mr Bilney | Ms Fatin | Mrs Kelly | Mr L. J. Scott |
| Dr Blewett | Mr Ferguson | Mr Kerr | Mr Simmons |
| Mr Brereton | Mr Free | Mr Langmore | Mr Snow |
| Mr R. J. Brown | Mr Gayler | Mr Lavarch | Mr Snowdon |
| Mr Campbell | Mr Gear* | Mr Lee | Mr Staples |
| Dr Catley | Mr Gibson | Mr Lindsay | Mr Tickner |
| Dr Charlesworth | Mr Gorman | Ms McHugh | Mr Walker |
| Mr Cleary | Mr Grace* | Mr Martin | Mr West |
| Mr Courtice | Mr Hand | Mr Melham | Mr Willis |
| Ms Crawford | Mr Holding | Mr P. F. Morris | Mr H. F. Woods |
| Mr Crean | Mr Hollis | Mr Newell | Mr Wright |
| Mrs Crosio | Mr Howe | Mr O'Keefe | |
| Mrs Darling | Mr Hulls | Mr O'Neil | |
| Mr Dawkins | Mr Humphreys | Mr Price | |

NOES, 64

| | | | |
|------------------|------------------|--------------|----------------|
| Mr Aldred | Mr Cowan | Mr Jull | Mr Riggall |
| Mr Anderson | Mr Dobie | Dr Kemp | Mr Rocher |
| Mr J. N. Andrew* | Mr Downer | Mr Lloyd | Mr Ronaldson |
| Mr K. J. Andrews | Dr H. R. Edwards | Mr McArthur | Mr B. C. Scott |
| Mr Atkinson | Mr Fife | Mr McGauran | Mr Shack |
| Mrs Bailey | Mr Filing | Mr Mack | Mr Sharp |
| Mr Beale | Mr T. A. Fischer | Mr MacKellar | Mr Sinclair |
| Mr Bradford | Mr P. S. Fisher | Mr McLachlan | Mr Smith |
| Mr Braithwaite | Mr Ford | Mr Miles | Mrs Sullivan |
| Mr Burr | Mr Goodluck | Mr Moore | Mr Taylor |
| Mr Cadman | Mr Hall | Mr Nehl | Mr Truss |
| Mr Carlton | Mr Halverson | Mr Nugent | Mr Tuckey |
| Mr Charles | Mr Hawker | Mr Peacock | Mr Webster |
| Mr Cobb | Dr Hewson | Mr Prosser | Mr Wilson |
| Mr Connolly | Mr Hicks* | Mr Reid | Dr R. L. Woods |
| Mr Costello | Mr Howard | Mr Reith | Dr Wooldridge |

* Tellers

And so it was resolved in the affirmative.

And the question—That the amendment be agreed to—being accordingly put—

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

AYES, 69

| | | | |
|-----------------|--------------|-----------------|----------------|
| Mr Baldwin | Mr Dubois | Mrs Jakobsen | Mr Punch |
| Mr Beazley | Mr Duffy | Mr Jenkins | Mr Sawford |
| Mr Beddall | Mr Duncan | Mr Johns | Mr Sciacca |
| Mr Bevis | Mr Elliott | Mr Keating | Mr J. L. Scott |
| Mr Bilney | Ms Fatin | Mrs Kelly | Mr L. J. Scott |
| Dr Blewett | Mr Ferguson | Mr Kerr | Mr Simmons |
| Mr Brereton | Mr Free | Mr Langmore | Mr Snow |
| Mr R. J. Brown | Mr Gayler | Mr Lavarch | Mr Snowdon |
| Mr Campbell | Mr Gear* | Mr Lee | Mr Staples |
| Dr Catley | Mr Gibson | Mr Lindsay | Mr Tickner |
| Dr Charlesworth | Mr Gorman | Ms McHugh | Mr Walker |
| Mr Cleary | Mr Grace* | Mr Martin | Mr West |
| Mr Courtice | Mr Hand | Mr Melham | Mr Willis |
| Ms Crawford | Mr Holding | Mr P. F. Morris | Mr H. F. Woods |
| Mr Crean | Mr Hollis | Mr Newell | Mr Wright |
| Mrs Crosio | Mr Howe | Mr O'Keefe | |
| Mrs Darling | Mr Hulls | Mr O'Neil | |
| Mr Dawkins | Mr Humphreys | Mr Price | |

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| Mr K. J. Andrews | Dr H. R. Edwards | Mr McArthur | Mr B. C. Scott |
| Mr Atkinson | Mr Fife | Mr McGauran | Mr Shack |
| Mrs Bailey | Mr Filing | Mr Mack | Mr Sharp |
| Mr Beale | Mr T. A. Fischer | Mr MacKellar | Mr Sinclair |
| Mr Bradford | Mr P. S. Fisher | Mr McLachlan | Mr Smith |
| Mr Braithwaite | Mr Ford | Mr Miles | Mrs Sullivan |
| Mr Burr | Mr Goodluck | Mr Moore | Mr Taylor |
| Mr Cadman | Mr Hall | Mr Nehl | Mr Truss |
| Mr Carlton | Mr Halverson | Mr Nugent | Mr Tuckey |
| Mr Charles | Mr Hawker | Mr Peacock | Mr Webster |
| Mr Cobb | Dr Hewson | Mr Prosser | Mr Wilson |
| Mr Connolly | Mr Hicks* | Mr Reid | Dr R. L. Woods |
| Mr Costello | Mr Howard | Mr Reith | Dr Wooldridge |

* Tellers

And so it was resolved in the affirmative.

Question proposed—That the motion, as amended, be agreed to.

Mr Howard addressing the House—

Closure: Mr Beazley moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 69

| | | | |
|-----------------|--------------|-----------------|----------------|
| Mr Baldwin | Mr Dubois | Mrs Jakobsen | Mr Punch |
| Mr Beazley | Mr Duffy | Mr Jenkins | Mr Sawford |
| Mr Beddall | Mr Duncan | Mr Johns | Mr Sciacca |
| Mr Bevis | Mr Elliott | Mr Keating | Mr J. L. Scott |
| Mr Bilney | Ms Fatin | Mrs Kelly | Mr L. J. Scott |
| Dr Blewett | Mr Ferguson | Mr Kerr | Mr Simmons |
| Mr Brereton | Mr Free | Mr Langmore | Mr Snow |
| Mr R. J. Brown | Mr Gayler | Mr Lavarch | Mr Snowdon |
| Mr Campbell | Mr Gear* | Mr Lee | Mr Staples |
| Dr Catley | Mr Gibson | Mr Lindsay | Mr Tickner |
| Dr Charlesworth | Mr Gorman | Ms McHugh | Mr Walker |
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| Mr Atkinson | Mr Fife | Mr McGauran | Mr Shack |
| Mrs Bailey | Mr Filing | Mr Mack | Mr Sharp |
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* Tellers

And so it was resolved in the affirmative.

And the question—That the motion, as amended, be agreed to—being accordingly put—

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

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| Mr Baldwin | Mr Dubois | Mrs Jakobsen | Mr Punch |
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| Mr Bevis | Mr Elliott | Mr Keating | Mr J. L. Scott |
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| Dr Blewett | Mr Ferguson | Mr Kerr | Mr Simmons |
| Mr Brereton | Mr Free | Mr Langmore | Mr Snow |
| Mr R. J. Brown | Mr Gayler | Mr Lavarch | Mr Snowdon |
| Mr Campbell | Mr Gear* | Mr Lee | Mr Staples |
| Dr Catley | Mr Gibson | Mr Lindsay | Mr Tickner |
| Dr Charlesworth | Mr Gorman | Ms McHugh | Mr Walker |
| Mr Cleary | Mr Grace* | Mr Martin | Mr West |
| Mr Courtice | Mr Hand | Mr Melham | Mr Willis |
| Ms Crawford | Mr Holding | Mr P. F. Morris | Mr H. F. Woods |
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| Mr Aldred | Mr Cowan | Mr Jull | Mr Riggall |
| Mr Anderson | Mr Dobie | Dr Kemp | Mr Rocher |
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| Mr K. J. Andrews | Dr H. R. Edwards | Mr McArthur | Mr B. C. Scott |
| Mr Atkinson | Mr Fife | Mr McGauran | Mr Shack |
| Mrs Bailey | Mr Filing | Mr Mack | Mr Sharp |
| Mr Beale | Mr T. A. Fischer | Mr MacKellar | Mr Sinclair |
| Mr Bradford | Mr P. S. Fisher | Mr McLachlan | Mr Smith |
| Mr Braithwaite | Mr Ford | Mr Miles | Mrs Sullivan |
| Mr Burr | Mr Goodluck | Mr Moore | Mr Taylor |
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| Mr Carlton | Mr Halverson | Mr Nugent | Mr Tuckey |
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| Mr Cobb | Dr Hewson | Mr Prosser | Mr Wilson |
| Mr Connolly | Mr Hicks* | Mr Reid | Dr R. L. Woods |
| Mr Costello | Mr Howard | Mr Reith | Dr Wooldridge |

* Tellers

And so it was resolved in the affirmative.

6 PAPERS: The following papers were presented:

Australian Bureau of Statistics Act—Australian Statistics Advisory Council—
Report for 1991-92.

Australian Science and Technology Council Act—Australian Science and
Technology Council—Report for 1991-92.

- Bankruptcy Act—Report for 1991-92.
- Commonwealth Grants Commission Act—Commonwealth Grants Commission—59th report, for 1991-92.
- Data-matching Program (Assistance and Tax) Act—
Commissioner of Taxation—Report, October 1992.
- Department of Employment, Education and Training—Report, October 1992.
- Department of Health, Housing and Community Services—Operations in relation to the First Home Owners Scheme—Report, October 1992.
- Employment, Education and Training Act—National Board of Employment, Education and Training—Report of the Higher Education Council, including the Board's comments—Response to the report of the Discipline Review of Computing Studies and Information Sciences Education.
- Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Australia Post—Report for 1991-92.
- International Labour Organisation—International Labour Conference—78th Session, 1991—
Australian delegation report.
- Convention 172—Working conditions in hotels, restaurants and similar establishments.
- Recommendation 179—Working conditions in hotels, restaurants and similar establishments.
- Statement by Senator Cook, Minister for Industrial Relations.
- National Rail Corporation Limited—Report for period 19 September 1991 to 30 June 1992.
- Public Service Act—Department of Finance—
Report for 1991-92.
- Supplementary financial statements for 1991-92.
- Veterans' Entitlements Act—Veterans' Review Board—Report for 1991-92.
- War Crimes Act—Report for 1991-92.

7 VETERANS' REVIEW BOARD—REPORT—MOTION TO TAKE NOTE OF PAPER:
Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Veterans' Entitlements Act—Veterans' Review Board—Report for 1991-92.

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

8 AUSTRALIAN SCIENCE AND TECHNOLOGY COUNCIL—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Australian Science and Technology Council Act—Australian Science and Technology Council—Report for 1991-92.

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

9 COMMONWEALTH GRANTS COMMISSION—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Commonwealth Grants Commission Act—Commonwealth Grants Commission—59th report, for 1991-92.

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

- 10 **DEPARTMENT OF FINANCE—REPORT AND FINANCIAL STATEMENTS—MOTION TO TAKE NOTE OF PAPERS:** Mr Beazley (Leader of the House) moved—That the House take note of the following papers:
Public Service Act—Department of Finance—
Report for 1991-92.
Supplementary financial statements for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 11 **NATIONAL RAIL CORPORATION LIMITED—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
National Rail Corporation Limited—Report for period 19 September 1991 to 30 June 1992.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 12 **BANKRUPTCY ACT—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
Bankruptcy Act—Report for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 13 **PAPERS:** The Deputy Speaker presented the following papers:
Commonwealth Banks Act—
Commonwealth Bank of Australia and controlled entities—Report for 1991-92.
Commonwealth Savings Bank of Australia and Commonwealth Development Bank of Australia—Financial statements for 1991-92.
Severally ordered to be printed.
- 14 **PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LOAN COUNCIL ARRANGEMENTS:** The House was informed that Mr Reith (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The importance of maintaining the integrity of the Loan Council arrangements”.
The proposed discussion having received the necessary support—
Mr Reith addressing the House—
Mr Beazley (Leader of the House) moved—That the business of the day be called on.
Question—put and passed.
- 15 **DISCHARGE OF ORDER OF THE DAY:** Mr Beazley (Leader of the House), by leave, moved—That the following order of the day, government business, be discharged:
Income Tax Assessment Amendment (Foreign Investment) Bill 1992—
Second reading: Resumption of debate.
Question—put and passed.
- 16 **SEX DISCRIMINATION AND OTHER LEGISLATION AMENDMENT BILL 1992:**
Mr Keating (Prime Minister), by leave, presented a Bill for an Act to amend the law relating to human rights and equal opportunity.
Bill read a first time.
Mr Keating moved—That the Bill be now read a second time.
Paper: Mr Keating presented an explanatory memorandum to the Bill.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.

- 17 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS:** Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:
- 17 October 1992—Message No. 320—
 - National Parks and Wildlife Conservation Amendment 1992.
 - Norfolk Island (Electoral and Judicial) Amendment 1992.
 - Honey Legislation (Repeal and Amendment) 1992.
 - Oilseeds Levy Amendment 1992.
 - Grain Legumes Levy Amendment 1992.
 - Loan 1992.
 - Supply (No. 3) 1992-93.
 - Supply (No. 4) 1992-93.
 - 19 October 1992—Message No. 321—Occupational Superannuation Standards Regulations Application 1992.
 - 24 October 1992—Message—
 - No. 322—Arts, Environment and Territories Legislation Amendment 1992.
 - No. 323—Development Allowance Authority Amendment 1992.
 - 20 October 1992—Message No. 324—
 - Sales Tax (Exemptions and Classifications) Amendment 1992.
 - Human Rights and Equal Opportunity Legislation Amendment 1992.
 - Social Security Amendment 1992.
 - Social Security Amendment (No. 2) 1992.
- 18 HUMAN RIGHTS AND EQUAL OPPORTUNITY LEGISLATION AMENDMENT BILL (NO. 2) 1992:** Mr Duffy (Attorney-General), by leave, presented a Bill for an Act to amend the law relating to human rights and equal opportunity. Bill read a first time.
Mr Duffy moved—That the Bill be now read a second time.
Paper: Mr Duffy presented an explanatory memorandum to the Bill.
Debate adjourned (Mr Costello), and the resumption of the debate made an order of the day for the next sitting.
- 19 CORPORATE LAW REFORM BILL 1992:** Mr Duffy (Attorney-General), by leave, presented a Bill for an Act to change the Corporations Law and to amend some other Acts. Bill read a first time.
Mr Duffy moved—That the Bill be now read a second time.
Paper: Mr Duffy presented an explanatory memorandum to the Bill.
Debate adjourned (Mr Costello), and the resumption of the debate made an order of the day for the next sitting.
- 20 TRADE PRACTICES LEGISLATION AMENDMENT BILL 1992:** Mr Duffy (Attorney-General), by leave, presented a Bill for an Act to amend the law relating to trade practices. Bill read a first time.
Mr Duffy moved—That the Bill be now read a second time.
Paper: Mr Duffy presented an explanatory memorandum to the Bill.
Debate adjourned (Mr B. C. Scott), and the resumption of the debate made an order of the day for the next sitting.
- 21 DATA-MATCHING PROGRAM (ASSISTANCE AND TAX) AMENDMENT BILL 1992:** Dr Blewett (Minister for Social Security), by leave, presented a Bill for an Act to amend the *Data-matching Program (Assistance and Tax) Act 1990*. Bill read a first time.
Dr Blewett moved—That the Bill be now read a second time.
Paper: Dr Blewett presented an explanatory memorandum to the Bill.

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

- 22 **SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 3) 1992:** Dr Blewett (Minister for Social Security), by leave, presented a Bill for an Act to amend the *Social Security Act 1991*, and for related purposes.

Bill read a first time.

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

Paper: Dr Blewett presented an explanatory memorandum to the Bill.

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

- 23 **RURAL ADJUSTMENT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), by leave, presented a Bill for an Act relating to a Rural Adjustment Scheme.

Bill read a first time.

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

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

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

- 24 **STATES GRANTS (RURAL ADJUSTMENT) AMENDMENT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), by leave, presented a Bill for an Act to amend the *States Grants (Rural Adjustment) Act 1988*.

Bill read a first time.

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

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

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

- 25 **FARM HOUSEHOLD SUPPORT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), by leave, presented a Bill for an Act relating to the provision of income support, and financial incentive to leave the rural industries, to primary producers without a long-term productive, sustainable and profitable future in the sector.

Bill read a first time.

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

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

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

- 26 **INCOME EQUALISATION DEPOSITS LAWS AMENDMENT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Loan (Income Equalization Deposits) Act 1976* and the *Income Tax Assessment Act 1936*, and for related purposes.

Bill read a first time.

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

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

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

- 27 **NATURAL RESOURCES MANAGEMENT (FINANCIAL ASSISTANCE) BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), by leave, presented a Bill for an Act to grant financial assistance in connection with projects relating to natural resources management, to establish a Natural Resources Management Fund, to establish a National Landcare Advisory Committee, and for related purposes.

Bill read a first time.

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

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

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

- 28 **AGRICULTURAL AND VETERINARY CHEMICALS AMENDMENT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), by leave, presented a Bill for an Act to amend the *Agricultural and Veterinary Chemicals Act 1988*, and for related purposes.

Bill read a first time.

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

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

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

- 29 **AGRICULTURAL AND VETERINARY CHEMICALS (ADMINISTRATION) BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), by leave, presented a Bill for an Act to establish a National Registration Authority for Agricultural and Veterinary Chemicals, and for related purposes.

Bill read a first time.

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

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

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

- 30 **NATIONAL RESIDUE SURVEY ADMINISTRATION BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to establish a Trust Account for the purpose of conducting a National Residue Survey and to provide for the collection of National Residue Survey Levy imposed by various Acts, and for related purposes.

Bill read a first time.

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

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

- National Residue Survey Administration 1992.
- National Residue Survey (Coarse Grains) Levy 1992.
- National Residue Survey (Cattle Transactions) Levy 1992.
- National Residue Survey (Livestock Slaughter) Levy 1992.
- National Residue Survey (Meat Chicken) Levy 1992.
- National Residue Survey (Laying Chicken) Levy 1992.
- National Residue Survey (Dairy Produce) Levy 1992.
- National Residue Survey (Honey) Levy 1992.
- National Residue Survey (Honey Export) Levy 1992.
- National Residue Survey (Horticultural Products) Levy 1992.
- National Residue Survey (Horticultural Products Export) Levy 1992.
- National Residue Survey (Oilseeds) Levy 1992.
- National Residue Survey (Dried Fruits) Levy 1992.
- National Residue Survey (Wheat) Levy 1992.
- National Residue Survey (Grain Legumes) Levy 1992.
- National Residue Survey (Game Animals) Levy 1992.
- National Residue Survey (Aquatic Animal Export) Levy 1992.
- National Residue Survey (Horse Slaughter) Levy 1992.
- National Residue Survey (Consequential Provisions) 1992.

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

- 31 **NATIONAL RESIDUE SURVEY (CONSEQUENTIAL PROVISIONS) BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Cattle Transaction Levy Act 1990* and the *Primary Industries Levies and Charges Collection Act 1991* and to transfer certain

funds, because of the enactment of the *National Residue Survey Administration Act 1992*.

Bill read a first time.

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

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

- 32 **NATIONAL RESIDUE SURVEY (COARSE GRAINS) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of coarse grains.

Bill read a first time.

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

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

- 33 **NATIONAL RESIDUE SURVEY (CATTLE TRANSACTIONS) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of certain transactions and other dealings involving cattle.

Bill read a first time.

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

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

- 34 **NATIONAL RESIDUE SURVEY (LIVESTOCK SLAUGHTER) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of the slaughter of livestock.

Bill read a first time.

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

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

- 35 **NATIONAL RESIDUE SURVEY (MEAT CHICKEN) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of meat chickens.

Bill read a first time.

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

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

- 36 **NATIONAL RESIDUE SURVEY (LAYING CHICKEN) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of laying chickens.

Bill read a first time.

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

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

- 37 **NATIONAL RESIDUE SURVEY (DAIRY PRODUCE) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of the milk fat content of dairy produce.

Bill read a first time.

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

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

- 38 **NATIONAL RESIDUE SURVEY (HONEY) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of certain honey.
Bill read a first time.
Mr Crean moved—That the Bill be now read a second time.
Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 39 **NATIONAL RESIDUE SURVEY (HONEY EXPORT) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of honey that is exported from Australia.
Bill read a first time.
Mr Crean moved—That the Bill be now read a second time.
Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 40 **NATIONAL RESIDUE SURVEY (HORTICULTURAL PRODUCTS) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of certain horticultural products.
Bill read a first time.
Mr Crean moved—That the Bill be now read a second time.
Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 41 **NATIONAL RESIDUE SURVEY (HORTICULTURAL PRODUCTS EXPORT) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of certain horticultural products.
Bill read a first time.
Mr Crean moved—That the Bill be now read a second time.
Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 42 **NATIONAL RESIDUE SURVEY (OILSEEDS) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of oilseeds.
Bill read a first time.
Mr Crean moved—That the Bill be now read a second time.
Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 43 **NATIONAL RESIDUE SURVEY (DRIED FRUITS) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of certain dried fruits.
Bill read a first time.
Mr Crean moved—That the Bill be now read a second time.
Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 44 **NATIONAL RESIDUE SURVEY (WHEAT) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of wheat.
Bill read a first time.
Mr Crean moved—That the Bill be now read a second time.
Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.

- 45 **NATIONAL RESIDUE SURVEY (GRAIN LEGUMES) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose National Residue Survey Levy in respect of grain legumes.
 Bill read a first time.
 Mr Crean moved—That the Bill be now read a second time.
 Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 46 **NATIONAL RESIDUE SURVEY (GAME ANIMALS) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose levy on the processing of certain game animals.
 Bill read a first time.
 Mr Crean moved—That the Bill be now read a second time.
 Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 47 **NATIONAL RESIDUE SURVEY (AQUATIC ANIMAL EXPORT) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose levy on the export of aquatic animal and related products.
 Bill read a first time.
 Mr Crean moved—That the Bill be now read a second time.
 Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 48 **NATIONAL RESIDUE SURVEY (HORSE SLAUGHTER) LEVY BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to impose levy on the slaughter of horses.
 Bill read a first time.
 Mr Crean moved—That the Bill be now read a second time.
 Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 49 **MUTUAL RECOGNITION BILL 1992:** Mr Free (Minister Assisting the Prime Minister), by leave, presented a Bill for an Act to provide for the recognition within each State and Territory of the Commonwealth of regulatory standards adopted elsewhere in Australia regarding goods and occupations.
 Bill read a first time.
 Mr Free moved—That the Bill be now read a second time.
Papers: Mr Free presented an explanatory memorandum to the Bill and, by leave, presented the following paper:
 Mutual recognition—Intergovernmental agreement, 11 May 1992.
 Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 50 **CHILD SUPPORT LEGISLATION AMENDMENT BILL (NO. 2) 1992:** Mr Baldwin (Minister Assisting the Treasurer), by leave, presented a Bill for an Act to amend legislation relating to child support, and for purposes connected to those amendments.
 Bill read a first time.
 Mr Baldwin moved—That the Bill be now read a second time.
Paper: Mr Baldwin presented an explanatory memorandum to the Bill.
 Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 51 **INCOME TAX ASSESSMENT AMENDMENT (FOREIGN INVESTMENT) BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to amend the law relating to income tax.
 Bill read a first time.

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

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

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

- 52 **SALES TAX LAWS AMENDMENT BILL (NO. 2) 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to amend the law relating to sales tax, and for related purposes.

Bill read a first time.

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

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

Sales Tax Laws Amendment (No. 2) 1992.

Sales Tax Imposition (In Situ Pools) 1992.

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

- 53 **SALES TAX IMPOSITION (IN SITU POOLS) BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to impose the tax payable under the *Sales Tax Assessment Act 1992*, so far as that tax relates to pools constructed *in situ*.

Bill read a first time.

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

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

- 54 **TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

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

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

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

- 55 **TAXATION LAWS AMENDMENT BILL (NO. 6) 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

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

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

Medicare Levy Amendment (No. 2) 1992.

Taxation Laws Amendment (No. 6) 1992.

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

- 56 **MEDICARE LEVY AMENDMENT BILL (NO. 2) 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to amend the *Medicare Levy Act 1986*, and for related purposes.

Bill read a first time.

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

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

- 57 **MESSAGE FROM THE SENATE—LAW AND JUSTICE LEGISLATION AMENDMENT BILL (NO. 3) 1992:** Message No. 540, dated 13 October 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend various Acts relating to law and justice, and for related purposes*”.

Bill read a first time.

Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

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

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

58 **STANDING ORDERS—AMENDMENTS:** Mr Beazley (Leader of the House), by leave, moved—That the following amendments to the standing orders be adopted with effect from 9 November 1992:

- (1) standing order 101 (Routine of business—Thursday) be amended by omitting “commencing no later than 10 a.m.”;
- (2) standing order 102A (Committee and delegation reports) be amended by omitting “until 10 a.m.”; and
- (3) standing order 102C be omitted and the following standing order substituted:

Precedence to motions regarding committee and delegation reports

“102C. Following the presentation of reports pursuant to standing order 102A, the resumption of proceedings on motions relating to committee and delegation reports shall have precedence until 11 a.m. according to the order of priority and times allotted for debate determined by the Selection Committee, each Member speaking for a period not exceeding 10 minutes or any lesser period determined by the Selection Committee.”.

Debate ensued.

Question—put and passed.

59 **SUSPENSION OF STANDING ORDER 48A:** Mr Beazley (Leader of the House), pursuant to notice, moved—That standing order 48A (adjournment of House) be suspended for the remainder of this period of sittings.

Debate ensued.

Question—put and passed.

60 **DISCHARGE OF ORDER OF THE DAY:** Mr Beazley (Leader of the House), by leave, moved—That the following order of the day, government business, be discharged:

Bounty (Computers) Amendment Bill 1992—Second reading: Resumption of debate.

Question—put and passed.

61 **SUSPENSION OF STANDING ORDERS—BILLS—LIMITATION OF DEBATE:** Mr Beazley (Leader of the House), having amended, by leave, notice No. 2, government business, moved—That, in relation to the proceedings on the following Bills, so much of the standing orders be suspended as would prevent the Leader of the House making one declaration of urgency and moving one motion for the allotment of time in respect of all the Bills:

Taxation Laws Amendment Bill (No. 4) 1992;

Income Tax (International Agreements) Amendment Bill 1992;

Overseas Students Charge Amendment Bill 1992;

Aboriginal Education (Supplementary Assistance) Amendment Bill 1992;

Commonwealth Superannuation Schemes Amendment Bill 1992;

Antarctic (Environment Protection) Legislation Amendment Bill 1992;

Law and Justice Legislation Amendment Bill (No. 4) 1992;

Banking Legislation Amendment Bill 1992;

Social Security Legislation Amendment Bill (No. 2) 1992;

Social Security Legislation Amendment Bill (No. 3) 1992;

Seafarers Rehabilitation and Compensation Bill 1992;

Seafarers Rehabilitation and Compensation (Transitional Provisions and Consequential Amendments) Bill 1992;

Seafarers Rehabilitation and Compensation Levy Bill 1992;
 Seafarers Rehabilitation and Compensation Levy Collection Bill 1992;
 Wheat Marketing Amendment Bill 1992;
 Medicare Levy Amendment Bill 1992;
 Taxation Laws Amendment Bill (No. 5) 1992;
 Income Tax (Dividends and Interest Withholding Tax) Amendment Bill
 1992;
 Tax Legislation Amendment Bill 1992; and
 Taxation Laws Amendment (Fringe Benefits Tax Measures) Bill 1992.

Debate ensued.

Question—put and passed.

- 62 **DECLARATION OF BILLS AS URGENT BILLS—LIMITATION OF DEBATE:** Mr Beazley (Leader of the House) declared that the Taxation Laws Amendment Bill (No. 4) 1992, Income Tax (International Agreements) Amendment Bill 1992, Overseas Students Charge Amendment Bill 1992, Aboriginal Education (Supplementary Assistance) Amendment Bill 1992, Commonwealth Superannuation Schemes Amendment Bill 1992, Antarctic (Environment Protection) Legislation Amendment Bill 1992, Law and Justice Legislation Amendment Bill (No. 4) 1992, Banking Legislation Amendment Bill 1992, Social Security Legislation Amendment Bill (No. 2) 1992, Social Security Legislation Amendment Bill (No. 3) 1992, Seafarers Rehabilitation and Compensation Bill 1992, Seafarers Rehabilitation and Compensation (Transitional Provisions and Consequential Amendments) Bill 1992, Seafarers Rehabilitation and Compensation Levy Bill 1992, Seafarers Rehabilitation and Compensation Levy Collection Bill 1992, Wheat Marketing Amendment Bill 1992, Medicare Levy Amendment Bill 1992, Taxation Laws Amendment Bill (No. 5) 1992, Income Tax (Dividends and Interest Withholding Tax) Amendment Bill 1992, Tax Legislation Amendment Bill 1992 and Taxation Laws Amendment (Fringe Benefits Tax Measures) Bill 1992 were urgent Bills.

Question—That the Bills be considered urgent Bills—put.

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

AYES, 66

| | | | |
|-----------------|------------------|-----------------|----------------|
| Mr Baldwin | Mr Dubois | Mrs Jakobsen | Mr Sawford |
| Mr Beazley | Mr Duffy | Mr Jenkins | Mr Scholes |
| Mr Beddall | Mr Duncan | Mr Johns | Mr Sciacca |
| Mr Bevis | Mr R. F. Edwards | Mrs Kelly | Mr J. L. Scott |
| Mr Bilney | Mr Elliott | Mr Kerr | Mr L. J. Scott |
| Dr Blewett | Ms Fatin | Mr Langmore | Mr Simmons |
| Mr Brereton | Mr Ferguson | Mr Lavarch | Mr Snow |
| Mr R. J. Brown | Mr Free | Mr Lee | Mr Snowdon |
| Mr Campbell | Mr Gear* | Mr Lindsay | Mr Staples |
| Dr Catley | Mr Gibson | Ms McHugh | Mr Tickner |
| Dr Charlesworth | Mr Grace* | Mr Martin | Mr Walker |
| Mr Courtice | Mr Hand | Mr Melham | Mr West |
| Ms Crawford | Mr Holding | Mr P. F. Morris | Mr Willis |
| Mr Crean | Mr Hollis | Mr Newell | Mr H. F. Woods |
| Mrs Crosio | Mr Howe | Mr O'Keefe | Mr Wright |
| Mrs Darling | Mr Hulls | Mr Price | |
| Mr Dawkins | Mr Humphreys | Mr Punch | |

NOES. 62

| | | | |
|------------------|------------------|--------------|----------------|
| Mr Aldred | Mr Connolly | Mr Howard | Mr Riggall |
| Mr Anderson | Mr Costello | Mr Jull | Mr Rocher |
| Mr J. N. Andrew* | Mr Cowan | Dr Kemp | Mr Ronaldson |
| Mr K. J. Andrews | Mr Dobie | Mr Lloyd | Mr Ruddock |
| Mr Atkinson | Mr Downer | Mr McArthur | Mr B. C. Scott |
| Mrs Bailey | Dr H. R. Edwards | Mr McGauran | Mr Shack |
| Mr Beale | Mr Fife | Mr Mack | Mr Sinclair |
| Mr Bradford | Mr Filing | Mr MacKellar | Mr Smith |
| Mr Braithwaite | Mr T. A. Fischer | Mr McLachlan | Mrs Sullivan |
| Mr Burr | Mr P. S. Fisher | Mr Miles | Mr Taylor |
| Mr Cadman | Mr Ford | Mr Moore | Mr Tuckey |
| Mr Carlton | Mr Goodluck | Mr Nehl | Mr Wilson |
| Mr Chaney | Mr Hall | Mr Nugent | Dr R. L. Woods |
| Mr Charles | Mr Halverson | Mr Prosser | Dr Wooldridge |
| Mr Cleary | Mr Hawker | Mr Reid | |
| Mr Cobb | Mr Hicks* | Mr Reith | |

* Tellers

And so it was resolved in the affirmative.

Allotment of time: Mr Beazley then moved—That the time allotted in connection with the Bills be as follows:

- (1) Taxation Laws Amendment Bill (No. 4) 1992—
 - (a) For the second reading, until 10.45 p.m. this day;
 - (b) For the committee stage, until 10.50 p.m. this day;
 - (c) For the remaining stages, until 10.55 p.m. this day.
- (2) Income Tax (International Agreements) Amendment Bill 1992—For the remaining stages, until 11 p.m. this day.
- (3) Overseas Students Charge Amendment Bill 1992—For the remaining stages, until 11.40 p.m. this day.
- (4) Aboriginal Education (Supplementary Assistance) Amendment Bill 1992—For the remaining stages, until 12.20 a.m. on Wednesday, 4 November.
- (5) Commonwealth Superannuation Schemes Amendment Bill 1992—For the remaining stages, until 10.40 a.m. on Wednesday, 4 November.
- (6) Antarctic (Environment Protection) Legislation Amendment Bill 1992—
 - (a) For the second reading, until 11.20 a.m. on Wednesday, 4 November;
 - (b) For the committee stage, until 11.25 a.m. on Wednesday, 4 November;
 - (c) For the remaining stages, until 11.30 a.m. on Wednesday, 4 November.
- (7) Banking Legislation Amendment Bill 1992—For the remaining stages, until 12.45 p.m. on Wednesday, 4 November.
- (8) Law and Justice Legislation Amendment Bill (No. 4) 1992—For the remaining stages, until 9.40 p.m. on Wednesday, 4 November.
- (9) Seafarers Rehabilitation and Compensation Bill 1992—For the remaining stages, until 11.45 p.m. on Wednesday, 4 November.
- (10) Seafarers Rehabilitation and Compensation (Transitional Provisions and Consequential Amendments) Bill 1992—For the remaining stages, until 11.50 p.m. on Wednesday, 4 November.
- (11) Seafarers Rehabilitation and Compensation Levy Bill 1992—For the remaining stages, until 11.55 p.m. on Wednesday, 4 November.
- (12) Seafarers Rehabilitation and Compensation Levy Collection Bill 1992—For the remaining stages, until midnight on Wednesday, 4 November.
- (13) Wheat Marketing Amendment Bill 1992—For the remaining stages, until 6.30 p.m. on Thursday, 5 November.
- (14) Social Security Legislation Amendment Bill (No. 2) 1992—For the remaining stages, until 8.55 p.m. on Thursday, 5 November.
- (15) Social Security Legislation Amendment Bill (No. 3) 1992—For the remaining stages, until 9 p.m. on Thursday, 5 November.

- (16) Medicare Levy Amendment Bill 1992—For the remaining stages, until 9.50 p.m. on Thursday, 5 November.
- (17) Taxation Laws Amendment Bill (No. 5) 1992—For the remaining stages, until 9.55 p.m. on Thursday, 5 November.
- (18) Income Tax (Dividends and Interest Withholding Tax) Amendment Bill 1992—For the remaining stages, until 10 p.m. on Thursday, 5 November.
- (19) Tax Legislation Amendment Bill 1992—For the remaining stages, until 11.55 p.m. on Thursday, 5 November.
- (20) Taxation Laws Amendment (Fringe Benefits Tax Measures) Bill 1992—For the remaining stages, until midnight on Thursday, 5 November.

Question—put and passed.

63 TAXATION LAWS AMENDMENT BILL (NO. 4) 1992: 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 Rocher, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the passage of this Bill, the House notes the current high levels of taxation in Australia, and the high compliance costs resulting from the Government’s taxation policies”—

Debate resumed.

Limitation of debate: At 10.45 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

Amendment negatived.

Question—That the Bill be now read a second time—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 Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade), by leave, moved the following amendments together:

Amendments—

Clause 15—

Page 6, proposed heading to Division 9A, after the heading, insert the following Subdivision:

“Subdivision AA—Object and simplified outline

Object

‘121AA. The object of this Division is to provide for concessional taxing, at the rate of 10%, of the offshore banking (“OB”) income of an offshore banking unit (“OBU”).

Simplified outline

[Scope of section]

‘121AB.(1) The following is a simplified outline of the Division.

[Main concepts]

‘(2) Subdivision A sets out the concepts used in the Division, the most important being:

- (a) “OB activity” (section 121B) together with the related definition of “offshore person” (section 121C) and the “OBU requirement” in section 121D; and
- (b) special assessable income and allowable deduction definitions relating to OB activities (sections 121EC and 121ED).

[Operative provisions]

(3) Subdivision B contains the operative provisions. Basically, they provide as follows:

- (a) an OBU's income from OB activities is taxed at only 10%;
- (b) there is a loss of the concession where there is excessive use of non-OB money;
- (c) a deduction is allowable for foreign tax on amounts derived from OB activities;
- (d) income from OB activities is taken to be Australian sourced;
- (e) a deemed interest penalty applies to equity provided by an OBU's resident owner;
- (f) income of OBU offshore investment trusts is exempt from tax."

Page 6, proposed section 121A, after the definition of "associate", insert the following definition:

"**'borrow'** includes raise finance by the issue of a security;"

Page 6, proposed section 121A, definition of "eligible contract", lines 16 to 18, omit the definition, substitute the following definition:

"**'eligible contract'** means a futures contract, a forward contract, an options contract, a swap contract, a cap, collar, floor or similar contract or a loan contract;"

Page 6, proposed section 121A, after the definition of "general OB deduction", insert the following definition:

"**'lend'** includes provide finance by the purchase of a security;"

Page 6, proposed section 121A, definition of "non-OB money", lines 24 to 27, omit the definition, substitute the following definition:

"**'non-OB money'**, in relation to an OBU, means money of the OBU other than:

- (a) money received by the OBU in carrying on an OB activity; or
- (b) OBU resident-owner money of the OBU; or
- (c) money paid to the OBU by a non-resident (other than in carrying on business in Australia at or through a permanent establishment of the non-resident) by way of subscription for, or a call on, shares in the OBU;

(an example of non-OB money being money borrowed from a resident whose lending of the money does not occur in carrying on business in a country outside Australia at or through a permanent establishment of the resident);"

Page 6, proposed section 121A, definition of "OBU owner money", line 33, omit the definition, substitute the following definition:

"**'OBU resident-owner money'** has the meaning given by section 121EA;"

Page 6, proposed section 121A, definition of "related person", paragraph (a), line 39, omit the paragraph, substitute the following paragraph:

"(a) an associate of the OBU; or"

Page 7, proposed section 121A, definition of "security", line 3, after "debenture", insert ", bill of exchange, promissory note".

Page 7, after proposed paragraph 121B(1)(c), insert the following paragraph:

"(ca) an eligible contract activity described in subsection (4A); or"

Page 7, proposed paragraph 121B(3)(b), lines 41 and 42, omit the paragraph, substitute the following paragraphs:

- "(b) underwriting a risk for an offshore person in respect of property outside Australia or an event that can only happen outside Australia; or
- (ba) syndicating a loan for an offshore person; or"

Page 8, proposed paragraph 121B(4)(d), line 21, omit “with, or on behalf of, an offshore person through”, substitute “(including on behalf of an offshore person) on”.

Page 8, proposed paragraph 121B(4)(e), line 25, after “trading in currency”, insert “, or options or rights in respect of currency,”.

Page 8, proposed paragraph 121B(4)(f), line 27, omit “bullion”, substitute “, silver or platinum bullion, or in options or rights in respect of such bullion, where any money payable or receivable is not Australian currency”.

Page 8, after proposed subsection 121B(4), insert the following subsection:
 “(4A) For the purposes of paragraph (1)(ca), an **“eligible contract activity”** is entering into an eligible contract (other than a loan contract) with an offshore person under which any money payable is not Australian currency.”.

Page 8, proposed subsection 121B(5), line 30, omit “on behalf of”, substitute “as broker or agent for, or trustee for the benefit of,”.

Page 8, proposed subsection 121B(5), line 32, omit “and managing the”, substitute “, or so making and managing such an”.

Page 9, proposed subsection 121B(6), lines 1 to 4, omit the subsection, substitute the following subsection:

[Advisory activity]

“(6) For the purposes of paragraph (1)(e), an **“advisory activity”** is giving investment or other financial advice to an offshore person where, if the advice is about the making of a particular investment, the investment is of a kind referred to in subsection (5). This does not exclude giving advice about a particular investment of a different kind if doing so is incidental to advising on an investment of a kind referred to in subsection (5), for example for the purpose of comparison or because the investments are commercially related.”.

Page 9, proposed paragraph 121B(7)(a), lines 10 and 11, omit “other OB activities”, substitute “borrowing or lending activities (described in subsection (2))”.

Page 9, proposed paragraph 121B(7)(b), lines 12 and 13, omit “other OB activities”, substitute “borrowing or lending activities (described in subsection (2))”.

Page 9, at the end of proposed section 121B add the following subsection:
 “(8) Subsection (7) does not limit the scope of any other OB activity of the OBU (for example the trading activity mentioned in paragraph (4)(e)).”.

Page 9, proposed section 121C, line 18, after “thing”, insert “by an OBU (**“the first OBU”**)”.

Page 9, proposed paragraph 121C(c), line 26, omit the paragraph, substitute the following paragraph:

“(c) another OBU (**“the second OBU”**), where, if the doing of the thing involves the payment of any money (for example a loan of money) by the second OBU to the first OBU, the second OBU gives, at or before the time of the payment, a statement in writing to the first OBU to the effect that none of the money is non-OB money of the second OBU.”.

Page 10, proposed section 121EA, lines 12 to 20, omit the section, substitute the following section:

Meaning of “OBU resident-owner money”

“121EA. Money is **“OBU resident-owner money”** of an OBU if it is paid to the OBU by a resident owner of the OBU by way of a subscription for, or a call on, shares in the OBU, except if:

- (a) the shares are redeemable preference shares; or
- (b) the amount paid is a share premium.”.

Page 10, proposed paragraph 121EC(2)(b), line 40, omit the paragraph, substitute the following:

“(b) included in the assessable income because of such activities; except to the extent that the money lent, invested or otherwise used in carrying on the activities is non-OB money of the OBU.

[Typical example of amount excluded from assessable OB income]

“(2A) A typical example of an amount covered by the exception in subsection (2) is interest derived from the OB activity of lending money to an offshore person, where the money lent is non-OB money.”.

Page 11, proposed subsection 121EC(3), lines 3 to 6, omit all words after “reduced by”, substitute “the sum of the OBU’s exclusive OB deductions for interest (including a discount in the nature of interest).”.

Page 11, proposed subsection 121EC(4), lines 9 to 12, omit all words after “reduced by”, substitute “the sum of the OBU’s exclusive OB deductions, and exclusive non-OB deductions, for interest (including a discount in the nature of interest).”.

Page 11, proposed subsection 121ED(1), line 15, omit “Division”, substitute “section”.

Page 12, after proposed subsection 121EE(2), insert the following subsection:

[Remaining amounts not exempt income etc.]

“(2A) For the purposes of this Act:

- (a) any amount of assessable OB income of an OBU that, because of subsection (1), is not included in its assessable income is taken not to be exempt income of the OBU; and
- (b) any part of an allowable OB deduction of an OBU that, because of subsection (2), is not an allowable deduction of the OBU is taken not to be an expense or outgoing incurred in deriving exempt income of the OBU.”.

Page 12, proposed section 121EF, lines 23 to 33, omit the section, substitute the following section:

Loss of special treatment where excessive use of non-OB money

“121EF. If:

- (a) the subsection 121EC(2) exception in respect of the lending, investing or other use of non-OB money of an OBU in carrying on activities did not apply to exclude amounts from its assessable OB income; and
- (b) as a result, more than 10% of what would then be the OBU’s assessable OB income of any year of income would be attributable to that lending, investing or other use of non-OB money;

then:

- (c) subsection 121EE(1) (which limits the OBU’s assessable income) does not apply to the OBU’s assessable OB income of the year of income; and
- (d) subsection 121EE(2) (which limits the OBU’s allowable deductions) does not apply to so much of each allowable OB deduction of the OBU for the year of income as is calculated using the formula:

$$\text{Allowable OB deduction} \times \frac{\text{Assessable OB income}}{\text{Sum of allowable OB deductions}}$$

(where each amount is worked out ignoring the assumption in paragraph (a)).”.

Page 13, proposed subsection 121EI(1), lines 7 to 9, omit “makes money available as mentioned in paragraph 121EA(a) so that, in accordance

with that section, it is OBU owner”, substitute “pays an amount of money to the OBU and, because of section 121EA, the amount becomes OBU resident-owner”.

Page 13, proposed section 121EI, add at the end the following subsection:
[Deduction for deemed interest]

“(3) A deduction is allowable from the OBU’s assessable income equal to the amount included in the owner’s assessable income, for each year of income concerned. The deduction is taken to be an exclusive OB deduction for interest.”.

Page 13, after proposed section 121EI, insert the following section:

Exemption of income etc. of OBU offshore investment trusts

“121EJ. If:

- (a) an OBU is a trustee, or is the central manager and controller, of a trust estate; and
- (b) the only persons who benefit, or are capable (whether by the exercise of a power of appointment or otherwise) of benefiting, under the trust are non-residents; and
- (c) the terms of the trust are to the effect that income, profits or capital gains of the trust estate may only come from investment activities of a kind to which subsection 121B(5) applies;

then:

- (d) any income of the trust estate derived from such investment activities is exempt from income tax; and
- (e) no capital gain accrues to, and no capital loss is incurred by, the trust estate under Part IIIA in respect of the disposal of any asset in the course of, or in connection with, such investment activities.”.

Clause 16—

Page 13, before paragraph (a), insert the following paragraph:

“(aa) by omitting from subsection (1) the definition of ‘offshore banking unit’ and substituting the following definition:
 “**offshore banking unit**” has the meaning given by this section;”.

Page 13, paragraph (b), lines 32 to 42, omit the paragraph, substitute the following paragraphs:

- “(b) by omitting from subsection (1) the definition of ‘offshore loan’;
- (ba) by inserting in subsection (1) the following definitions:
 “**borrow**” includes raise finance by the issue of a security;
 “**lend**” includes provide finance by the purchase of a security;
 “**OB activity**” has the same meaning as in section 121B;
 “**security**” means a bond, debenture, bill of exchange, promissory note or other security or similar instrument;”;
- (bb) by adding at the end of paragraph (2)(a) ‘or’;
- (bc) by inserting after paragraph (2)(b) the following paragraph:
 ‘(ba) a company in which all of the shares are beneficially owned by an offshore banking unit (other than one to which paragraph (c) applies); or’;”.

Page 14, after proposed subsection 128AE(2A), insert the following subsection:

“(2AA) If the Treasurer makes such a declaration in respect of a company that is an offshore banking unit only because of paragraph (2)(ba), the offshore banking unit mentioned in that paragraph, and in any previous application of that paragraph that was necessary for it to apply to the company, is no longer an offshore banking unit from the time when the declaration comes into force.”.

Page 14, proposed subsection 128AE(2B), line 14, after “(b)”, insert
 “, (ba)”.

Page 14, proposed subsection 128AE(2C), line 17, after “(2A)”, insert “; (2AA)”.

Page 14, after paragraph (d), insert the following paragraphs:

- “(da) by omitting from paragraph (5)(a) ‘an offshore loan of tax exempt loan money’ and substituting ‘a loan of tax exempt loan money where the loan is an OB activity or would be if the person were an OBU’;
- (db) by omitting subsection (6);
- (dc) by omitting from subsection (9) ‘(other than by way of an offshore loan’ and substituting ‘(other than by way of payment in carrying on an OB activity, or what would be an OB activity if the person were an OBU)’;
- (dd) by omitting from paragraph (9)(a) ‘an offshore loan’ and substituting ‘payment in carrying on an OB activity (or what would be an OB activity if the person were an OBU)’;”.

New clause—

After clause 16, page 14, insert the following new clause:

Special tax payable in respect of certain dealings by current and former offshore banking units

“16A. Section 128NB of the Principal Act is amended by omitting from paragraph (1)(a) ‘an offshore loan’ and substituting ‘payment in carrying on an OB activity or what would be an OB activity if the person were an OBU’.”.

Amendment—

Clause 18, page 15, after subclause (5), insert the following subclause:

[Section 121EJ]

“(5A) Section 121EJ of the amended Act applies to income derived, and gains or losses in respect of the disposal of assets, after 30 June 1992.”.

New clause—

After clause 18, insert the following new clause in Division 4 of Part 2:

Transitional—1 July to commencement

[Modified text to apply for transitional period]

“18A.(1) In applying section 18 in relation to things done or happening during the period beginning on 1 July 1992 and ending at the commencement of this section, the Principal Act as amended by this Division is to be modified as set out in this section.

[Paragraph 121AB(3)(e)]

“(2) Paragraph 121AB(3)(e) is to be amended by omitting ‘resident’.

[Non-OB money]

“(3) The definition of ‘non-OB money’ in section 121A is to be replaced with the following definition:

“‘non-OB money’, in relation to an OBU, means money that is not:

- (a) derived from OB activities of the OBU; or
- (b) money that would be OBU owner money of the OBU if paragraphs 121EA(b) and (c) were disregarded;”.

[Related person]

“(4) The definition of ‘related person’ in section 121A is to be amended by omitting paragraph (a) and substituting the following paragraph:

- ‘(a) an owner of the OBU; or’.

[Paragraph 121B(3)(b)]

“(5) Paragraph 121B(3)(b) is to be amended by omitting ‘in respect of property outside Australia or an event that can only happen outside Australia’.

[Paragraph 121B(4)(f)]

“(6) Paragraph 121B(4)(f) is to be amended by omitting ‘, silver or platinum bullion, or in options or rights in respect of such bullion, where any money payable or receivable is not Australian currency’ and substituting ‘bullion’.

[Paragraphs 121B(7)(a) and (b)]

“(7) Paragraphs 121B(7)(a) and (b) are to be amended by omitting ‘borrowing or lending activities (described in subsection (2))’ and substituting ‘other OB activities’.

[Paragraph 121C(c)]

“(8) Paragraph 121C(c) is to be replaced with the following paragraph:

‘(c) an OBU.’.

[Section 121EA]

“(9) Section 121EA is to be replaced with the following section:

‘121EA. Money is “**OBU owner money**” of an OBU if:

- (a) the money is made available for use in OB activities of the OBU by an owner of the OBU, whether by way of a loan, gift, share subscription or otherwise; and
- (b) according to the accounts of the owner, the money was borrowed by the owner; and
- (c) any interest payable by the owner on the money is an allowable deduction from the assessable income of the owner.’.

[Subsection 121EI(1)]

“(10) Subsection 121EI(1) is to be amended by omitting ‘pays an amount of money to the OBU and, because of section 121EA, the amount becomes OBU resident-owner’ and substituting ‘makes money available as mentioned in paragraph 121EA(a) so that, in accordance with that section, it is OBU owner’.”.

Limitation of debate: At 10.50 p.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

Question—That the amendments be agreed to—put and passed.

Further question—That the Bill, as amended, be agreed to and that the Bill be reported with amendments—put and passed.

The House resumed; Mr Jenkins reported accordingly.

On the motion of Mr Martin, the House adopted the report.

Mr Martin moved—That the Bill be now read a third time.

Debate ensued.

Limitation of debate: At 10.55 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

64 INCOME TAX (INTERNATIONAL AGREEMENTS) AMENDMENT BILL 1992: 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.

Leave granted for third reading to be moved forthwith.

Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade) moved—That the Bill be now read a third time.

Debate ensued.

Limitation of debate: At 11 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

- 65 **OVERSEAS STUDENTS CHARGE AMENDMENT BILL 1992:** 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.

Limitation of debate: At 11.40 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

- 66 **ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) AMENDMENT BILL 1992:** 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.

The House continuing to sit until after midnight—

WEDNESDAY, 4 NOVEMBER 1992

Debate continued.

Limitation of debate: At 12.20 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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. 325, dated 14 October 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

- 67 **ADJOURNMENT:** Ms McHugh (Minister for Consumer Affairs) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 12.36 a.m., adjourned until this day at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 3 November 1992:

Aged or Disabled Persons Care Act—

Guidelines 1992 No. 9BG 1.

Determination No. 1992-93/06.

Air Navigation Act—Regulations—Statutory Rules 1992 No. 316.

Archives Act—Regulations—Statutory Rules 1992 No. 312.

Australian National University Act—Statutes Nos. 220, 221.

Cash Transaction Reports Act—Regulations—Statutory Rules 1992 No. 320.

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Orders—Parts—

100—Amendment 20 October 1992.

105—Amendments 6, 7, 9, 10, 12(2), 13, 19(2) and 20 October 1992.

Regulations—Statutory Rules 1992 No. 325.

Customs Act—

Instruments of approval—1992 Nos. 35, 36, 37, 38, 39, 40.

Regulations—Statutory Rules 1992 Nos. 326, 328.

Defence Act—Determinations under section 58B—1992 Nos. 47, 49, 50.

Defence Force Discipline Act—Regulations—Statutory Rules 1992 No. 314.

Defence Housing Authority Act—Statements (2) pursuant to subsection 10(3).

Excise Act—Regulations—Statutory Rules 1992 No. 327.

Foreign Judgments Act—Regulations—Statutory Rules 1992 No. 321.

Health Insurance Act—

Determinations Nos. HS/6/1992, HS/7/1992.

Statement under section 106AA (Dr Antonio Giorgio), 20 October 1992.

Income Tax Assessment Act—Regulations—Statutory Rules 1992 No. 313.

Migration Act—Regulations—Statutory Rules 1992 Nos. 311, 315.

National Health Act—Amendment of principles No. PC 2/1992.

National Parks and Wildlife Conservation Act—Regulations—Statutory Rules 1992 No. 319.

Navigation Act—Orders—1992 Nos. 10, 11, 12, 13.

Occupational Health and Safety (Commonwealth Employment) Act—Notice of approval 1992 No. 2.

Ozone Protection Act—Grant of exemption under section 40, 29 September 1992.

Proclamations by His Excellency the Governor-General fixing the dates on which the following Act and provisions of Acts shall come into operation—

Aged or Disabled Persons Homes Amendment Act 1989—Section 27—1 November 1992.

Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992—Sections 10, 19 and 20—1 November 1992.

Customs Tariff Amendment Act 1992—Sections 3 and 15—1 November 1992.

Mutual Assistance in Business Regulation Act 1992—23 October 1992.

Public Service Act—

Determinations—1992 Nos. 168, 172, 173, 175, 177, 178, 257, 258, 259, 280, 281, 282, 283, 284, 290, 292.

Regulations—Statutory Rules 1992 No. 324.

Remuneration Tribunal Act—Determinations—1992 Nos. 13, 14, 15, 16.

States Grants (TAFE Assistance) Act—Determinations—Nos. TAFE 18/92, TAFE 19/92, TAFE 20/92, TAFE 21/92, TAFE 22/92, TAFE 23/92.

Superannuation Act 1976—Regulations—Statutory Rules 1992 No. 323.

Superannuation Act 1990—Declaration—Statutory Rules 1992 No. 318.

Taxation Administration Act—Regulations—Statutory Rules 1992 No. 317.

Training Guarantee (Administration) Act—Regulations—Statutory Rules 1992 No. 322.

World Heritage Properties Conservation Act—Refusal of consent under section 9, 30 October 1992.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Broadbent, Mr Cameron*, Mr Fitzgibbon, Mrs Gallus, Mr Griffiths, Mr Jones, Mr Kerin, Mr A. A. Morris and Dr Theophanous.

*On leave

L. M. BARLIN
Clerk of the House of Representatives