

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 164

WEDNESDAY, 16 DECEMBER 1992

- 1 The House met, at 10 a.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
- 2 **DEATHS OF FORMER MEMBERS (MR J. J. CLARK AND MR J. COMBER):**
 The Speaker informed the House of the deaths of:
 Mr Joseph James Clark, CBE, on 9 December 1992, a Member of this House for the Division of Darling from 1934 to 1969; and
 Mr Jack Comber, on 23 October 1992, a Member of this House for the Division of Bowman from 1961 to 1963.
 As a mark of respect to the memory of the deceased all Members present stood, in silence.
- 3 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported:
- (a) acquainting the House that the Senate has agreed to the amendments made by the House to the Broadcasting Services (Subscription Television Broadcasting) Amendment Bill 1992—Message No. 570, dated 27 November 1992 a.m.
 - (b) acquainting the House of a resolution agreed to by the Senate authorising the Joint Committee on Public Works to meet in private session during the sittings of the Senate on 7 December 1992 from 2 p.m. till 5.30 p.m. and on 8 December 1992 from 9.30 a.m. till 12 noon—Message No. 581, dated 3 December 1992.
 - (c) acquainting the House of a resolution agreed to by the Senate approving, in accordance with section 5 of the *Parliament Act 1974*, proposals contained in the report of the Joint Committee on the Parliamentary Zone presented to the Senate on 12 November 1992—Message No. 582, dated 25 November 1992.
 - (d) returning the following Bills without amendment:
 - 30 November 1992—Message—
 - No. 573—Sales Tax Imposition (In Situ Pools) 1992 (*without requests*).
 - No. 574—National Road Transport Commission Amendment 1992.
 - No. 575—Sales Tax Laws Amendment (No. 2) 1992.
 - 1 December 1992—Message—
 - No. 576—Vocational Education and Training Funding 1992.
 - No. 579—States Grants (General Purposes) 1992.
 - 2 December 1992—Message No. 580—Wheat Marketing Amendment 1992.
 - 3 December 1992—Message—
 - No. 583—Endangered Species Protection (Consequential Amendments) 1992.

No. 584—Higher Education Funding Amendment (No. 2) 1992.
 No. 585—States Grants (Schools Assistance) Amendment (No. 2) 1992.

No. 586—States Grants (Primary and Secondary Education Assistance) 1992.

No. 587—Aboriginal Education (Supplementary Assistance) Amendment 1992.

No. 588—Overseas Students Charge Amendment 1992.

8 December 1992—Message—

No. 599—Sex Discrimination and other Legislation Amendment 1992.

No. 600—Human Rights and Equal Opportunity Legislation Amendment (No. 2) 1992.

No. 601—Affirmative Action (Equal Employment Opportunity for Women) Amendment 1992.

No. 602—Commonwealth Superannuation Schemes Amendment 1992.

9 December 1992 a.m.—Message—

No. 593—Migration Laws Amendment 1992.

No. 595—Migration Reform 1992.

No. 596—Migration Laws Amendment (No. 2) 1992.

No. 597—Immigration (Education) Charge 1992.

No. 598—Migration (Delayed Visa Applications) Tax 1992 (*without requests*).

9 December 1992—Message—

No. 603—Appropriation (No. 3) 1992-93 (*without requests*).

No. 604—Appropriation (No. 4) 1992-93.

10 December 1992—Message No. 607—Export Market Development Grants Amendment 1992.

4 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:

23 November 1992—Message—

No. 351—

Appropriation (No. 1) 1992-93.

Appropriation (No. 2) 1992-93.

Appropriation (Parliamentary Departments) 1992-93.

No. 352—Income Tax (International Agreements) Amendment 1992.

7 December 1992—Message—

No. 353—Law and Justice Legislation Amendment (No. 4) 1992.

No. 354—

Radiocommunications (Transmitter Licence Tax) Amendment 1992.

Radiocommunications Taxes Collection Amendment 1992.

Radiocommunications (Receiver Licence Tax) Amendment 1992.

Radiocommunications (Test Permit Tax) Amendment 1992.

11 December 1992—Message—

No. 355—

Sales Tax Imposition (In Situ Pools) 1992.

National Road Transport Commission Amendment 1992.

Sales Tax Laws Amendment (No. 2) 1992.

No. 356—Child Support Legislation Amendment (No. 2) 1992.

No. 357—

Vocational Education and Training Funding 1992.

States Grants (General Purposes) 1992.

Wheat Marketing Amendment 1992.

No. 358—

- Medicare Levy Amendment 1992.
- Antarctic (Environment Protection) Legislation Amendment 1992.
- Medicare Levy Amendment (No. 2) 1992.

No. 359—

- Higher Education Funding Amendment (No. 2) 1992.
- States Grants (Schools Assistance) Amendment (No. 2) 1992.
- States Grants (Primary and Secondary Education Assistance) 1992.
- Aboriginal Education (Supplementary Assistance) Amendment 1992.
- Overseas Students Charge Amendment 1992.

No. 360—Radiocommunications 1992.

No. 361—Crimes (Ships and Fixed Platforms) 1992.

No. 362—Service and Execution of Process 1992.

No. 363—Broadcasting Services (Subscription Television Broadcasting) Amendment 1992.

No. 364—Australian Centre for International Agricultural Research Amendment 1992.

No. 365—Australian Industry Development Corporation Amendment 1992.

No. 366—Industry, Technology and Commerce Legislation Amendment 1992.

No. 367—Radiocommunications (Transitional Provisions and Consequential Amendments) 1992.

No. 368—Service and Execution of Process (Transitional Provisions and Consequential Amendments) 1992.

No. 369—Law and Justice Legislation Amendment (No. 3) 1992.

No. 370—Crimes Legislation Amendment 1992.

No. 371—Parliamentary Presiding Officers Amendment 1992.

5 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS: Mr Hollis (Chairman) presented the following reports:

Public Works—Parliamentary Standing Committee—Reports—

Development of RAAF Base Scherger at Peppan, Cape York Peninsula, Qld (13th report of 1992).

Construction of an Australian Embassy complex in Suva, Republic of Fiji (14th report of 1992).

Construction of Australian Embassy staff apartments at Attakarn Prasit, Bangkok, Thailand (15th report of 1992).

Redevelopment of Lavarack Army Barracks in Townsville, stage 1 (16th report of 1992).

Storage/display facility for the Australian War Memorial, Mitchell, ACT (17th report of 1992).

Badgerys Creek Airport development stage 1 (18th report of 1992).

Development of a new international terminal complex at Brisbane Airport (19th report of 1992).

York Park Offices, Barton, ACT (20th report of 1992, incorporating a dissenting report).

Relocation of the Australian Hydrographic Office to Wollongong, NSW (21st report of 1992, incorporating a dissenting report).

Severally ordered to be printed.

Mr Hollis, Mr Downer, Mr O'Neil, Mr Jull, Mr Lindsay, Mr Beale, Mr Price (Parliamentary Secretary to the Minister for Defence), Mr Prosser and Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade), by leave, made statements in connection with the reports.

6 MESSAGE FROM THE SENATE—BANKING LEGISLATION AMENDMENT BILL 1992: The following message from the Senate was reported:

Message No. 578

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend certain Acts relating to banking*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 1 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 11, page 4, lines 25 to 28, omit the clause, substitute the following clause:

Unclaimed moneys

"11. Section 69 of the Principal Act is amended:

- (a) by adding at the end of each of paragraphs (4)(a) and (b) 'and';
- (b) by omitting from paragraph (4)(c) 'and';
- (c) by omitting paragraph (4)(d);
- (d) by omitting from paragraph (9)(b) 'as is prescribed' and substituting 'as the Treasurer determines'."

No. 2—After clause 20, page 7, insert the following clause:

Use of certain names

"20A. Section 128 of the Principal Act is amended by adding at the end of the definition of 'protected name' in subsection (6) the following paragraphs:

- ‘; (f) Commonwealth Savings Bank of Australia;
- (g) Commonwealth Savings Bank;
- (h) CSB’ ”.

No. 3—Schedule, page 10, proposed First Schedule of the Principal Act, Part 1, item referring to Chase Manhattan Bank Limited, after "Bank", insert "Australia".

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

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

7 MESSAGE FROM THE SENATE—ENDANGERED SPECIES PROTECTION BILL 1992: The following message from the Senate was reported:

Message No. 590

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act providing for the conservation and management of species*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 3 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—After clause 24, page 12, insert the following clause:

Public may nominate native species etc.

“24A.(1) Any person may nominate an item to be listed in Schedules 1 to 3.

“(2) A nomination must be made to the Director and must include any information prescribed by regulation.

“(3) The Director must forward all nominations to the Scientific Subcommittee.”

No. 2—Clause 31, page 14, paragraph (2)(d), lines 38 and 39, omit the paragraph, substitute the following paragraph:

“(d) identify and specify the actions needed to protect the habitats that are critical to the survival of the species or community; and”

No. 3—Clause 34, page 16, paragraph (b), line 20, after “endangered”, insert “or vulnerable”.

No. 4—Clause 36, page 17, paragraph (2)(e), line 12, omit “any other”, substitute “the”.

No. 5—Clause 44, page 21, paragraph (2)(e), line 20, omit “any other”, substitute “the”.

No. 6—Clause 86, page 39, paragraph (4)(d), line 10, omit “its”, substitute “is”.

No. 7—Clause 89, page 41, subclause (1), line 3, after “*Gazette*”, insert “and in a national daily newspaper”.

No. 8—Clause 163, page 68, lines 16 to 27, omit the clause.

No. 9—After clause 167, page 70, insert the following clause:

Review of operation of Act

“167A.(1) The Minister must cause an independent review of:

(a) the operation of this Act; and

(b) the extent to which the objects set out in section 3 have been achieved;

to be undertaken within 5 years after the commencement of this Act and thereafter at intervals of not longer than 5 years.

“(2) A person who undertakes such a review must give the Minister a written report of the review.

“(3) The Minister must cause a copy of each report to be tabled in each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

“(4) In this section:

‘**independent review**’ means a review undertaken by persons who:

(a) in the Minister’s opinion possess appropriate qualifications to undertake the review; and

(b) include one or more persons who are not the Director, a member of the Advisory Committee or a staff member of the ANPWS.”

No. 10—Clause 169, page 70, after subclause (1), insert the following subclause:

“(1A) In every case where anything required to be done under this Act was not done within the period required by this Act, the Minister must:

(a) cause to be prepared a statement setting out the reasons why the thing was not done within the period required by this Act, within 15 days of the end of the period within which the thing should have been done; and

(b) cause a copy of the statement to be laid before each House of Parliament within 15 sitting days of that House after its receipt by the Minister.”.

No. 11—Schedule 3, page 101, at end of list of Key Threatening Processes, add the following items:

“Predation by feral cats
Competition and land degradation by feral rabbits
Competition and land degradation by feral goats”.

No. 12—Schedule 4, page 102, at end of list of agreements between Australia and other countries, add the following agreements:

“Agreement between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and their Environment (CAMBA) signed at Canberra on 20 October 1986.

Convention for the Protection of the Natural Resources and Environment of the South Pacific (the SPREP Convention) signed at Noumea on 24 November 1986.”.

On the motion of Mrs Kelly (Minister for the Arts, Sport, the Environment and Territories), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

On the motion of Mrs Kelly, the House adopted the report.

8 MESSAGE FROM THE SENATE—HEALTH AND COMMUNITY SERVICES LEGISLATION AMENDMENT BILL (NO. 2) 1992: The following message from the Senate was reported:

Message No. 577

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend legislation relating to health and community services*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 2 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 1, subclause (2), line 9, omit “6 January 1993”, substitute “28 April 1993”.

No. 2—Clause 5, pages 2 and 3, line 17 (page 2) to line 8 (page 3), omit the clause, substitute the following clause:

“5. Section 10D of the Principal Act is repealed and the following section is inserted:

Payments of financial assistance

‘10D.(1) The amount of financial assistance payable to an organisation under this Division in respect of an approved hostel is as set out in the following subsections.

‘(2) In respect of each hostel place (other than a respite care place) that is occupied by an existing resident:

(a) who is assessed as being financially disadvantaged; and

(b) who is assessed as requiring hostel care services only; and
(c) for whom the organisation makes hostel care services available; the financial assistance payable is an amount calculated at the rate of \$2.10 per day or such higher rate as is determined by the Minister by written instrument.

'(3) In respect of each hostel place (other than a respite care place) that is occupied by a new resident to whom paragraphs (2)(a), (b) and (c) apply, the financial assistance payable is an amount calculated at such rate as the Minister determines by written instrument.

'(4) In respect of each hostel place (other than a respite care place) that is occupied by an existing resident:

(a) who is assessed as requiring hostel care services and personal care services; and

(b) for whom those services are made available by the organisation; the financial assistance payable is an amount calculated at such rate determined by the Minister under subsection (9) as is applicable to that place because of the resident's classification.

'(5) In respect of each hostel place (other than a respite care place) that is occupied by a new resident:

(a) who is not a financially disadvantaged person; and

(b) who is assessed as requiring hostel care services and personal care services; and

(c) for whom those services are made available by the organisation; the financial assistance payable is an amount calculated at such rate determined by the Minister under subsection (9) as is applicable to that place because of the resident's classification.

'(6) In respect of each hostel place (other than a respite care place) that is occupied by a new resident:

(a) who is a financially disadvantaged person; and

(b) who is assessed as requiring hostel care services and personal care services; and

(c) for whom those services are made available by the organisation; the financial assistance payable is an amount calculated at such rate determined by the Minister under subsection (9) as is applicable to that place because of the resident's classification.

'(7) In respect of each respite care place that is occupied by an eligible person for whom the organisation provides hostel care service, the financial assistance payable is an amount calculated at such rate as the Minister determines by written instrument.

'(8) In respect of each respite care place that is occupied by an eligible person who is assessed as requiring, and for whom the organisation provides, hostel care services and personal care services, the financial assistance payable is an amount calculated at such rate as the Minister determines by written instrument.

'(9) The Minister must, for the purposes of subsections (4), (5) and (6), determine in writing a different rate for each subsection, taking into account the different classifications of the eligible persons that may occupy the hostel place referred to in that subsection.

'(10) Without limiting subsections (2) to (9), the Minister may determine a rate for the purposes of those subsections by determining a method of calculating the rate.

'(11) Payments under this Division are to be made in the manner and at the times the Minister determines.

'(12) An eligible person must not be taken into account under subsection (7) or (8) in respect of a day in a benefit period if the person has already been taken into account in relation to the same hostel in respect of 63 days in the same benefit period.

'(13) If the Minister, by written instrument, determines that another number, whether higher or lower, be substituted for the number 63, subsection (12) has effect as if that other number were substituted.

'(14) In this section, unless the contrary intention appears:

"benefit period", in relation to an eligible person, is a period determined by the Minister, by written instrument, to be a benefit period for the purposes of subsection (12);

"existing resident", in relation to an approved hostel, means an eligible person who:

(a) occupied a hostel place (other than a respite care place) in an approved hostel at some time during the period 6 January to 27 April 1993; and

(b) is occupying such a place in an approved hostel;

"new resident", in relation to an approved hostel, means an eligible person who occupies a hostel place (other than a respite care place) in the hostel, and did not occupy such a place in an approved hostel during the period 6 January to 27 April 1993.

'(15) For the purposes of the definitions of "existing resident" and "new resident", a person occupies a hostel place in an approved hostel (other than a respite care place) if the person resides permanently in the hostel.'"

No. 3—Clause 6, page 3, paragraph (a), line 11, omit the paragraph, substitute the following paragraph:

"(a) by omitting from paragraph (2)(b) 'paragraph 10D(1)(a), (b) or (d)' and substituting 'paragraphs 10D(2)(b), (4)(a), (5)(b) and (6)(b) and subsection 10D(8)';"

No. 4—Clause 6, page 3, paragraph (b), proposed paragraph (bb), lines 13 and 14, omit the paragraph, substitute the following paragraph:

"(bb) the manner in which a person is to be identified as financially disadvantaged for the purposes of subsections 10D(2), (3), (5) and (6);"

No. 5—Clause 22, page 9, paragraph (b), proposed subsection 40AFE(4), lines 33 to 35, omit the subsection.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

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

9 MESSAGE FROM THE SENATE—QANTAS SALE BILL 1992: The following message from the Senate was reported:

Message No. 591

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to the sale of Qantas Airways Limited, and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 7 December 1992

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

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In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Clause 7, page 5, after subclause (1), insert the following subclause:
“(1A) For the purposes of this section, a person has a relevant interest in a share if, and only if, the person would be taken because of Division 5 of Part 1.2 of the Corporations Law to have a relevant interest in the share if section 33 of that Law were disregarded.”.
- No. 2—Clause 7, page 6, subclause (6), definition of “relevant interest”, lines 27 and 28, omit the definition.
- No. 3—Clause 9, page 7, after subclause (2), insert the following subclause:
“(2A) For the purposes of this section, a person has a relevant interest in a share if, and only if, the person would be taken because of Division 5 of Part 1.2 of the Corporations Law to have a relevant interest in the share if section 33 of that Law were disregarded.”.
- No. 4—Clause 9, page 7, subclause (3), definition of “relevant interest”, lines 24 and 25, omit the definition.
- On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the amendments were agreed to, after debate.
Resolution to be reported.

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The House resumed; Mr Scholes reported accordingly.
On the motion of Mr Duncan, the House adopted the report.

10 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL
(NO. 4) 1992: The following message from the Senate was reported:

Message No. 572

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law relating to taxation*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 30 November 1992

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

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In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Clause 15, page 15, proposed section 121EK, lines 1 to 18, omit the section, substitute the following section:
Deemed interest on 90% of certain OBU resident-owner money
[Deemed interest]
“121EK.(1) If:
(a) an owner of an OBU pays an amount of money to the OBU and, because of section 121EC, the amount becomes OBU resident-owner money of the OBU; and
(b) the OBU uses, or holds ready for use, the whole or part of the amount (which whole or part is called “the OB use amount”) in carrying on any of its OB activities during the whole or part of

any year of income (which whole or part is called “the OB use period”);

then the assessable income of the owner of the year of income includes deemed interest as described in subsection (2).

[Amount of deemed interest]

(2) The deemed interest is:

- (a) applied to 90% of the OB use amount; and
- (b) applied on a daily-rests basis for the OB use period at a rate that is 2% above the 90-day bank bill rate from time to time during that period.

[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 the year of income. The deduction is taken to be an exclusive OB deduction for interest.”

No. 2—Clause 19, page 18, subclause (5), line 22, omit “made available”, substitute “paid, used or held ready for use”.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

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

11 MESSAGE FROM THE SENATE—NATIONAL CRIME AUTHORITY AMENDMENT BILL (NO. 2) 1992: The following message from the Senate was reported:

Message No. 571

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the National Crime Authority Act 1984*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 26 November 1992

Suspension of standing orders—Bill laid aside: Mr Duffy (Attorney-General), by leave, moved—That so much of the standing orders be suspended as would prevent the Attorney-General moving that the National Crime Authority Amendment Bill (No. 2) 1992 be laid aside.

Question—put and passed.

Mr Duffy moved—That the Bill be laid aside.

Debate ensued.

Question—put and passed.

12 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

14 December 1992—Message No. 610—Trade Practices Legislation Amendment 1992.

15 December 1992—Message—

No. 612—Tax Legislation Amendment 1992.

No. 613—Mutual Recognition 1992.

No. 614—Superannuation Legislation Amendment 1992.

No. 615—Pipeline Authority Amendment 1992.

No. 616—Aboriginal Councils and Associations Amendment 1992.

No. 617—Income Tax Assessment Amendment (Foreign Investment) 1992.

No. 618—Income Tax (Dividends and Interest Withholding Tax) Amendment 1992 (*without requests*).

- 13 **MESSAGE FROM THE SENATE—COAL INDUSTRY LEGISLATION AMENDMENT BILL 1992:** Message No. 605, dated 10 December 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Coal Industry Act 1946’ and the ‘Industrial Relations Act 1988’*”.

Bill read a first time.

Mr R. J. Brown (Minister for Land Transport) moved—That the Bill be now read a second time.

Paper: Mr R. J. Brown presented an explanatory memorandum to the Bill. Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr R. J. Brown, the Bill was read a third time.

- 14 **MESSAGE FROM THE SENATE—INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT BILL (NO. 2) 1992:** Message No. 608, dated 10 December 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Industrial Chemicals (Notification and Assessment) Act 1989’, and for related purposes*”.

Bill read a first time.

Mr R. J. Brown (Minister for Land Transport) moved—That the Bill be now read a second time.

Paper: Mr R. J. Brown presented an explanatory memorandum to the Bill. Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr R. J. Brown, the Bill was read a third time.

- 15 **QUESTIONS:** Questions without notice were asked.

- 16 **WILLS BY-ELECTION—STATEMENT BY SPEAKER:** The Speaker referred to statements he made to the House on 25 and 26 November 1992 and advised that, as a general election was expected in the first half of 1993, he had decided not to issue a writ for a by-election for the Division of Wills.

- 17 **PAPER:** The Speaker presented the following paper:

Amendments and requests—Comments on Senate paper of 20 November 1992, 8 December 1992.

- 18 **AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS AND REFERENCE TO COMMITTEES:** The Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1992-93—

No. 7—Efficiency audit—Saving time and money with common-use contracts.

No. 8—Efficiency audit—Department of Veterans' Affairs: Compensation pensions to veterans and war widows.

No. 9—Project audit—University of Canberra: Administrative computing systems.

No. 10—Efficiency audit—Living with our decisions: Commonwealth environmental impact assessment processes.

No. 11—Efficiency audit—Department of Administrative Services: Procedures for dealing with fraud on the Commonwealth.

No. 12—Project audit—Department of Primary Industries and Energy: Information technology environment.

No. 13—Efficiency audit—Department of Administrative Services: Overseas Property Group.

No. 14—Efficiency audit—Department of Employment, Education and Training: English as a second language.

No. 15—Efficiency audit—Aboriginal and Torres Strait Islander Commission: Regional administration.

No. 16—Efficiency audit—An audit commentary on aspects of commercialisation in the Department of Administrative Services.

Mr Beazley (Leader of the House), by leave, moved—That:

- (1) this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the Auditor-General's audit reports Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of 1992-93;
- (2) the reports be printed; and
- (3) audit report No. 11 of 1992-93—Efficiency audit—Department of Administrative Services: Procedures for dealing with fraud on the Commonwealth, be referred to the Standing Committee on Banking, Finance and Public Administration; audit report No. 15 of 1992-93—Efficiency audit—Aboriginal and Torres Strait Islander Commission: Regional administration, be referred to the Standing Committee on Aboriginal and Torres Strait Islander Affairs; and audit reports No. 13 of 1992-93—Efficiency audit—Department of Administrative Services: Overseas Property Group and No. 16 of 1992-93—Efficiency audit—An audit commentary on aspects of commercialisation in the Department of Administrative Services, be referred to the Standing Committee on Transport, Communications and Infrastructure.

Question—put and passed.

19 PAPERS: The following papers were presented:

Advance to the Minister for Finance—
Statement for November 1992.

Supporting applications of issues from the Advance during November 1992.
Agricultural and Veterinary Chemicals Act—Australian Agricultural and Veterinary Chemicals Council—Report for 1991-92.

Agricultural Council of Australia and New Zealand—Record and resolutions—
138th meeting, Mackay, 24 July 1992.

ANL Act—ANL Limited—Report for 1991-92.

Australia Council Act—Australia Council—Report for 1991-92.

Australia-Indonesia Institute—Report for 1991-92.

Australia-Japan Foundation Act—Australia-Japan Foundation—Report for
1991-92.

Australian Centre for International Agricultural Research Act—Australian
Centre for International Agricultural Research—Report for 1991-92.

Australian Film Finance Corporation Pty Ltd—Report for 1991-92.

Australian Horticultural Corporation Act—Australian Horticultural Corporation—
Report for 1991-92.

Australian Institute of Aboriginal and Torres Strait Islander Studies Act—
Australian Institute of Aboriginal and Torres Strait Islander Studies—Report
for 1991-92.

Australian Institute of Health and Welfare Act—Australian Institute of Health
and Welfare—Report for 1991-92.

Australian Institute of Marine Science Act—Australian Institute of Marine
Science—Report for 1991-92.

Australian Ionising Radiation Advisory Council—Report for period 1 July
1988 to 30 June 1992 (Report No. 12).

Australian Meat and Livestock Industry Policy Council Act—Australian Meat
and Livestock Industry Policy Council—Report for 1991-92.

Australian National Railways Commission Act—Australian National Railways
Commission (Australian National)—Report for 1991-92

- Australian Nuclear Science and Technology Organisation Act—Australian Nuclear Science and Technology Organisation—Report for 1991-92.
- Australian Security Intelligence Organization Act—
 Attorney-General's guidelines to the Director-General of Security in relation to the performance of the Australian Security Intelligence Organization and its functions of obtaining intelligence relevant to security.
 Paper by the Attorney-General relating to the issue of guidelines to ASIO on the collection of intelligence relevant to security.
- Australian Soil Conservation Council—Record and resolutions—8th meeting, Adelaide, 27 August 1992.
- Australian Sports Drug Agency Act—Australian Sports Drug Agency—Operational plan 1992-93.
- Australian Tourist Commission Act—Australian Tourist Commission—Report for 1991-92.
- Australian Trade Commission Act—Australian Trade Commission—Report for 1991-92.
- Australian Wool Corporation Act—Australian Wool Corporation—Report for 1991-92.
- Australian Wool Realisation Commission Act—Australian Wool Realisation Commission—Report for 1991-92.
- Australia's Business Challenge: South East Asia in the 1990s—Report by the East Asia Analytical Unit, Department of Foreign Affairs and Trade and Austrade.
- Bureau of Meteorology—Report for 1991-92.
- Commissioner of Taxation—Report for 1991-92.
- Commonwealth Electoral Act—Australian Electoral Commission—Report for 1991-92.
- Commonwealth Employees' Rehabilitation and Compensation Act—Comcare Australia and Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees—Report for 1991-92.
- Commonwealth Funds Management Limited Act—Commonwealth Funds Management Limited—Report for 1991-92.
- Commonwealth Legal Aid Act—National Legal Aid Advisory Committee—Report for 1991-92.
- Defence Force Retirement and Death Benefits Act—Defence Force Retirement and Death Benefits Authority—Report for 1991-92.
- Department of Defence—Schedule of special purpose flights for period 1 January to 30 June 1992.
- Department of Primary Industries and Energy and Austrade—Innovative agricultural marketing program—Report for 1991-92.
- Electoral Matters—Joint Standing Committee—Government responses to reports—
 Aboriginal and Islander Electoral Information Service, 5 September 1991.
 1990 federal election, 20 December 1990.
- Employment, Education and Training Act—National Board of Employment, Education and Training—Reports—
 Australian Research Council, including the Board's comments—Reviews of grants outcomes—
 No. 2—British and European history 1983-1987, October 1992.
 No. 3—Australian history 1981-1985, October 1992.
 No. 4—Igneous and metamorphic petrology and geochemistry 1986-1990, October 1992.
 No. 5—Genetics and evolution 1986-1990, October 1992.
- Employment and Skills Formation Council, including the Board's comments—
 Change and growth—TAFE to 2001.

- Industry training advisory bodies, December 1992.
- Employment, education and training opportunities for prisoners and ex-prisoners, December 1992.
- Higher Education Council, including the Board's comments—Distance education in Australia, December 1992.
- Post-compulsory education and training: Fitting the need, November 1992.
- Research infrastructure in higher education, December 1992.
- Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—
ANL Limited—Report for 1991-92.
- Australian Broadcasting Corporation—Report for 1991-92.
- Civil Aviation Authority—Report for 1991-92.
- Family Law Act—Family Court of Australia—Report for 1991-92—Erratum.
- Family Law Council—Report—Power of the Family Court to require the provision of information for the recovery of children, September 1992.
- Federal Airports Corporation Act—Federal Airports Corporation—Report for 1991-92.
- Foreign Affairs, Defence and Trade—Joint Committee—Report—Australia's current account deficit and overseas debt, 10 October 1991—Government response.
- Great Barrier Reef Marine Park Act—Great Barrier Reef Marine Park Authority—Report for 1991-92.
- Health Insurance Commission Act—Health Insurance Commission—Report for 1991-92.
- Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Just rewards: Report of the inquiry into sex discrimination in overaward payments.
- Industrial Chemicals (Notification and Assessment) Act—National Industrial Chemicals Notification and Assessment Scheme—Report for 1991-92.
- Industrial Relations Act—
Australian Industrial Registry—Report for 1991-92.
- Australian Industrial Relations Commission—4th report of the President, for 1991-92.
- Industry Commission Act—Industry Commission—Report No. 28—Mail, courier and parcel services, 30 October 1992.
- Inspector-General of Intelligence and Security Act—Inspector-General of Intelligence and Security—Report for 1991-92.
- Long Term Strategies—Standing Committee—Report—Australia as an information society: Grasping new paradigms, 15 May 1991—Government response.
- Merit Protection (Australian Government Employees) Act—Merit Protection and Review Agency—Report for 1991-92.
- Migration Regulations—Joint Standing Committee—Special report No. 1, September 1991—Government response.
- Military Superannuation and Benefits Act—Military Superannuation and Benefits Board of Trustees No. 1—Report for period 1 October 1991 to 30 June 1992.
- National Food Authority Act—National Food Authority—Report for 1991-92.
- National Health Act—Private Health Insurance Administration Council—Report on the operations of the registered health benefits organisations for 1991-92.
- National Measurement Act—National Standards Commission—Report for 1991-92.
- National Occupational Health and Safety Commission Act—National Occupational Health and Safety Commission—Report for 1991-92.

- National Road Transport Commission Act—National Road Transport Commission—Report for 1991-92.
- Nursing home and hostel standards—List of monitoring reports published between 1 August and 31 October 1992.
- Pharmaceutical Benefits Pricing Authority—Report for 1991-92.
- Pig Industry Act—Australian Pig Industry Policy Council—Report for 1991-92.
- Political exchange program—Australian Political Exchange Council—Report for 1991-92.
- Primary Industries and Energy Research and Development Act—Wool Research and Development Corporation—Report for 1991-92.
- Public Lending Right Act—Public Lending Right Committee—Report for 1991-92.
- Public Service Act—
- Defence report for 1991-92.
 - Department of Administrative Services—Report for 1991-92—
 - Volume 1—Program reports and appendixes.
 - Volume 2—Financial statements.
 - Department of Employment, Education and Training—
 - Annual report—Explanatory paper by the Minister for Employment, Education and Training.
 - Report for 1991-92.
 - Department of Industrial Relations—Report, incorporating a report on the operation of Part V of the Industrial Relations Act and an interim report of the Construction Industry Development Agency, for 1991-92.
 - Department of Industry, Technology and Commerce—Report for 1991-92.
 - Department of the Arts, Sport, the Environment and Territories—Report for 1991-92.
 - Department of Tourism—Report for period 27 December 1991 to 30 June 1992.
 - Public Service Commissioner—Report for 1991-92.
 - Royal Australian Mint—Report for 1991-92.
- Remuneration Tribunal Act—Remuneration Tribunal—Report for 1991-92.
- Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Report for 1991-92.
- Superannuation Act 1976*—
- Commissioner for Superannuation—Report, incorporating a report on the administration of the Retirement Benefits Office pursuant to the Public Service Act, for 1991-92.
 - Commonwealth Superannuation Board of Trustees No. 2—
 - Report for 1991-92.
 - Financial statements.
- Superannuation Act 1990*—Commonwealth Superannuation Board of Trustees No. 1—
- Report for 1991-92.
 - Financial statements.
- Tax expenditures statement—Report by the Department of the Treasury, December 1992.
- Taxation statistics 1990-91.
- Textiles, Clothing and Footwear Development Authority Act—Textiles, Clothing and Footwear Development Authority—Report for 1991-92.
- Trade Union Training Authority Act—Trade Union Training Authority—Report for 1991-92.
- Transport, Communications and Infrastructure—Standing Committee—Report—Inquiry into possible uses of the sixth high power television channel, 10 September 1992—Government response.

- 20 **DEPARTMENT OF INDUSTRIAL RELATIONS—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Public Service Act—Department of Industrial Relations—Report, incorporating a report on the operation of Part V of the Industrial Relations Act and an interim report of the Construction Industry Development Agency, for 1991-92.

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

- 21 **AUSTRALIA-INDONESIA INSTITUTE—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Australia-Indonesia Institute—Report for 1991-92.

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

- 22 **DEPARTMENT OF INDUSTRY, TECHNOLOGY AND COMMERCE—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Public Service Act—Department of Industry, Technology and Commerce—Report for 1991-92.

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

- 23 **TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORT—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Transport, Communications and Infrastructure—Standing Committee—Report—Inquiry into possible uses of the sixth high power television channel, 10 September 1992—Government response.

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

- 24 **DEFENCE REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Public Service Act—Defence report for 1991-92.

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

- 25 **DEPARTMENT OF EMPLOYMENT, EDUCATION AND TRAINING—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Public Service Act—Department of Employment, Education and Training—Report for 1991-92.

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

- 26 **LONG TERM STRATEGIES—STANDING COMMITTEE—REPORT—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Long Term Strategies—Standing Committee—Report—Australia as an information society: Grasping new paradigms, 15 May 1991—Government response.

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

- 27 **PAPER—STATEMENT BY MEMBER:** Mr Connolly, by leave, presented the following paper:
Public Service (Abolition of Compulsory Retirement Age) Amendment Bill 1992—Draft—
and, by leave, made a statement in connection with the paper.
- 28 **PAPERS:** The Deputy Speaker presented the following papers:
Public Service Act—
Department of the Parliamentary Library—Report for 1991-92.
Department of the Parliamentary Reporting Staff—Report for 1991-92.
- 29 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC GROWTH ESTIMATES:** 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 need for the Treasurer to release the Treasury’s latest revised estimates of economic growth”.
The proposed discussion having received the necessary support—
Mr Reith addressed the House.
Discussion ensued.
Discussion concluded.
- 30 **MESSAGE FROM THE SENATE:** A message from the Senate was reported returning the following Bill without amendment:
15 December 1992—Message No. 624—National Health Amendment 1992.
- 31 **SELECTION COMMITTEE—AMENDED REPORT:** Mr R. F. Edwards (Chairman) presented the following report:
Selection Committee—Amended report relating to the program of business prior to 12.30 p.m. on Thursday, 17 December 1992—
and, by leave, moved—That the report be adopted in lieu of the report presented on 26 November 1992.
Question—put and passed.
- 32 **MEMBERS’ INTERESTS COMMITTEE—PAPER:** Mr Dubois (Chairman) presented the following paper:
Committee of Members’ Interests—Register of Members’ Interests for the 36th Parliament—Notifications of alterations of interests received during the period 24 June 1992 to 15 December 1992.
- 33 **SUSPENSION OF STANDING ORDERS—ORDINARY BUSINESS FOR 17 DECEMBER 1992:** Mr Beazley (Leader of the House), pursuant to notice, moved—That so much of the standing orders be suspended as would prevent the ordinary business for Thursday, 17 December 1992, unless otherwise ordered, being proceeded with as follows:
1. Presentation of petitions.
 2. Presentation of, and statements on, reports from parliamentary committees and delegations.
 3. Orders of the day for the resumption of debate on motions moved in connection with committee and delegation reports (debate concluding no later than 11 a.m.).
 4. Private Members’ business (commencing no later than 11 a.m., debate concluding no later than 12.30 p.m.).
 5. Grievance debate.
 6. Members’ statements (at approximately 1.45 p.m.).
 7. Presentation of papers (at 2 p.m.).
 8. Notices and orders of the day.
- Debate ensued.
Question—put.

The House divided (the Deputy Speaker, Mr L. J. Scott, in the Chair)—

AYES, 71

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

NOES, 64

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

* Tellers

And so it was resolved in the affirmative.

34 MESSAGE FROM THE SENATE—ELECTORAL AND REFERENDUM AMENDMENT

BILL 1992: Message No. 592, dated 1 December 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Commonwealth Electoral Act 1918' and the 'Referendum (Machinery Provisions) Act 1984', and to amend the 'Freedom of Information Act 1982' for related purposes*".

Bill read a first time.

Mr Price (Parliamentary Secretary to the Minister for Defence) moved—That the Bill be now read a second time.

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

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Price, the Bill was read a third time.

35 MESSAGE FROM THE SENATE—NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL BILL 1992: The following message from the Senate was reported:

Message No. 623

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to establish a National Health and Medical Research Council, and for related purposes*", and acquaints the House that the Senate has agreed to the bill

with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 15 December 1992 a.m.

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 8, page 5, subclause (2), lines 29 to 32, omit the subclause, substitute the following subclauses:

“(2) The guidelines for the conduct of medical research involving humans must be issued precisely as developed by the Principal Committee known as the Australian Health Ethics Committee and provided to the Council for the purpose.

“(3) Sections 12, 13 and 14 and the procedures developed and published by the Council under section 15, apply to the activities of the Australian Health Ethics Committee in developing guidelines for the conduct of medical research involving humans as if the references in sections 12, 13 and 14 to the Council were references to that Committee and as if the procedures under section 15 had been developed to assist the Committee.”.

No. 2—Clause 35, page 17, subclause (1), lines 15 and 16, omit the subclause, substitute the following subclause:

“35.(1) The Minister must establish Principal Committees called the Medical Research Committee and the Australian Health Ethics Committee.”.

No. 3—Clause 35, page 17, after subclause (2) insert the following subclause:

“(2A) The functions of the Australian Health Ethics Committee are:

- (a) to advise the Council on ethical issues relating to health; and
- (b) to develop and give the Council guidelines for the conduct of medical research involving humans; and
- (c) such other functions as the Minister from time to time determines.”.

No. 4—Clause 35, page 17, after subclause (2), insert the following subclause:

“(2B) Where guidelines are issued by the Council under subsection (2A), such guidelines are to be laid before each House of the Parliament within 15 sitting days of that House of the issuing of the guidelines.”.

No. 5—Clause 35, page 17, subclause (4), lines 29 to 32, omit all words from “A” to “humans:”, substitute “The Australian Health Ethics Committee:”.

No. 6—Clause 35, page 17, after subclause (5), insert the following subclause:
“(5A) The Australian Health Ethics Committee is constituted as provided in section 35A.”.

No. 7—Clause 35, page 17, subclause (6), line 39, after “A Principal Committee”, insert “other than the Australian Health Ethics Committee”.

No. 8—Clause 35, page 18, subclause (7), after paragraph (a) insert the following paragraph:

“(aa) any functions of the Australian Health Ethics Committee additional to those referred to in paragraph (2A)(a) or (b); or”.

No. 9—Clause 35, page 18, paragraph (7)(c), line 10, after “Committee” insert “other than the Australian Health Ethics Committee”.

No. 10—Clause 35, page 18, paragraph (7)(d), line 12, after “Committee” insert “other than the Australian Health Ethics Committee”.

No. 11—Clause 35, page 18, subclause (8), line 17, after “Research Committee” insert “, the Australian Health Ethics Committee”.

No. 12—After clause 35, page 18, insert the following clause:

Constitution of and appointment to the Australian Health Ethics Committee

“35A.(1) The Australian Health Ethics Committee consists of the following members:

- (a) the Chairperson;
- (b) a person with knowledge of the ethics of medical research;
- (c) a person who has expertise in law;
- (d) a person who has expertise in philosophy;
- (e) a person who has expertise in religion;
- (f) a person who has experience in medical research;
- (g) a person who has experience in public health research;
- (h) a person who has experience in social science research;
- (i) a person who has experience in clinical medical practice;
- (j) a person who has experience in nursing or allied health practices;
- (k) a person with knowledge of the regulation of the medical profession;
- (l) a person with understanding of health consumer issues;
- (m) a person with understanding of the concerns of people with a disability;
- (n) no more than 2 other persons with expertise relevant to the functions of the Committee.

“(2) There must be included among the members of the Committee individuals who collectively have membership of all the other Principal Committees.

“(3) Subject to subsections (4), (5) and (6), the Minister must appoint the members of the Australian Health Ethics Committee.

“(4) The Minister must not appoint a person as Chairperson unless:

- (a) the Minister has consulted with the other members of the Australian Health Ministers Conference; and
- (b) the Minister is satisfied that the person has expertise relevant to the functions of the Committee.

“(5) The Minister must not appoint the member referred to in paragraph 35A(1)(b) unless:

- (a) the Minister has consulted with the other members of the Australian Health Ministers Conference; and
- (b) the Minister is satisfied that the person has expertise relevant to the functions of the Committee.

“(6) The Minister must:

- (a) before appointing the member referred to in paragraph 35A(1)(c), seek nominations from such bodies representing the legal profession as are prescribed for the purpose; and
- (b) before appointing the members referred to in paragraphs 35A(1)(d), (f) and (h), seek nominations from such learned academies as are prescribed for the purpose; and
- (c) before appointing the member referred to in paragraph 35A(1)(e), seek nominations from such peak religious bodies as are prescribed for the purpose; and
- (d) before appointing the member referred to in paragraph 35A(1)(g), seek nominations from such peak public health bodies as are prescribed for the purpose; and
- (e) before appointing the member referred to in paragraph 35A(1)(i), seek nominations from such bodies representing the medical profession as are prescribed for the purpose; and
- (f) before appointing the member referred to in paragraph 35A(1)(j), seek nominations from such bodies representing the nursing and allied health professions as are prescribed for the purpose; and

- (g) before appointing the member referred to in paragraph 35A(1)(k), seek nominations from such bodies responsible for maintaining professional medical standards as are prescribed for the purpose; and
- (h) before appointing the member referred to in paragraph 35A(1)(l), seek nominations from such peak consumer organisations as are prescribed for the purpose; and
- (i) before appointing the member referred to in paragraph 35A(1)(m), seek nominations from such peak bodies representing people with a disability as are prescribed for the purpose."

No. 13—Clause 89, page 39, line 33, after "with effect from that day" insert "and with the exception of the Supplementary Note 4".

On the motion of Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade), the amendments were agreed to, after debate. Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly.
On the motion of Mr Martin, the House adopted the report.

- 36 **MESSAGE FROM THE SENATE—TOBACCO ADVERTISING PROHIBITION BILL 1992:** Message No. 611, dated 15 December 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to limit the exposure of the public to advertisements for smoking and tobacco products, and for related purposes*".

Bill read a first time.

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

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

Leave granted for debate to ensue.

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

- 37 **RACIAL DISCRIMINATION AMENDMENT BILL 1992:** Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, presented a Bill for an Act to amend the *Crimes Act 1914* to create an offence of racial incitement and to amend the *Racial Discrimination Act 1975* to make racial vilification unlawful.

Bill read a first time.

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

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

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

- 38 **CABINET NOTEBOOKS (ACCESS AND PROTECTION) BILL 1992:** Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, presented a Bill for an Act to amend the *Archives Act 1983*, the *Evidence Act 1905* and the *Freedom of Information Act 1982* in relation to evidence of Cabinet discussions and in relation to dealings with Cabinet notebooks and similar documents.

Bill read a first time.

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

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

- 39 **COPYRIGHT AMENDMENT BILL 1992:** Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, presented a Bill for an Act to amend the *Copyright Act 1968*.

Bill read a first time.

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

Paper: Mr Duncan presented an explanatory memorandum to the Bill.
Debate adjourned (Mr Anderson), and the resumption of the debate made an order of the day for the next sitting.

- 40 **ARTS, SPORT, ENVIRONMENT AND TERRITORIES LEGISLATION AMENDMENT BILL (NO. 2) 1992:** Ms McHugh (Minister for Consumer Affairs), by leave, presented a Bill for an Act to amend various Acts relating to matters dealt with by the Department of the Arts, Sport, the Environment and Territories, and for related purposes.

Bill read a first time.

Ms McHugh moved—That the Bill be now read a second time.

Paper: Ms McHugh presented an explanatory memorandum to the Bill.

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

- 41 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:

16 December 1992—Message—

No. 628—Housing Assistance Amendment 1992.

No. 629—Australian National Training Authority 1992.

No. 630—Health and Community Services Legislation Amendment (No. 3) 1992.

- 42 **PAPER:** Ms McHugh (Minister for Consumer Affairs) presented the following paper:

Cabinet Notebooks (Access and Protection) Bill 1992—Explanatory memorandum.

- 43 **ROAD TRANSPORT CHARGES (AUSTRALIAN CAPITAL TERRITORY) BILL 1992:** Mr R. J. Brown (Minister for Land Transport), by leave, presented a Bill for an Act relating to road transport charges.

Bill read a first time.

Mr R. J. Brown moved—That the Bill be now read a second time.

Paper: Mr R. J. Brown presented an explanatory memorandum to the Bill.

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

- 44 **SUPERANNUATION INDUSTRY (SUPERVISION) BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer), by leave, presented a Bill for an Act to make provision for the supervision of certain entities engaged in the superannuation industry, 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 Bill.

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

- 45 **SUPERANNUATION (RESOLUTION OF COMPLAINTS) BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer), by leave, presented a Bill for an Act relating to the resolution of complaints about decisions of trustees of superannuation funds and approved deposit funds.

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

- 46 **SUPERANNUATION (FINANCIAL ASSISTANCE FUNDING) LEVY BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to impose levies on superannuation funds and approved deposit funds for the

purpose of funding financial assistance to any such funds that have suffered loss as a result of fraudulent conduct or theft.

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

- 47 SUPERANNUATION (ROLLED-OVER BENEFITS) LEVY BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to impose levies on certain superannuation funds and approved deposit funds for the purpose of recouping the cost of maintaining a register of certain rolled-over benefits.

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

- 48 SUPERANNUATION SUPERVISORY LEVY AMENDMENT BILL 1992:** Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to amend the *Superannuation Supervisory Levy Act 1992*.

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

- 49 SUPERANNUATION INDUSTRY (SUPERVISION) CONSEQUENTIAL AMENDMENTS BILL 1992:** Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services) presented a Bill for an Act to amend the statute law of the Commonwealth in consequence of the enactment of the *Superannuation Industry (Supervision) Act 1992*, and for related purposes.

Bill read a first time.

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

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

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

- 50 TAXATION LAWS AMENDMENT BILL (NO. 7) 1992:** Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

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

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

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

- 51 TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (NO. 2) 1992:** Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

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

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

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

52 **OCCUPATIONAL SUPERANNUATION STANDARDS AMENDMENT BILL 1992:**
Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services) presented a Bill for an Act to amend the *Occupational Superannuation Standards Act 1987*.

Bill read a first time.

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

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

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

53 **MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 6) 1992:** The following message from the Senate was reported:

Message No. 622

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the law relating to taxation*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 15 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 4, page 2, proposed subsection 51AL(1), line 19, omit "1 July 1993", substitute "1 September 1993".

No. 2—After clause 4, page 7, insert the following clause:

Transitional—'no deduction' rule does not apply if expense incurred before 1 July 1994 and clothing designs approved by Commissioner

"4A. The rule in subsection 51AL(1) of the Principal Act as amended by this Act does not apply if:

- (a) the expense was incurred before 1 July 1994; and
- (b) at or before the time when the expense was incurred by the employee, the Commissioner gave the employer of the employee a written statement to the effect that the Commissioner was of the opinion that the designs of the set of one or more items of clothing to which the expense relates were a 'corporate uniform' or a 'corporate wardrobe' within the meaning of Taxation Ruling IT 2641."

No. 3—Clause 8, page 10, proposed paragraph 94D(a), line 17, after "1995-96 year of income" insert "or a later year of income".

On the motion of Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly.

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

54 **MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL 1992:** The following message from the Senate was reported:

Message No. 619

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the law relating to taxation*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 15 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 73, page 70, lines 20 to 23, omit the clause, substitute the following clause:

Application

"73. The amendments made by this Division apply in relation to the provision of pensions after the commencement of this section, regardless of whether the members concerned retired before or after the commencement of this section."

No. 2—Clause 79, page 72, paragraph (b), line 29, omit "(2A),", substitute "(2A), (2B),".

No. 3—Clause 79, page 72, paragraph (c), lines 31 to 42, omit the paragraph, substitute the following paragraph:

"(c) by inserting after subsection (2) the following subsections:

'(2A) If:

(a) the employer is contributing for the benefit of the employee to the fund in accordance with an industrial award, or a law of a kind referred to in paragraph (1)(ab), that was operative immediately before 21 August 1991; and

(b) section 13 would operate to determine a notional earnings base in relation to the employee if the employer had been so contributing immediately before 21 August 1991;

the notional earnings base in relation to the employee is the notional earnings base referred to in paragraph (b).";

'(2B) If:

(a) the employer is contributing for the benefit of the employee to the fund in accordance with the agreement referred to in Order No. 292 of 1992 of the Coal Industry Tribunal of New South Wales and known as the New South Wales Coal Mining Industry Statutory Superannuation Fund (Salary Sacrifice) Agreement; and

(b) section 13 would operate to determine a notional earnings base in relation to the employee if the employer had been so contributing immediately before 21 August 1991;

the notional earnings base in relation to the employee is the notional earnings base referred to in paragraph (b).";

No. 4—Clause 87, page 76, paragraph (c), proposed subsection 24(5), definition of "starting day", subparagraphs (a)(i) and (ii), lines 36 to 39, omit the subparagraphs, substitute the following subparagraphs:

"(i) the day on which the contribution period commenced; or

(ii) if the contribution period commenced on 1 July 1992—the day on which the *Taxation Laws Amendment (Superannuation) Act 1992* received the Royal Assent; and"

No. 5—Clause 87, page 77, paragraph (c), proposed subsection 24(5), definition of “starting day”, subparagraphs (b)(i) and (ii), lines 1 to 6, omit the subparagraphs, substitute the following subparagraphs:

“(i) the day on which the part of the contribution period commenced;
or

(ii) if the contribution period commenced on 1 July 1992—the day on which the part of the contribution period commenced or the day on which the *Taxation Laws Amendment (Superannuation) Act 1992* received the Royal Assent, whichever is the later.”.

On the motion of Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly.

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

55 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT (FRINGE BENEFITS TAX MEASURES) BILL 1992: The following message from the Senate was reported:

Message No. 621

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law relating to taxation*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 15 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Schedule, page 2, after amendments to the *Income Tax Assessment Act 1936*, insert the following amendment:

“*Fringe Benefits Tax*
(*Application to the Commonwealth*) Act 1986

“After section 6:

Insert the following section:

No entitlement to rebate of tax

‘6A. For the purposes of the application of the Assessment Act in accordance with this Act, it is to be assumed that section 65J of that Act (which deals with rebates) had not been enacted.’.”.

No. 2—Schedule, page 2, before proposed amendments to subsections 67(1), (2) and (3) of the *Fringe Benefits Tax Assessment Act 1986*, insert the following amendment:

“After section 65H:

Insert the following Part:

‘PART IIIA—REBATES OF TAX

Rebate for certain non-profit employers etc.

[Rebatable employer]

'65J.(1) For the purposes of this section, an employer is a rebatable employer for a year of tax if the employer is covered by any of the following paragraphs at any time during the year of tax:

- (a) a religious institution;
- (b) a scientific, charitable or public educational institution (other than an institution of the Commonwealth, a State or a Territory);
- (c) a public hospital (other than a hospital of the Commonwealth, a State or a Territory);
- (d) a hospital which is carried on by a non-profit society or a non-profit association;
- (e) a trade union;
- (f) an association of employers or employees registered under a law of the Commonwealth, a State or a Territory relating to the settlement of industrial disputes;
- (g) a non-profit society, non-profit association, or non-profit club, established for musical purposes, or for the encouragement of music, art, science or literature;
- (h) a non-profit society, non-profit association, or non-profit club, established for the encouragement or promotion of a game or sport;
- (i) a non-profit society, non-profit association, or non-profit club, established for the encouragement or promotion of animal races;
- (j) a non-profit society, non-profit association, or non-profit club, established for community service purposes (not being political purposes or lobbying purposes);
- (k) a non-profit society, or non-profit association, established for the purpose of promoting the development of aviation;
- (l) a non-profit society, or non-profit association, established for the purpose of promoting the development of the agricultural, pastoral, horticultural, viticultural, manufacturing or industrial resources of Australia.

[Entitlement to rebate]

'(2) If an employer is a rebatable employer for a year of tax, the employer is entitled to a rebate of tax in the employer's assessment for the year of tax equal to the amount worked out using the formula:

$$0.48 \times \text{Gross tax} \times \frac{\text{Rebatable days in year}}{\text{Total days in year}}$$

where:

'**Gross tax**' means the amount of tax payable on the fringe benefits taxable amount of the employer of the year of tax (assuming that this section had not been enacted);

'**Rebatable days in year**' means the number of whole days in the year of tax when the employer was covered by any of paragraphs (1)(a) to (l) (inclusive);

'**Total days in year**' means the number of days in the year of tax.

[Extended meaning of 'institution of the Commonwealth, a State or a Territory']

'(3) For the purposes of this section, an institution established by a law of the Commonwealth, a State or a Territory is taken to be an institution of the Commonwealth, the State or the Territory, as the case requires.

[Extended meaning of 'hospital of the Commonwealth, a State or a Territory']

'(4) For the purposes of this section, a hospital established by a law of the Commonwealth, a State or a Territory is taken to be a hospital of the Commonwealth, the State or the Territory, as the case requires.

[Meanings of 'non-profit society', 'non-profit association' and 'non-profit club']

'(5) For the purposes of this section, a society, association or club is a non-profit society, non-profit association or non-profit club, as the case may be, if, and only if:

- (a) the society, association or club is carried on otherwise than for the purposes of profit or gain to its individual members; and
- (b) the society, association or club is neither:
 - (i) an incorporated company where all the stock or shares in the capital of the company is or are beneficially owned by:
 - (A) the Commonwealth, a State or a Territory; or
 - (B) an authority or institution of the Commonwealth, a State or a Territory; nor
 - (ii) an incorporated company where the company is limited by guarantee and the interests and rights of the members in or in relation to the company are beneficially owned by:
 - (A) the Commonwealth, a State or a Territory; or
 - (B) an authority or institution of the Commonwealth, a State or a Territory.'."

No. 3—Schedule, page 2, proposed amendment to paragraph 110(1)(b) of the *Fringe Benefits Tax Assessment Act 1986*, omit paragraph 110(1)(c), substitute the following paragraph:

"(c) in the case of the year of tax commencing on 1 April 1994:

- (i) if the employer is a rebatable employer for the year of tax (within the meaning of section 65J)—the amount worked out using the formula:

$$\boxed{} \quad 1.93 \quad \times \quad \text{Previous} \quad \boxed{} \quad - \quad \text{Notional} \\ \text{year's tax} \quad \text{rebate}$$

where:

'Previous year's tax' means the tax that was assessed in respect of the employer in respect of the immediately preceding year of tax;

'Notional rebate' means the rebate (if any) that would have been allowable to the employer under section 65J for the immediately preceding year of tax if the amendments of this Act made by the *Taxation Laws Amendment (Fringe Benefits Tax Measures) Act 1992* had applied in relation to tax for the immediately preceding year of tax; or

- (ii) in any other case—the amount worked out using the formula:

$$1.93 \quad \times \quad \text{Previous year's tax}$$

where:

'Previous year's tax' means the tax that was assessed in respect of the employer in respect of the immediately preceding year of tax."

On the motion of Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly.

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

56 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT (CAR PARKING) BILL 1992: The following message from the Senate was reported:
Message No. 620

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the law relating to taxation*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 15 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—After clause 2, page 1, insert the following clause:

Non-application of Act

"2A. The provisions of this Act do not apply to benefits provided to employees of scientific, religious, charitable or educational institutions."

No. 2—Clause 4, page 3, after proposed section 39C, insert the following section:

Taxable value of car parking fringe benefits—'market value' basis

[Employer may choose market value basis]

"39CA.(1) An employer may elect that this section apply in relation to any or all of the car parking fringe benefits in relation to the employer in relation to a particular year of tax.

[Market value basis of working out taxable value]

'(2) Subject to this Part, if an election is made under subsection (1) in relation to a car parking fringe benefit provided on a day in a year of tax, the taxable value, in relation to the year of tax, of the fringe benefit is:

- (a) the amount that the recipient could reasonably be expected to have been required to pay the provider in respect of the provision of the benefit if it were assumed that the provider and the recipient were dealing with each other at arm's length;

reduced by:

- (b) the amount of the recipient's contribution.

[Valuer's report must be given to employer]

'(3) An election purporting to be made under subsection (1) in relation to one or more car parking fringe benefits is of no effect unless:

- (a) a suitably qualified valuer gives to the employer, before the declaration date, a report, in a form approved by the Commissioner, about the valuation of the fringe benefits; and
- (b) the valuer is at arm's length in relation to the valuation; and
- (c) the return of the employer of the year of tax, in so far as it relates to the taxable values of the fringe benefits, is based on the report.'"

Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services) moved—That amendment No. 1 be disagreed to.

Debate ensued.

Question—put.

The committee divided (the Deputy Chairman, Mrs Sullivan, in the Chair)—

AYES, 70

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

NOES, 63

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

* Tellers

And so it was resolved in the affirmative.

On the motion of Mr Johns, amendment No. 2 was agreed to.

Resolutions to be reported.

The House resumed; Mrs Sullivan reported accordingly.

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

Mr Johns moved—That Mr Gear, Mr H. F. Woods and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendment No. 1 of the Senate.

Question—put and passed.

Mr Johns, on behalf of the committee, brought up such reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to amendment No. 1 of the Senate

Senate amendment No. 1 is not acceptable because:

- (1) Many of the benefits provided by the institutions mentioned in this amendment are exempt from fringe benefits tax. For example, benefits provided to religious practitioners in respect of their pastoral duties, benefits provided to employees of public benevolent institutions, live-in accommodation and food benefits of employees of government/religious/non-profit organisations who care for elderly and disadvantaged persons and live-in accommodation and food benefits of domestic workers employed by religious institutions or religious practitioners are exempt benefits.

- (2) There is no reason in equity why those institutions mentioned in the amendment which are subject to fringe benefits tax should not pay fringe benefits tax on car parking benefits.
- (3) The use of the term "educational institution" rather than "public educational institution" grants the exemption to profit making organisations who pay both income tax and fringe benefits tax.
- (4) While the words "scientific, religious, charitable or educational" have a developed interpretation in the context of the *Income Tax Assessment Act 1936*, a different meaning may be given to these words under the *Fringe Benefits Tax Assessment Act 1986*.

On the motion of Mr Johns, the committee's reasons were adopted.

- 57 **TOBACCO ADVERTISING PROHIBITION 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—

THURSDAY, 17 DECEMBER 1992

Debate continued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Staples (Minister for Aged, Family and Health Services), the Bill was read a third time.

- 58 **MESSAGE FROM THE SENATE—MEDICARE AGREEMENTS BILL 1992:** The following message from the Senate was reported:

Message No. 625

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Health Insurance Act 1973' to provide for the making of new Medicare Agreements, and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 15 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Clause 6, page 4, after proposed subsection 25(4) insert the following subsection:

"(4A) The Agreement must provide for the amount of hospital bonus payment payable to a State under the hospital bonus component to be reviewed each time the percentage of the national population who, at 30 June 1993, are covered by a supplementary hospital table falls by at least 2 percentage points or a multiple thereof.

Note 1: If the percentage of the national population at 30 June 1993 who are covered by a supplementary hospital table is $x\%$, then a review would be triggered under this section if the rate drops to $(x-2)\%$.

Note 2: Subsequent review during the life of the Agreement would be triggered by additional drops of 2 percentage points over the base established at 30 June 1993. That is, if the percentage of the national population at 30 June 1993 who are covered by a supplementary hospital table subsequently drops to $(x-4)\%$, this would trigger another review. Similarly, drops to $(x-6)\%$, $(x-8)\%$ etc. would trigger further reviews."

No. 2—Clause 6, page 4, at end of proposed section 25 add the following subsection:

“(6) In calculating the percentage of the national population who are covered by a supplementary hospital table at any time, regard must be had to the data published by the Private Health Insurance Administration Council.”.

No. 3—Clause 8, page 9, proposed Schedule 2A, after Head of Agreement 7 insert the following Head of Agreement:

“7A. The Agreement is to provide for the Commonwealth and the State to agree, during the first year of the Agreement, on national health goals and targets and a timetable for their continuing development and implementation over the life of the Agreement.”.

On the motion of Mr Howe (Minister for Health, Housing and Community Services), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Nehl reported accordingly.

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

59 MESSAGE FROM THE SENATE—HEALTH INSURANCE (QUALITY ASSURANCE CONFIDENTIALITY) AMENDMENT BILL 1992: The following message from the Senate was reported:

Message No. 626

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Health Insurance Act 1973’ in relation to quality assurance activities in connection with the provision of health services*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 15 December 1992

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 3, page 2, proposed subparagraph 106J(2)(a)(i), line 9, omit “only”, substitute “solely”.

No. 2—Clause 3, page 2, proposed paragraph 106J(2)(b), line 14, after “protecting”, insert “certain”.

No. 3—Clause 3, page 3, proposed subsection 106K(1), definition of “quality assurance activity”, subparagraph (a)(ii), line 7, omit “2”, substitute “3”.

No. 4—Clause 3, page 3, proposed subsection 106K(2), lines 15 to 18, omit the subsection, substitute the following subsection:

“(2) For the purposes of this Part:

(a) information about a matter is not taken to have become known merely because of the existence or dissemination of suspicions, allegations or rumours about that matter; and

(b) information may be taken to have become known solely as a result of a declared quality assurance activity even though it was previously known to a person whose actions have been or are being investigated by the persons engaging in the quality assurance activity.”.

No. 5—Clause 3, page 5, at end of proposed section 106N, add the following subsection:

“(2) Subsection (1) does not permit the Minister to authorise the disclosure of information of a non-factual nature (such as statements of opinion) unless the information consists only of matter contained in a report prepared by a person who engaged in the quality assurance activity.”.

On the motion of Mr Howe (Minister for Health, Housing and Community Services), the amendments were agreed to, after debate.
Resolution to be reported.

The House resumed; Mr Nehl reported accordingly.

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

- 60 **MIGRATION AMENDMENT BILL (NO. 4) 1992:** Mr Hand (Minister for Immigration, Local Government and Ethnic Affairs), by leave, presented a Bill for an Act to amend the *Migration Act 1958* in relation to certain non-citizens.

Bill read a first time.

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

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

Debate, by leave, ensued.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Hand, the Bill was read a third time.

- 61 **MESSAGE FROM THE SENATE—TERRITORIES LEGISLATION AMENDMENT BILL 1992:** Message No. 606, dated 10 December 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Christmas Island Act 1958’ and the ‘Cocos (Keeling) Islands Act 1955’*”.

Bill read a first time.

Ms Fatin (Minister for the Arts and Territories) moved—That the Bill be now read a second time.

Paper: Ms Fatin presented an explanatory memorandum to the Bill.

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Ms Fatin, the Bill was read a third time.

- 62 **ADJOURNMENT:** Ms Fatin (Minister for the Arts and Territories) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 1.59 a.m., adjourned until this day at 9.30 a.m.

PAPERS: The following papers were deemed to have been presented on 16 December 1992:

Aboriginal Land Rights (Northern Territory) Act—Regulations—Statutory Rules 1992 No. 369.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for the collection of information—1992 No. 34.

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment No. 6, November 1992.

Australian Horticultural Corporation Act—Regulations—Statutory Rules 1992 No. 377.

Australian Meat and Live-stock Corporation Act—Order No. L12/92.

Australian National University Act—Statutes Nos. 222, 223, 224.

- Australian Nuclear Science and Technology Organisation Act—Determination under subsection 37A(1), 23 November 1992.
- Australian Postal Corporation Act—Regulations—Statutory Rules 1992 No. 375.
- Christmas Island Act—Ordinance—1992 No. 9.
- Civil Aviation Act—
 Civil Aviation Regulations—Civil Aviation Orders—Parts—
 20, 29, 40, 41, 42, 43, 48, 82 and 95—Amendments, 30 November 1992.
 40(9)—Amendments, 30 November 1992.
 105—Amendments 25, 26, 27 November and 1, 2, 4, 7 December 1992.
 Exemptions under regulation 308—1992 Nos. 7, 8.
 Regulations—Statutory Rules 1992 No. 380.
- Corporations Act—Accounting standard—AASB 1027.
- Defence Act—
 Defence Force Remuneration Tribunal—Determination—1992 No. 13.
 Determinations under section 58B—1992 Nos. 54, 55, 56, 57, 58.
- Director of Public Prosecutions Act—Regulations—Statutory Rules 1992 No. 371.
- Export Finance and Insurance Corporation Act—Regulations—Statutory Rules 1992 No. 373.
- Family Law Act—Regulations—Statutory Rules 1992 No. 376.
- Fisheries Levy Act—Regulations—Statutory Rules 1992 No. 368.
- Housing Assistance Act—Variations to the Commonwealth—State Housing Agreement.
- International Air Services Commission Act—Policy statement amendment No. 1.
- Migration Act—
 Instrument under section 179, 26 November 1992.
 Regulations—Statutory Rules 1992 No. 367.
- Motor Vehicle Standards Act—Road Vehicle (National Standards) Determination—1992 No. 4.
- Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 1992 No. 372.
- National Health Act—Principles NHP 1/1992.
- Occupational Health and Safety (Commonwealth Employment) Act—Notice of declaration 1992 No. 3.
- Occupational Superannuation Standards Act—Regulations—Statutory Rules 1992 No. 387.
- Parliament Act—Parliamentary Zone—Proposals and site plans—
 Forward planting and path system.
 Parliamentary parklands interpretive trail system—Stages 2 and 3.
- Pooled Development Funds Act—Regulations—Statutory Rules 1992 No. 374.
- Primary Industries Levies and Charges Collection Act and Grain Legumes Levy Act—Regulations—Statutory Rules 1992 No. 378.
- Primary Industries Levies and Charges Collection Act and Oilseeds Levy Act—Regulations—Statutory Rules 1992 No. 379.
- Proclamations by His Excellency the Governor-General fixing the dates on which the following provisions of Acts shall come into operation—
Disability Discrimination Act 1992—
 Sections 3 to 14 (inclusive), Part 3, paragraphs 67(1)(d) to (m) (inclusive), Part 6, sections 126, 127, 129 and 132—26 November 1992.
 Remainder of the provisions of the Act (other than sections 1 and 2)—1 March 1993.

- Veterans' Entitlements (Provision of Treatment) Amendment Act 1992—*
Sections 3, 4, 5 and 8—9 December 1992.
- Public Service Act—
Determinations—1992 Nos. 181, 182, 183, 184, 185, 186, 187, 188, 189,
190, 191, 192, 193, 194, 195, 285, 286, 287, 288, 289, 295, 296, 297,
298, 299, 300, 302, 303, 304, 305, 306, LES 33, LES 34, LES 35, LES
36, LES 37.
- Parliamentary Presiding Officers' Determination—1992 No. 8.
- Quarantine Act—Determinations—1992 No. 4.
- Radiocommunications (Frequency Reservation Certificate Tax) Act—
Regulations—Statutory Rules 1992 No. 384.
- Radiocommunications (Receiver Licence Tax) Act—Regulations—Statutory
Rules 1992 No. 385.
- Radiocommunications (Temporary Permit Tax) Act—Regulations—Statutory
Rules 1992 No. 382.
- Radiocommunications (Test Permit Tax) Act—Regulations—Statutory Rules
1992 No. 381.
- Radiocommunications (Transmitter Licence Tax) Act—Regulations—
Statutory Rules 1992 No. 383.
- Ships (Capital Grants) Act—Return for 1991-92.
- States Grants (TAFE Assistance) Act—Determination—No. TAFE 24/92.
- Telecommunications (Public Mobile Licence Charge) Act—Regulations—
Statutory Rules 1992 No. 386.
- Therapeutic Goods Act—
Regulations—Statutory Rules 1992 No. 370.
- Therapeutic Goods Orders—Nos. 41, 42.
- University of Canberra Act—Statutes—1992 Nos. 18, 19, 20, 21.

ATTENDANCE: All Members attended (at some time during the sitting) except Dr
Blewett, Mrs Darling, Mr Fife and Mr Nugent.

L. M. BARLIN
Clerk of the House of Representatives