

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 8

WEDNESDAY, 26 MAY 1993

1 The House met, at 10 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

**2 OATH OF ALLEGIANCE BY MEMBER**

Bob Halverson made and subscribed the oath of allegiance required by law.

**3 PRESENTATION OF ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH**

The Speaker informed the House that he had ascertained that His Excellency the Governor-General would be pleased to receive the Address in Reply at Government House at 5.30 p.m. this day. The Speaker said he would be glad if the mover and seconder, together with other Members, would accompany him to present the Address.

**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:

14 May 1993—Message—

No. 13—Broadcasting Services Amendment 1993.

No. 14—Broadcasting Services Amendment (No. 2) 1993.

**5 AUSTRALIAN SECURITY INTELLIGENCE ORGANIZATION—  
PARLIAMENTARY JOINT COMMITTEE**

The House was informed that the Speaker had received advice from Mr Keating (Prime Minister) nominating Members to be members of the Parliamentary Joint Committee on the Australian Security Intelligence Organization.

Mr Beazley (Leader of the House), by leave, moved—That, in accordance with the provisions of the *Australian Security Intelligence Organization Act 1979*, Mr Campbell, Mr Dodd, Mr Gorman and Mr B. C. Scott be appointed members of the Parliamentary Joint Committee on the Australian Security Intelligence Organization.

Question—put and passed.

**6 STANDING AND JOINT COMMITTEES—MEMBERSHIP**

The House was informed of the nominations of Members to be members of the following committees:

*Long Term Strategies—Standing Committee:*

Mr Adams, Mr Jones, Mr Haviland, Ms Henzell, Mr O'Connor, Mr Snow and Mr Staples had been nominated by the Government Whip; Mr Carlton, Mr Dobie and Mr Wakelin had been nominated by the Opposition Whip; and Mr Truss had been nominated by the National Party Whip.

*Corporations and Securities—Parliamentary Joint Committee:*

Mr Cleeland, Mr Humphreys and Mr Tanner had been nominated by the Government Whip; Mr Moore had been nominated by the Opposition Whip; and Mr Sinclair had been nominated by the National Party Whip.

*National Crime Authority—Parliamentary Joint Committee:*

Mr Cleeland, Mr Duffy and Mr P. F. Morris had been nominated by the Government Whip; Mr Filing had been nominated by the Opposition Whip; and Mr Vaile had been nominated by the National Party Whip.

*Electoral Matters—Joint Standing Committee:*

Mr Melham, Mr Griffin and Mr Swan had been nominated by the Government Whip; Mr Connolly had been nominated by the Opposition Whip; and Mr Cobb had been nominated by the National Party Whip.

*Foreign Affairs, Defence and Trade—Joint Standing Committee:*

Dr Blewett, Mr Bevis, Mr Campbell, Mr Ferguson, Mr Fitzgibbon, Mr Gibson, Mr Grace, Mr Hollis, Mr Kerin, Mr Langmore, Mr Price and Mr Simmons had been nominated by the Government Whip; Mr Halverson, Mr Hawker, Mr Lieberman, Mr MacKellar, Mr Moore and Mr Taylor had been nominated by the Opposition Whip; and Mr Hicks and Mr Sinclair had been nominated by the National Party Whip.

*Migration—Joint Standing Committee:*

Mr Ferguson, Mr Holding and Mr Woods had been nominated by the Government Whip; Mr Ruddock and Mrs Sullivan had been nominated by the Opposition Whip; and Mr Sinclair had been nominated by the National Party Whip.

*Certain Family Law Issues—Joint Select Committee:*

Ms Henzell, Mr Price and Mr L. J. Scott had been nominated by the Government Whip; and Mr K. J. Andrews and Mr Williams had been nominated by the Opposition Whip.

**7 MESSAGES FROM THE SENATE**

Messages from the Senate were reported—

- (a) concurring in the resolutions of the House relating to the appointment of the joint committees on Corporations and Securities, the National Crime Authority, Electoral Matters, Foreign Affairs, Defence and Trade, Migration, and Certain Family Law Issues—Message No. 15, dated 18 May 1993; and
- (b) acquainting the House of the appointment of Senators to the following committees:

18 May 1993—Message No. 22—

Corporations and Securities—Parliamentary Joint Committee—Senators Beahan, Campbell, Cooney, Lewis and Spindler.

National Crime Authority—Parliamentary Joint Committee—Senators Crichton-Browne, Jones, Loosley and Vanstone.

Broadcasting of Parliamentary Proceedings—Joint Committee—Senators Coates and Vanstone.

Electoral Matters—Joint Standing Committee—Senators Foreman, Kemp, Maguire and Sowada.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Senators Beahan, Bourne, Brownhill, Chamarette, Chapman, Childs, Crichton-Browne, Harradine, Jones, Loosley, MacGibbon and Reynolds.

Migration—Joint Standing Committee—Senators Cooney, McKiernan and Short.

Certain Family Law Issues—Joint Select Committee—Senators Brownhill, Carr, McKiernan, Reid and Spindler.

13 May 1993—Message No. 23—

Australian Security Intelligence Organization—Parliamentary Joint Committee—Senators Coulter, Lewis and Zakharov.

**8 MESSAGE FROM THE SENATE—NATIONAL CAPITAL AND EXTERNAL TERRITORIES—PROPOSED JOINT STANDING COMMITTEE**

The following message from the Senate was reported:

Message No. 24

Mr Speaker,

The Senate acquaints the House of Representatives that it concurs in the resolution transmitted to the Senate by message no. 29 of the House of Representatives relating to the appointment of a Joint Standing Committee on the National Capital and External Territories, subject to the following modification:

Paragraph (2), omit the paragraph, substitute the following paragraph:

“(2) That the committee consist of 11 members: the Deputy Speaker and Chairman of Committees, 2 members of the House of Representatives to be nominated by the Government Whip or Whips, 2 members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, the Deputy President and Chairman of Committees, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority groups or independent Senators.”.

The Senate requests the concurrence of the House of Representatives in the Senate's modification of the resolution transmitted to the Senate by the House.

KERRY SIBRAA  
President

The Senate,  
Canberra, 20 May 1993

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*Senate message—Joint Standing Committees—Membership—Statement by Speaker*

The Speaker stated that a message received from the Senate relating to the appointment of Senators to joint standing committees included appointments to the proposed Joint Standing Committee on the National Capital and External Territories. As the terms of appointment of the proposed committee had not been resolved he considered it inappropriate to report details of membership of the proposed committee.

The Speaker informed the House that Senator Chamarette had been appointed a member of the Joint Standing Committee on Electoral Matters and the Joint Standing Committee on Migration—Message No. 29, dated 20 May 1993.

Ordered—That the message be taken into consideration forthwith.

Mr Beazley (Leader of the House) moved—

- (1) That the modification of the Senate be disagreed to and the following modification be made in place thereof:

Paragraph (2), omit the paragraph, substitute the following paragraph:

- “(2) That the committee consist of 12 members: the Deputy Speaker and Chairman of Committees, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, the Deputy President and Chairman of Committees, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.”; and
- (2) That a message be sent to the Senate requesting the reconsideration by the Senate of the resolution in respect of the modification made by the House in place of the Senate modification.

Debate ensued.

Question—put and passed.

## 9 MESSAGES FROM THE SENATE

Messages from the Senate were reported returning the following Bills without amendment:

18 May 1993—Message—

No. 9—International Development Association (Further Payment) 1993.

No. 10—Australian National Training Authority Amendment 1993.

No. 11—Employment, Education and Training Amendment 1993.

19 May 1993—Message—

No. 13—Aboriginal Land Rights (Northern Territory) Amendment 1993.

No. 14—Taxation Laws Amendment (Superannuation) 1993.

20 May 1993—Message—

No. 16—Dairy Produce Amendment 1993.

No. 17—Telecommunications Amendment 1993.

- No. 18—Excise Tariff Amendment 1993 (*without requests*).  
No. 19—Road Transport Charges (Australian Capital Territory) 1993.  
No. 25—Bankruptcy Amendment 1993.  
No. 26—Australian Wool Realisation Commission Amendment 1993.

**10 MESSAGE FROM THE SENATE—SOCIAL SECURITY AMENDMENT (LISTED SECURITIES) BILL 1993 [S]**

Message No. 3, dated 12 May 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Social Security Act 1991’*”.

Bill read a first time.

Mr Ruddock moved—That the second reading be made an order of the day for the next sitting.

Debate ensued.

Question—put and passed.

**11 MESSAGE FROM THE SENATE—SOCIAL SECURITY AMENDMENT BILL 1993**

The following message from the Senate was reported:

Message No. 20

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Social Security Act 1991’, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA  
President

The Senate,

Canberra, 18 May 1993

*Constitutional issue concerning Senate amendment—Statement by Speaker*

The Speaker made the following statement:

I wish to advise the House that the Senate amendment to this bill raises an issue to do with the interpretation of the Constitution.

Paragraph 3 of section 53 of the Constitution provides that the Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate amendment to this bill would overturn changes already made in the Principal Act and due to be effective from 20 September. The substance of those changes is that from 20 September an increase in the value of shares or other listed securities held by a person will be included in the calculation of the person’s income for the purposes of benefits.

If the Senate amendment is agreed to, from 20 September a beneficiary would not have a change in the value of shares etc. included in his or her income calculations.

Looked at from the view point of section 53 the matter is unclear:

- The burden on the people after 20 September would, in this aspect, be no greater than it would be before that date.

- After 20 September the impact is uncertain. Still it is probable that some persons would become eligible for a benefit or for an increased benefit — but a person will not necessarily be better off being on a dividend basis (as at present) rather than on a share value basis. Further notional “losses” that would otherwise be allowed for will not be available if the amendment is made, thus affecting entitlements.

Similar issues arise in respect to the Senate amendment to the Veterans’ Affairs Legislation Amendment Bill.

It is for the House to decide whether it wishes to take any action on these matters.

In my view it needs to be recognised that it is very difficult to be confident about the eventual financial impact of the proposals. It also has to be recognised that the burden on the people may, in this aspect, be no greater after 20 September than it will be before then.

*Paper:* The Speaker presented the following paper:

Senate amendment to the Social Security Amendment Bill 1993—Copy of note prepared in the Office of the Clerk of the House of Representatives, 26 May 1993.

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security) acknowledged the Speaker’s statement and stated that the Government would not object on the grounds that the amendment should have been made as a request.

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

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*In the committee*

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

After clause 3, page 2, insert the following Part:

**“PART 1A—SHARES AND OTHER LISTED SECURITIES**

**Index of definitions**

“3A. Section 3 of the Principal Act is amended by omitting the following entry from the Index:

‘**listed security** 9(1)’.

**Investment product—definition**

“3B. Section 9 of the Principal Act is amended:

- (a) by omitting the definition of ‘**investment product**’ in subsection (1) and substituting the following definition:

“‘**investment product**’, in relation to a managed investment, means all the investments that are:

- (a) with the same body corporate or in the same trust fund; and  
 (b) subject to substantially the same terms and conditions as the managed investment;’;

- (b) by omitting the definition of ‘**listed security**’ in subsection (1).

**Heading to Subdivision AA of Division 1 of Part 3.10**

“3C. The heading to Subdivision AA of Division 1 of Part 3.10 is amended by omitting ‘*and listed securities*’.

**Structure of Division**

“3D. Section 1073 of the Principal Act is amended by omitting from the table ‘STRUCTURE OF DIVISION’ the following figures and words:

‘4. Shares and other listed securities 1084-1089’

**Investments to which Subdivision applies**

“3E. Section 1074A of the Principal Act is amended by omitting subsection (2).”

Mr Sciacca moved—That the amendment be disagreed to.

Debate ensued.

Mr Bradford rising to address the committee—

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

Question—That the question be now put—put.

The committee divided (the Deputy Chairman, Mr Hollis, in the Chair) —

AYES, 70

Mr Adams	Ms Deahm	Mr Horne	Mr Price
Mr Baldwin	Mr Dodd	Mr Humphreys	Mr Punch
Mr Beazley	Mr Duffy	Mr Jenkins	Mr Quick
Mr Beddall	Mr Duncan	Mr Johns	Mr Sawford
Mr Bevis	Mr Elliott	Mrs Kelly	Mr Sciacca
Mr Bilney	Ms Fatin	Mr Kerin	Mr L. J. Scott
Dr Blewett	Mr Ferguson	Mr Kerr	Mr Simmons
Mr Brereton	Mr Fitzgibbon	Mr Knott	Mrs S. J. Smith
Mr Brown	Mr Free	Mr Lavarch	Mr S. F. Smith
Mr Campbell	Mr Gear	Mr Lindsay	Mr Snow
Mr Chynoweth	Mr Gibson	Ms McHugh	Mr Tanner
Mr Cleary	Mr Gorman	Mr McLeay*	Dr Theophanous
Mr Cleeland	Mr Grace*	Mr Melham	Mr Tickner
Ms Crawford	Mr Griffin	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Griffiths	Mr P. F. Morris	Mr Willis
Mrs Crosio	Mr Haviland	Mr Newell	
Mr Cunningham	Ms Henzell	Mr O'Connor	
Mr Dawkins	Mr Holding	Mr O'Keefe	

NOES, 61

Mr Aldred	Mr Downer	Mr Mack	Mr Sharp
Mr Anderson	Mr Evans	Mr MacKellar	Mr Sinclair
Mr J. N. Andrew	Mr Filing*	Mr McLachlan	Mr Slipper
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr Somlyay
Mr Atkinson	Mr Forrest	Mrs Moylan	Mrs Sullivan
Mr Beale	Mr Hall	Mr Nehl	Mr Taylor
Mr Bradford	Mr Halverson	Mr Neville	Mr Truss
Mr Braithwaite	Mr Hawker	Mr Nugent	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Vaile
Mr Cameron	Mr Jull	Mr Pyne	Mr Wakelin
Mr Carlton	Mr Katter	Mr Reid	Mr Williams
Mr Charles	Dr Kemp	Mr Reith	Dr Wooldridge
Mr Cobb	Mr Lieberman	Mr Rocher	Ms Worth
Mr Connolly	Mr Lloyd	Mr Ronaldson	
Mr Costello	Mr McArthur	Mr Ruddock	
Mr Dobie	Mr McGauran	Mr B. C. Scott	

\* Tellers

And so it was resolved in the affirmative.

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

The committee divided (the Deputy Chairman, Mr Hollis, in the Chair) —

AYES, 71

Mr Adams	Ms Deahm	Mr Holding	Mr O'Keefe
Mr Baldwin	Mr Dodd	Mr Horne	Mr Price
Mr Beazley	Mr Duffy	Mr Humphreys	Mr Punch
Mr Beddall	Mr Duncan	Mr Jenkins	Mr Quick
Mr Bevis	Mrs Easson	Mr Johns	Mr Sawford
Mr Bilney	Mr Elliott	Mrs Kelly	Mr Sciacca
Dr Blewett	Ms Fatin	Mr Kerin	Mr L. J. Scott
Mr Brereton	Mr Ferguson	Mr Kerr	Mr Simmons
Mr Brown	Mr Fitzgibbon	Mr Knott	Mrs S. J. Smith
Mr Campbell	Mr Free	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gear	Mr Lindsay	Mr Snow
Mr Cleary	Mr Gibson	Ms McHugh	Mr Swan
Mr Cleeland	Mr Gorman	Mr McLeay*	Mr Tanner
Ms Crawford	Mr Grace*	Mr Melham	Dr Theophanous
Mr Crean	Mr Griffin	Mr A. A. Morris	Mr Tickner
Mrs Crosio	Mr Griffiths	Mr P. F. Morris	Mr Walker
Mr Cunningham	Mr Haviland	Mr Newell	Mr Willis
Mr Dawkins	Ms Henzell	Mr O'Connor	

NOES, 61

Mr Aldred	Mr Downer	Mr Mack	Mr Sharp
Mr Anderson	Mr Evans	Mr MacKellar	Mr Sinclair
Mr J. N. Andrew	Mr Filing*	Mr McLachlan	Mr Slipper
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr Somlyay
Mr Atkinson	Mr Forrest	Mrs Moylan	Mrs Sullivan
Mr Beale	Mr Hall	Mr Nehl	Mr Taylor
Mr Bradford	Mr Halverson	Mr Neville	Mr Truss
Mr Braithwaite	Mr Hawker	Mr Nugent	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Vaile
Mr Cameron	Mr Jull	Mr Pyne	Mr Wakelin
Mr Carlton	Mr Katter	Mr Reid	Mr Williams
Mr Charles	Dr Kemp	Mr Reith	Dr Wooldridge
Mr Cobb	Mr Lieberman	Mr Rocher	Ms Worth
Mr Connolly	Mr Lloyd	Mr Ronaldson	
Mr Costello	Mr McArthur	Mr Ruddock	
Mr Dobie	Mr McGauran	Mr B. C. Scott	

\* Tellers

And so it was resolved in the affirmative.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly.

Mr Sciacca moved—That the report be adopted.

Debate ensued.

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

Question—That the question be now put—put.

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



## AYES, 71

Mr Adams	Mr Dodd	Mr Hollis	Mr O'Keefe
Mr Baldwin	Mr Duffy	Mr Horne	Mr Price
Mr Beazley	Mr Duncan	Mr Humphreys	Mr Punch
Mr Beddall	Mrs Easson	Mr Jenkins	Mr Quick
Mr Bevis	Mr Elliott	Mr Johns	Mr Sawford
Mr Bilney	Ms Fatin	Mrs Kelly	Mr Sciacca
Dr Blewett	Mr Ferguson	Mr Kerin	Mr L. J. Scott
Mr Brereton	Mr Fitzgibbon	Mr Kerr	Mr Simmons
Mr Brown	Mr Free	Mr Knott	Mrs S. J. Smith
Mr Campbell	Mr Gear	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Mr Lindsay	Mr Snow
Mr Cleeland	Mr Gorman	Ms McHugh	Mr Swan
Ms Crawford	Mr Grace*	Mr McLeay*	Mr Tanner
Mr Crean	Mr Griffin	Mr Melham	Dr Theophanous
Mrs Crosio	Mr Griffiths	Mr A. A. Morris	Mr Tickner
Mr Cunningham	Mr Haviland	Mr P. F. Morris	Mr Walker
Mr Dawkins	Ms Henzell	Mr Newell	Mr Willis
Ms Deahm	Mr Holding	Mr O'Connor	

## NOES, 60

Mr Aldred	Mr Downer	Mr McArthur	Mr Ronaldson
Mr Anderson	Mr Evans	Mr McGauran	Mr Ruddock
Mr J. N. Andrew	Mr Filing*	Mr Mack	Mr B. C. Scott
Mr K. J. Andrews	Mr Fischer	Mr MacKellar	Mr Sharp
Mr Atkinson	Mr Forrest	Mr McLachlan	Mr Sinclair
Mr Beale	Mr Hall	Mr Miles	Mr Slipper
Mr Bradford	Mr Halverson	Mrs Moylan	Mr Somlyay
Mr Braithwaite	Mr Hawker	Mr Nehl	Mrs Sullivan
Mr Cadman	Mr Hicks*	Mr Neville	Mr Taylor
Mr Cameron	Mr Howard	Mr Nugent	Mr Truss
Mr Carlton	Mr Jull	Mr Prosser	Mr Tuckey
Mr Charles	Mr Katter	Mr Pyne	Mr Vaile
Mr Cobb	Dr Kemp	Mr Reid	Mr Wakelin
Mr Connolly	Mr Lieberman	Mr Reith	Mr Williams
Mr Costello	Mr Lloyd	Mr Rocher	Ms Worth

## \* Tellers

And so it was resolved in the affirmative.

And the question—That the report be adopted—was put accordingly, and passed.

Mr Sciacca moved—That Ms Henzell, Mr Gibson and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to the amendment of the Senate.

Question—put and passed.

Mr Sciacca, 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 the amendment of the Senate*

- (1) It excludes shares and other listed securities from the definition of investment product in the Social Security Act and thereby prevents the equitable assessment of the ongoing gains made on shares and other investments listed on the Stock Exchange compared with indirect investments in shares through equity trusts.
- (2) The amendment will reduce the equity of the social security income test. The assessment of ongoing capital gains on shares ensures that equity of the social security system is enhanced. Pensioners with the same means and the

same financial resources available to them should have the same amount of income assessed for social security purposes. People who invest in shares should not be treated more beneficially than those who invest in equity trusts or other managed investments, and they should not be treated more beneficially than those pensioners who invest in income generating investments such as bank accounts.

- (3) The amendment would result in the expenditure of approximately \$60 million within the Social Security portfolio in a full year and a further \$20 million for a full year within the Department of Veterans' Affairs portfolio on a group of clients with substantial financial resources.
- (4) There is no reason why shares should be excluded and given privileged treatment. It is a principle of the social security income test that ongoing gains are treated as income for all investments that can be readily realised and utilised by pensioners for their support. Only those investments which are not readily realisable, such as real estate and shares held in private companies are currently exempt. Listed shares can be sold in small or large bundles at any time allowing gains on listed shares to be readily utilised by a pensioner.

Mr Sciacca moved—That the committee's reasons be adopted.

Mr Ruddock addressing the House—

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

Question—That the question be now put—put.

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

AYES, 72

Mr Adams	Mr Dodd	Mr Hollis	Mr O'Keefe
Mr Baldwin	Mr Duffy	Mr Horne	Mr Price
Mr Beazley	Mr Duncan	Mr Humphreys	Mr Punch
Mr Beddall	Mrs Easson	Mr Jenkins	Mr Quick
Mr Bevis	Mr Elliott	Mr Johns	Mr Sawford
Mr Bilney	Ms Fatin	Mrs Kelly	Mr Sciacca
Dr Blewett	Mr Ferguson	Mr Kerin	Mr L. J. Scott
Mr Brereton	Mr Fitzgibbon	Mr Kerr	Mr Simmons
Mr Brown	Mr Free	Mr Knott	Mrs S. J. Smith
Mr Campbell	Mr Gear	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Mr Lindsay	Mr Snow
Mr Cleeland	Mr Gorman	Ms McHugh	Mr Staples
Ms Crawford	Mr Grace*	Mr McLeay*	Mr Swan
Mr Crean	Mr Griffin	Mr Melham	Mr Tanner
Mrs Crosio	Mr Griffiths	Mr A. A. Morris	Dr Theophanous
Mr Cunningham	Mr Haviland	Mr P. F. Morris	Mr Tickner
Mr Dawkins	Ms Henzell	Mr Newell	Mr Walker
Ms Deahm	Mr Holding	Mr O'Connor	Mr Willis

## NOES, 61

Mr Aldred	Mr Evans	Mr Mack	Mr Sharp
Mr Anderson	Mr Filing*	Mr MacKellar	Mr Sinclair
Mr J. N. Andrew	Mr Fischer	Mr McLachlan	Mr Slipper
Mr K. J. Andrews	Mr Forrest	Mr Miles	Mr Somlyay
Mr Atkinson	Mr Hall	Mrs Moylan	Mrs Sullivan
Mr Beale	Mr Halverson	Mr Nehl	Mr Taylor
Mr Bradford	Mr Hawker	Mr Neville	Mr Truss
Mr Braithwaite	Mr Hicks*	Mr Nugent	Mr Tuckey
Mr Cadman	Mr Howard	Mr Prosser	Mr Vaile
Mr Cameron	Mr Jull	Mr Pyne	Mr Wakelin
Mr Carlton	Mr Katter	Mr Reid	Mr Williams
Mr Charles	Dr Kemp	Mr Reith	Dr Wooldridge
Mr Cobb	Mr Lieberman	Mr Rocher	Ms Worth
Mr Connolly	Mr Lloyd	Mr Ronaldson	
Mr Costello	Mr McArthur	Mr Ruddock	
Mr Downer	Mr McGauran	Mr B. C. Scott	

\* Tellers

And so it was resolved in the affirmative.

And the question—That the committee's reasons be adopted—was put accordingly, and passed.

## 12 MESSAGE FROM THE SENATE—VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL 1993

The following message from the Senate was reported:

Message No. 21

Mr Speaker,

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

KERRY SIBRAA  
President

The Senate,

Canberra, 18 May 1993

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

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*In the committee*

### SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

After clause 4, page 2, insert the following Division:

*"Division 1A—Shares and other listed securities*

**Investment product—definition**

"4A. Section 5J of the Principal Act is amended:

(a) by omitting the definition of '**investment product**' in subsection (1) and substituting the following definition:

"**investment product**", in relation to a managed investment, means all the investments that are:

- (a) with the same body corporate or in the same trust fund; and
- (b) subject to substantially the same terms and conditions as the managed investment;’;

(b) by omitting the definition of ‘**listed security**’ in subsection (1).

#### **Heading to Subdivision AA of Division 8 of Part III**

“**4B.** The heading to Subdivision AA of Division 8 of Part III of the Principal Act is amended by omitting ‘*and listed securities*’.

#### **Structure of Division**

“**4C.** Section 46 of the Principal Act is amended by omitting from the table ‘STRUCTURE OF DIVISION’ the following figures and words:

‘4. Shares and other listed securities (from 20 September 1993)	46AA-46AG’.
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#### **Investments to which Subdivision applies**

“**4D.** Section 46AA of the Principal Act is amended by omitting subsection (2).”.

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security) moved—That the amendment be disagreed to.

Debate ensued.

Mr Ruddock addressing the committee—

It being 12.45 p.m., in accordance with standing order 101A—Progress to be reported.

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The House resumed; Mr Newell reported accordingly.

Ordered—That the House will, at a later hour this day, again resolve itself into the said committee.

### **13 ELECTION PETITION**

The Clerk presented a copy of an election petition, dated 25 May 1993, which he had received from the Registrar of the High Court, sitting as the Court of Disputed Returns, under section 369 of the *Commonwealth Electoral Act 1918*, viz.: Petition of Robert James Neilson Hudson Jnr in the matter of the *Commonwealth Electoral Act 1918* and in the matter of the election of 13 March 1993 (No. S60 of 1993).

### **14 QUESTIONS**

Questions without notice having been called on—

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*Answers to questions without notice—Relevancy—Statement by Speaker*

The Speaker made a statement concerning the relevancy of answers to questions without notice.

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Questions without notice were asked.

**15 PRIVILEGE—COMPLAINT OF BREACH**

Mr Tuckey raised, as a matter of privilege, comments by Mr Dawkins (Treasurer) during question time concerning an Auditor-General's report on the financial obligations of the Federal Government. Mr Tuckey referred to changes made in the report and said that any attempt to interfere with such reports must represent a breach of parliamentary privilege.

The Speaker stated that he would consider the matter and report to the House.

Mr Dawkins made a statement in relation to the matter.

**16 AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS**

The Speaker presented the following papers:

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

No. 32—Efficiency audit—Implementation of an interim greenhouse response—Department of Primary Industries and Energy management programs.

No. 34—Project audit—The national bankcard: Who will pay the piper?—A report on the financial obligations of the Federal Government.

No. 35—Efficiency audit—Program evaluation: Strategies, practices and impacts—Industry, Technology and Regional Development portfolio.

No. 36—Project audit—Aboriginal and Torres Strait Islander Commission: Community infrastructure.

No. 37—Project audit—Review of financial management systems: Australian Federal Police, Australian Securities Commission, Director of Public Prosecutions, Department of Health, Housing, Local Government and Community Services, and Department of Immigration and Ethnic Affairs.

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

- (1) this House authorises the publication of the Auditor-General's audit reports Nos. 32 and 34 to 37 of 1992-93;
- (2) the reports be printed; and
- (3) report No. 32 be referred to the Standing Committee on Environment, Recreation and the Arts, report No. 35 be referred to the Standing Committee on Industry, Science and Technology and report No. 36 be referred to the Standing Committee on Aboriginal and Torres Strait Islander Affairs.

Question—put and passed.

**17 PAPERS**

The following papers were presented:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Report—Mainly urban: Inquiry into the needs of urban dwelling Aboriginal and Torres Strait Islander People—Copy of letter from Mr Tickner, Minister for Aboriginal and Torres Strait Islander Affairs, to Mr A. Kelly, Secretary to the Committee, relating to the delay in the Government's response.

Audit Act—Auditor-General—Audit report No. 31 of 1992-93—Audit of the Australian Wheat Board, 1991-92.

Australian Civil Offsets Program—Report, including the Partnerships for Development Program, for 1991-92.

- Australian Human Rights Delegation to China (2nd), 8-20 November 1992—  
Ministerial statement by Senator Evans, Minister for Foreign Affairs, 25 May 1993.  
Report, 6 May 1993.
- Australian Land Transport Development Act—Australian Land Transport Development Program—Review of operations—Volume 1—1989-1991.
- Australian Science and Technology Council Act—Australian Science and Technology Council—Report—Bridging the Gap: The social sciences, humanities, science and technology in economic development, May 1993.
- Better cities—Report on national developments 1991-92.
- Copyright Act—  
Collecting Society (Audio-Visual Copyright Society Ltd)—Report for 1991-92.  
Copyright Agency Limited—Report for 1991-92.
- Department of Finance—Financial statements guidelines—  
For Departmental Secretaries—  
Accrual reporting, April 1993.  
Modified cash reporting, April 1993.  
Of public authorities and commercial activities, March 1993.
- Employment, Education and Training Act—National Board of Employment, Education and Training—Report of the Higher Education Council, including the Board's comments—Seventh report on the operation of section 14 of the *Higher Education Funding Act 1988* and the Higher Education Contribution Scheme.
- Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Qantas Airways Limited—Report for 1991-92.
- International Labour Organisation—International Labour Conference—79th Session, 1992—Australian delegation report.
- Law Reform Commission Act—Law Reform Commission—Report No. 63—Children's evidence: Closed circuit TV.
- Migration Regulations—Joint Standing Committee—Report—Australia's refugee and humanitarian system: Achieving a balance between refuge and control—Copy of letter from Mr Hand, Minister for Immigration, Local Government and Ethnic Affairs to Dr Theophanous, MP, Chairman of the Committee, relating to the delay in the Government's response.
- Nursing home and hostel standards—List of monitoring reports published between 1 November 1992 and 31 March 1993.
- Royal Australian Air Force Veterans' Residences Act—Royal Australian Air Force Veterans' Residences Trust—Report for 1991-92.
- Taxation Laws Amendment Bill (No. 2) 1993—Supplementary explanatory memorandum.

#### 18 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian Human Rights Delegation to China (2nd), 8-20 November 1992—

Ministerial statement by Senator Evans, Minister for Foreign Affairs, 25 May 1993.

Report, 6 May 1993.

Australian Land Transport Development Act—Australian Land Transport Development Program—Review of operations—Volume 1—1989-1991.

International Labour Organisation—International Labour Conference—79th Session, 1992—Australian delegation report.

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

## 19 PAPER

Mr Kerr, by leave, presented the following paper:

Doctor's charges—Denison electorate, April 1993.

## 20 EARTH SUMMIT, RIO—FOLLOW UP—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mrs Kelly (Minister for the Environment, Sport and Territories), by leave, made a ministerial statement on the Government's responses to the outcomes of the Earth Summit (United Nations Conference on Environment and Development) held in Rio de Janeiro in June 1992 and presented the following paper:

Earth Summit, Rio—Follow-up—Ministerial statement.

Mr Beddall (Minister for Communications) moved—That the House take note of the paper.

*Suspension of standing and sessional orders—Extended time for speech:* Mr Beddall, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mrs Gallus speaking for a period not exceeding 32 minutes.

Question—put and passed.

Mrs Gallus addressed the House.

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

## 21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FINANCIAL OBLIGATIONS OF THE FEDERAL GOVERNMENT

The House was informed that Mr Costello had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The deplorable financial mismanagement of the Government as highlighted by the Auditor-General's report on the financial obligations of the Federal Government".

The proposed discussion having received the necessary support—

Mr Costello addressed the House.

Discussion ensued.

Discussion concluded.

## 22 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Ruddock moved—That so much of the standing and sessional orders be suspended as would prevent the Prime Minister explaining to the House why he

deliberately misled the House in claiming that the Coalition “rejected” and “knocked back” the Social Security Amendment Bill 1993 which provides:

- (1) an additional free area of \$30 per fortnight for earned income for single recipients of Jobsearch, Newstart and sickness allowance and increase the free area applicable to such a partnered allowee from \$30 to \$50 a fortnight;
- (2) lifts the assets limit for pensioners; and
- (3) rationalises certain waiting period provisions for the unemployed;

when the fact is that the Opposition has not voted against the Bill in the Senate but has only voted in favour of adding to the Bill its amendment to repeal sections of the Social Security Act which treat unrealised capital gains as income for the purposes of the income test for pensioners, and further, the Bill as amended was supported by the Coalition. Similarly in the House of Representatives the Coalition supported the Bill at its second reading and today in the House voted to maintain the Senate amendment.

Debate ensued.

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

Question—That the question be now put—put and passed.

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

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

AYES, 61

Mr Aldred	Mr Downer	Mr McArthur	Mr B. C. Scott
Mr Anderson	Mr Evans	Mr McGauran	Mr Sharp
Mr J. N. Andrew	Mr Filing*	Mr MacKellar	Mr Sinclair
Mr K. J. Andrews	Mr Fischer	Mr McLachlan	Mr Slipper
Mr Atkinson	Mr Forrest	Mr Miles	Mr Somlyay
Mr Beale	Mrs Gallus	Mrs Moylan	Mrs Sullivan
Mr Bradford	Mr Hall	Mr Nehl	Mr Taylor
Mr Braithwaite	Mr Halverson	Mr Neville	Mr Truss
Mr Cadman	Mr Hawker	Mr Nugent	Mr Tuckey
Mr Cameron	Mr Hicks*	Mr Prosser	Mr Vaile
Mr Carlton	Mr Howard	Mr Pyne	Mr Wakelin
Mr Charles	Mr Jull	Mr Reid	Mr Williams
Mr Cobb	Mr Katter	Mr Reith	Ms Worth
Mr Connolly	Dr Kemp	Mr Rocher	
Mr Costello	Mr Lieberman	Mr Ronaldson	
Mr Dobie	Mr Lloyd	Mr Ruddock	



## NOES, 75

Mr Adams	Mr Dodd	Mr Howe	Mr O'Keefe
Mr Baldwin	Mr Duffy	Mr Humphreys	Mr Price
Mr Beazley	Mr Duncan	Mr Jenkins	Mr Punch
Mr Beddall	Mrs Easson	Mr Johns	Mr Quick
Mr Bevis	Mr Elliott	Mrs Kelly	Mr Sawford
Mr Bilney	Ms Fatin	Mr Kerin	Mr Sciacca
Dr Blewett	Mr Ferguson	Mr Kerr	Mr L. J. Scott
Mr Brereton	Mr Fitzgibbon	Mr Knott	Mr Simmons
Mr Brown	Mr Free	Mr Langmore	Mrs S. J. Smith
Mr Campbell	Mr Gear	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Mr Lindsay	Mr Snow
Mr Cleary	Mr Gorman	Ms McHugh	Mr Staples
Mr Cleeland	Mr Grace*	Mr Mack	Mr Swan
Ms Crawford	Mr Griffin	Mr McLeay*	Mr Tanner
Mr Crean	Mr Griffiths	Mr Melham	Dr Theophanous
Mrs Crosio	Mr Haviland	Mr A. A. Morris	Mr Tickner
Mr Cunningham	Ms Henzell	Mr P. F. Morris	Mr Walker
Mr Dawkins	Mr Holding	Mr Newell	Mr Willis
Ms Deahm	Mr Horne	Mr O'Connor	

\* Tellers

And so it was negatived.

**23 PRESENTATION OF ADDRESS IN REPLY**

At 5.16 p.m., the sitting was suspended until 8 p.m. The Speaker, after resuming the Chair, reported that, accompanied by Members he had waited that day upon His Excellency the Governor-General at Government House, and had presented to him the Address in Reply to His Excellency's speech on the Opening of the 1st Session of the 37th Parliament, agreed to by the House on 13 May 1993, and that His Excellency had been pleased to make the following reply:

Mr Speaker

Thank you for your Address in Reply.

It will be my pleasure and my duty to convey to Her Majesty The Queen the message of loyalty from the House of Representatives, to which the Address gives expression.

**24 PUBLICATIONS COMMITTEE**

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport and Communications), by leave, moved—That Mr Fitzgibbon, Mr Forrest, Mr Griffin, Mr Hall, Mr Haviland, Mr Horne and Mr Slipper be members of the Publications Committee.

Question—put and passed.

**25 BROADCASTING OF PARLIAMENTARY PROCEEDINGS—JOINT COMMITTEE**

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport and Communications), by leave, moved—That, in accordance with the provisions of the *Parliamentary Proceedings Broadcasting Act 1946*, in addition to the Speaker, *ex officio*, Mr Bevis, Mr Cameron, Mr Hicks, Mr Knott and Mr Price be members of the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Question—put and passed.

**26 ADVISORY COUNCIL ON AUSTRALIAN ARCHIVES**

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport and Communications), by leave, moved—That, in accordance with the provisions of

section 10 of the *Archives Act 1983*, this House appoints Mr Hollis as a member of the Advisory Council on Australian Archives for a period of three years from 6 June 1993.

Question—put and passed.

#### 27 STANDING COMMITTEES—MEMBERSHIP

The House was informed of the nominations of Members to be members of the following committees:

##### *Members' Interests Committee:*

Ms Deahm, Mr Elliott, Mr Grace and Mr Sawford had been nominated by the Government Whip; Mr Dobie and Mr Reid had been nominated by the Opposition Whip; and Mr Lloyd had been nominated by the National Party Whip.

##### *Televising of the House of Representatives—Standing Committee:*

Mr Bevis, Mr Knott and Mr Price had been nominated by the Government Whip; Mr Cameron had been nominated by the Opposition Whip; and Mr Hicks had been nominated by the National Party Whip.

#### 28 SELECTION COMMITTEE—REPORT

Mr Jenkins (Chairman) presented the following report:

Selection Committee—Report relating to the program of business prior to 12.30 p.m. on Thursday, 27 May 1993—

and, by leave, moved—That the report be adopted.

Question—put and passed.

#### 29 VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL 1993—SENATE'S AMENDMENT

The House, according to order, again resolved itself into a committee of the whole for the further consideration of the amendment made by the Senate.

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##### *In the committee*

Debate resumed on the Senate amendment (*see* entry No. 12) and on the motion moved by Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), viz.—That the amendment be disagreed to.

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

Question—That the question be now put—put.

The committee divided (the Deputy Chairman, Mr Newell, in the Chair)—

## AYES, 69

Mr Adams	Mr Dodd	Mr Horne	Mr Quick
Mr Baldwin	Mr Duffy	Mr Howe	Mr Sawford
Mr Beazley	Mr Duncan	Mr Jenkins	Mr Sciacca
Mr Beddall	Mr Easson	Mr Kerin	Mr L. J. Scott
Mr Bevis	Mr Elliott	Mr Kerr	Mr Simmons
Dr Blewett	Ms Fatin	Mr Knott	Mrs S. J. Smith
Mr Brereton	Mr Ferguson	Mr Langmore	Mr S. F. Smith
Mr Brown	Mr Fitzgibbon	Mr Lavarch	Mr Snow
Mr Campbell	Mr Gear	Mr Lindsay	Mr Staples
Mr Chynoweth	Mr Gibson	Ms McHugh	Mr Swan
Mr Cleary	Mr Gorman	Mr McLeay*	Mr Tanner
Mr Cleeland	Mr Grace*	Mr Melham	Dr Theophanous
Ms Crawford	Mr Griffin	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Griffiths	Mr P. F. Morris	Mr Willis
Mrs Crosio	Mr Haviland	Mr O'Connor	Mr Woods
Mr Cunningham	Ms Henzell	Mr O'Keefe	
Mr Dawkins	Mr Holding	Mr Price	
Ms Deahm	Mr Hollis	Mr Punch	

## NOES, 48

Mr Anderson	Mr Fischer	Mr McGauran	Mr Ruddock
Mr Atkinson	Mr Forrest	Mr Mack	Mr B. C. Scott
Mr Beale	Mrs Gallus	Mr MacKellar	Mr Slipper
Mr Bradford	Mr Hall	Mr McLachlan	Mr Somlyay
Mr Braithwaite	Mr Halverson	Mr Miles	Mrs Sullivan
Mr Cameron	Mr Howard	Mrs Moylan	Mr Taylor
Mr Charles	Mr Jull	Mr Nehl*	Mr Truss
Mr Cobb	Mr Katter	Mr Neville	Mr Tuckey
Mr Dobie	Dr Kemp	Mr Pyne	Mr Vaile
Mr Downer	Mr Lieberman	Mr Reid	Mr Wakelin
Mr Evans	Mr Lloyd	Mr Rocher	Mr Williams
Mr Filing*	Mr McArthur	Mr Ronaldson	Ms Worth

\* Tellers

And so it was resolved in the affirmative.

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

The committee divided (the Deputy Chairman, Mr Newell, in the Chair)—

## AYES, 71

Mr Adams	Ms Deahm	Mr Hollis	Mr Price
Mr Baldwin	Mr Dodd	Mr Horne	Mr Punch
Mr Beazley	Mr Duffy	Mr Howe	Mr Quick
Mr Beddall	Mr Duncan	Mr Jenkins	Mr Sawford
Mr Bevis	Mrs Easson	Mr Johns	Mr Sciacca
Mr Bilney	Mr Elliott	Mr Kerin	Mr L. J. Scott
Dr Blewett	Ms Fatin	Mr Kerr	Mr Simmons
Mr Brereton	Mr Ferguson	Mr Knott	Mrs S. J. Smith
Mr Brown	Mr Fitzgibbon	Mr Langmore	Mr S. F. Smith
Mr Campbell	Mr Gear	Mr Lavarch	Mr Snow
Mr Chynoweth	Mr Gibson	Mr Lindsay	Mr Staples
Mr Cleary	Mr Gorman	Ms McHugh	Mr Swan
Mr Cleeland	Mr Grace*	Mr McLeay*	Mr Tanner
Ms Crawford	Mr Griffin	Mr Melham	Dr Theophanous
Mr Crean	Mr Griffiths	Mr A. A. Morris	Mr Walker
Mrs Crosio	Mr Haviland	Mr P. F. Morris	Mr Willis
Mr Cunningham	Ms Henzell	Mr O'Connor	Mr Woods
Mr Dawkins	Mr Holding	Mr O'Keefe	

## NOES, 55

Mr Aldred	Mr Evans	Mr McGauran	Mr Ruddock
Mr Anderson	Mr Filing*	Mr Mack	Mr B. C. Scott
Mr K. J. Andrews	Mr Fischer	Mr MacKellar	Mr Sinclair
Mr Atkinson	Mr Forrest	Mr McLachlan	Mr Slipper
Mr Beale	Mrs Gallus	Mr Miles	Mr Somlyay
Mr Bradford	Mr Hall	Mrs Moylan	Mrs Sullivan
Mr Braithwaite	Mr Halverson	Mr Nehl*	Mr Taylor
Mr Cameron	Mr Howard	Mr Neville	Mr Truss
Mr Carlton	Mr Jull	Mr Prosser	Mr Tuckey
Mr Charles	Mr Katter	Mr Pyne	Mr Vaile
Mr Cobb	Dr Kemp	Mr Reid	Mr Wakelin
Mr Connolly	Mr Lieberman	Mr Reith	Mr Williams
Mr Dobie	Mr Lloyd	Mr Rocher	Ms Worth
Mr Downer	Mr McArthur	Mr Ronaldson	

## \* Tellers

And so it was resolved in the affirmative.

Resolution to be reported.

The House resumed; Mr Newell reported accordingly.

Mr Sciacca moved—That the report be adopted.

Mrs Sullivan rising to address the House—

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

Question—That the question be now put—put.

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

## AYES, 72

Mr Adams	Ms Deahm	Mr Hollis	Mr O'Keefe
Mr Baldwin	Mr Dodd	Mr Horne	Mr Price
Mr Beazley	Mr Duffy	Mr Howe	Mr Punch
Mr Beddall	Mr Duncan	Mr Jenkins	Mr Quick
Mr Bevis	Mrs Easson	Mr Johns	Mr Sawford
Mr Bilney	Mr Elliott	Mr Kerin	Mr Sciacca
Dr Blewett	Ms Fatin	Mr Kerr	Mr L. J. Scott
Mr Brereton	Mr Ferguson	Mr Knott	Mr Simmons
Mr Brown	Mr Fitzgibbon	Mr Langmore	Mrs S. J. Smith
Mr Campbell	Mr Gear	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Mr Lindsay	Mr Snow
Mr Cleary	Mr Gorman	Ms McHugh	Mr Staples
Mr Cleeland	Mr Grace*	Mr McLeay*	Mr Swan
Ms Crawford	Mr Griffin	Mr Melham	Mr Tanner
Mr Crean	Mr Griffiths	Mr A. A. Morris	Dr Theophanous
Mrs Crosio	Mr Haviland	Mr P. F. Morris	Mr Walker
Mr Cunningham	Ms Henzell	Mr Newell	Mr Willis
Mr Dawkins	Mr Holding	Mr O'Connor	Mr Woods

## NOES, 56

Mr Aldred	Mr Downer	Mr McArthur	Mr Ronaldson
Mr Anderson	Mr Evans	Mr McGauran	Mr Ruddock
Mr K. J. Andrews	Mr Filing*	Mr Mack	Mr B. C. Scott
Mr Atkinson	Mr Fischer	Mr MacKellar	Mr Sinclair
Mr Beale	Mr Forrest	Mr McLachlan	Mr Slipper
Mr Bradford	Mrs Gallus	Mr Miles	Mr Somlyay
Mr Braithwaite	Mr Hall	Mrs Moylan	Mrs Sullivan
Mr Cadman	Mr Halverson	Mr Nehl*	Mr Taylor
Mr Cameron	Mr Howard	Mr Neville	Mr Truss
Mr Carlton	Mr Jull	Mr Prosser	Mr Tuckey
Mr Charles	Mr Katter	Mr Pyne	Mr Vaile
Mr Cobb	Dr Kemp	Mr Reid	Mr Wakelin
Mr Connolly	Mr Lieberman	Mr Reith	Mr Williams
Mr Dobie	Mr Lloyd	Mr Rocher	Ms Worth

## \* Tellers

And so it was resolved in the affirmative.

And the question—That the report be adopted—was put accordingly, and passed.

Mr Sciacca moved—That Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Technology and Regional Development), Mr O'Connor and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to the amendment of the Senate.

Question—put and passed.

Mr Sciacca, 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 the amendment of the Senate*

- (1) It excludes shares and other listed securities from the definition of investment product in the Veterans' Entitlements Act and thereby prevents the equitable assessment of the ongoing gains made on shares and other investments listed on the Stock Exchange compared with indirect investments in shares through equity trusts.
- (2) The amendment will reduce the equity of the service pension income test. The assessment of ongoing capital gains on shares ensures that equity of the service pension income test is enhanced. Pensioners with the same means and the same financial resources available to them should have the same amount of income assessed for service pension purposes. People who invest in shares should not be treated more beneficially than those who invest in equity trusts or other managed investments, and they should not be treated more beneficially than those pensioners who invest in income generating investments such as bank accounts.
- (3) The amendment would result in the expenditure of approximately \$20 million in a full year on a group of clients who generally have substantial financial resources.
- (4) There is no reason why shares should be excluded and given privileged treatment. It is a principle of the income test that ongoing gains are treated as income for all investments that can be readily realised and utilised by pensioners for their support. Only those investments which are not readily realisable, such as real estate and shares held in private companies should be exempt. Listed shares can be sold in small or large bundles at any time allowing gains on listed shares to be readily utilised by a pensioner.

Mr Sciacca moved—That the committee's reasons be adopted.

Debate ensued.

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

Question—That the question be now put—put and passed.

And the question—That the committee's reasons be adopted—was put accordingly, and passed.

### 30 PRIVILEGE—COMPLAINT OF BREACH

Mr Johns (Parliamentary Secretary to the Treasurer) raised, as a matter of privilege, the alleged behaviour of Mr Tuckey whom he claimed had pushed his way past a staff member locking the Chamber doors for a division.

The Speaker stated that he would consider the matter and report to the House.

### 31 MESSAGE FROM THE SENATE—ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 1993

The following message from the Senate was reported:

Message No. 27

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Aboriginal and Torres Strait Islander Commission Act 1989', 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, 19 May 1993

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 3, page 2, lines 6 to 9, omit the clause, substitute the following clause:

##### **Interpretation**

"3. Section 4 of the Principal Act is amended:

- (a) by omitting 'subsection 27(3)' from the definition of 'elected Commissioner' in subsection (1) and substituting 'subsection 27(2)';
- (b) by omitting the definition of 'non-elected Commissioner' from subsection (1) and substituting the following definition:

"**non-elected Commissioner**" means a Commissioner chosen by the Minister under subsection 27(3);".

No. 2—Clause 4, page 2, lines 10 to 15, omit the clause.

No. 3—Clause 5, page 2, subclause (1), proposed section 27, lines 19 to 22, omit the section, substitute the following section:

##### **Constitution of the Commission**

" 27.(1) The Commission consists of a Chairperson and 18 other members appointed by the Minister.

‘(2) Seventeen of the members are to be the persons elected under Division 7 of Part 3 to represent the several zones.

‘(3) Two of the members are to be chosen by the Minister.

‘(4) The Minister must appoint a member of the Commission to be the Chairperson.’”.

No. 4—Clause 8, pages 3 and 4, line 17 (page 3) to line 18 (page 4), omit the clause, substitute the following clause:

**Deputy Chairperson of Commission**

“8. Section 32 of the Principal Act is amended:

(a) by inserting in subsection (1) ‘after a zone election’ after ‘Commission’ (first occurring);

(b) by omitting subsection (2) and substituting the following subsection:

‘(2) At any other meeting of the Commission, the Commissioners must elect one of their number to be the Deputy Chairperson of the Commission if there is a vacancy in the office of Deputy Chairperson of the Commission.’”.

No. 5—Clause 9, page 4, subclause (1), proposed subsection 33(1), lines 22 to 27, omit the subsection, substitute the following subsections:

“ ‘(1) Subject to subsection (1AA), the Commission Chairperson holds office as Commission Chairperson for such period, not exceeding 3 years, as is specified in, or worked out under, the instrument of appointment.

‘(1AA) The Commission Chairperson stops holding office as Commission Chairperson if he or she stops being a Commissioner.’”.

No. 6—Clause 9, page 4, subclause (1), after proposed subsection 33(1A), insert the following subsection:

“ ‘(1B) A non-elected Commissioner holds office for such period, not exceeding 3 years, as is specified in, or worked out under, the instrument of appointment.’”.

No. 7—Clause 11, page 5, lines 8 to 16, omit the clause, substitute the following clause:

**Acting appointments**

“11. Section 36 of the Principal Act is amended by inserting in subsection (6) ‘, after consulting with the Commission,’ after ‘Minister may’”.

No. 8—Clause 12, page 5, paragraph (b), lines 26 and 27, omit the paragraph.

No. 9—Clause 13, page 5, paragraph (a), lines 30 and 31, omit the paragraph.

No. 10—Clause 23, page 9, paragraph (a), line 30, omit the paragraph.

On the motion of Mr O’Keefe (Parliamentary Secretary to the Minister for Transport and Communications), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Newell reported accordingly.

On the motion of Mr O’Keefe, the House adopted the report.

**32 CUSTOMS TARIFF AMENDMENT BILL 1993**

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Technology and Regional Development) presented a Bill for an Act to amend the *Customs Tariff Act 1987*.

Bill read a first time.

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

*Paper:* Mr Lindsay 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.

### 33 SOCIAL SECURITY LEGISLATION AMENDMENT BILL 1993

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), by leave, presented a Bill for an Act to amend the *Social Security Act 1991*, and for related purposes.

Bill read a first time.

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

*Paper:* Mr Sciacca presented an explanatory memorandum to the Bill.

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

### 34 NUCLEAR NON-PROLIFERATION (SAFEGUARDS) AMENDMENT BILL 1993

Mr Gear (Assistant Treasurer) presented a Bill for an Act to amend the *Nuclear Non-Proliferation (Safeguards) Act 1987*, and for related purposes.

Bill read a first time.

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

*Paper:* Mr Gear presented an explanatory memorandum to the following Bills:

Nuclear Non-Proliferation (Safeguards) Amendment 1993.

Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge 1993.

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

### 35 NUCLEAR SAFEGUARDS (PRODUCERS OF URANIUM ORE CONCENTRATES) CHARGE BILL 1993

Mr Gear (Assistant Treasurer) presented a Bill for an Act to impose a charge on certain persons producing uranium ore concentrates.

Bill read a first time.

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

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

### 36 MESSAGE FROM THE SENATE—AUSTRALIAN BROADCASTING CORPORATION AMENDMENT BILL 1993

Message No. 28, dated 18 May 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Australian Broadcasting Corporation Act 1983’*, and for related purposes”.

Bill read a first time.

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

### 37 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS

Mr Hollis (Chairman) presented the following reports:



## Public Works—Parliamentary Standing Committee—Reports—

Housing development, Palmerston, NT (1st report of 1993).

Housing development at Flinders View near Ipswich, Qld (2nd report of 1993).

HMAS *Waterhen* facilities modernisation, Waverton, NSW (3rd report of 1993).

Severally ordered to be printed.

Mr Hollis and Mr Mack, by leave, made statements in connection with the reports.

**38 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

Mr P. F. Morris, by leave, presented the following report:

Australian Parliamentary Delegation to the European Institutions and The Netherlands, 14 September-3 October 1992—Report.

Mr P. F. Morris, Mr Reid and Mr McGauran, by leave, made statements in connection with the report.

**39 MESSAGE FROM THE SENATE—HEALTH INSURANCE COMMISSION AMENDMENT BILL 1993**

Message No. 8, dated 18 May 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Health Insurance Commission Act 1973’*”.

Bill read a first time.

Dr Theophanous (Parliamentary Secretary to the Minister for Housing, Local Government and Community Services) moved—That the Bill be now read a second time.

*Paper:* Dr Theophanous 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.

Dr Theophanous moved—That the Bill be now read a third time.

Debate ensued.

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

**40 SENATE AMENDMENTS TO ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 1993—STATEMENT BY PARLIAMENTARY SECRETARY**

Mr O’Keefe (Parliamentary Secretary to the Minister for Transport and Communications), by leave, made a statement concerning Senate amendments to the Aboriginal and Torres Strait Islander Commission Amendment Bill 1993 (*see entry No. 31*).

**41 MESSAGE FROM THE SENATE—NATIONAL HEALTH AMENDMENT BILL 1993**

Message No. 7, dated 18 May 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘National Health Act 1953’, and for related purposes*”.

Bill read a first time.

Dr Theophanous (Parliamentary Secretary to the Minister for Housing, Local Government and Community Services) moved—That the Bill be now read a second time.

*Paper:* Dr Theophanous 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 Dr Theophanous, the Bill was read a third time.

#### 42 ADJOURNMENT

Dr Theophanous (Parliamentary Secretary to the Minister for Housing, Local Government and Community Services) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11.59 p.m., adjourned until tomorrow at 9.30 a.m.

#### PAPERS

The following papers were deemed to have been presented on 26 May 1993:

Acts Interpretation Act—Order under subsection 19BA(1), 1 April 1993.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for the collection of information—1993 Nos. 10, 11, 12, 13.

Australian Meat and Live-stock Corporation Act—Orders Nos. M54/92, M55/92, M56/92.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Parts—

105—Amendments 12, 13(3), 17, 18(2), 19(2), 21, 24, 25(2) May 1993.

106—Amendments 13, 19 May 1993.

107—Amendments 13, 17(2), 19 May 1993.

Corporations Act—Accounting standard—AASB 1010 (4/93).

Currency Act—Determinations—

1992 No. 9.

1993 Nos. 1, 2, 3, 4.

Endangered Species Protection Act—Regulations—Statutory Rules 1993 No. 84.

Export Control Act—Export Control Orders—

1992 Nos. 9, 11, 12.

1993 No. 1.

Extradition Act—Regulations—Statutory Rules 1993 No. 86.

Fisheries Management Act—

Copy of agreement between the Commonwealth of Australia and the Australian Fisheries Management Authority (AFMA) and Karina Fisheries Pty Ltd, 19 January 1993.

- Notices—Nos. NPF 22, NPF 23, NPF 24, NPF 25, NPF 26, NPF 27, NPF 28.
- Subsidiary agreement between the Government of Australia and the Government of Japan concerning Japanese tuna long-line fishing 1992.
- Health Insurance Commission Act—Regulations—Statutory Rules 1993 No. 81.
- Lands Acquisition Act—Statement under subsection 40(1).
- Military Superannuation and Benefits Act—Instrument 1993 No. 4.
- National Health Act—
- Declaration 1993 No. PB7.
  - Determinations—
    - No. 1992-93/15.
    - 1993 No. PB8.
  - Principles 24SH 3/1992, 24SH 1/1993.
  - Regulations—Statutory Rules 1993 No. 85.
- National Residue Survey Administration Act and National Residue Survey (Aquatic Animal Export) Levy Act—Regulations—Statutory Rules 1993 No. 82.
- Primary Industries Levies and Charges Collection Act and National Residue Survey Administration Act—Regulations—Statutory Rules 1993 Nos. 75, 76, 77, 79, 80.
- Primary Industries Levies and Charges Collection Act and National Residue Survey (Game Animals) Levy Act—Regulations—Statutory Rules 1993 No. 83.
- Primary Industries Levies and Charges Collection Act and National Residue Survey (Horse Slaughter) Levy Act—Regulations—Statutory Rules 1993 No. 78.
- Proclamation by His Excellency the Governor-General fixing 20 May 1993 as the date on which Parts 2 and 3 of the *Crimes (Ships and Fixed Platforms) Act 1992* shall come into operation.
- Public Service Act—
- Determinations—1993 Nos. 19, 20, 23, 24, 26, 41, 48, 51, 56, 57, 58, 59, 60, 61, 116, LEC Butterworth 1, LES 10.
  - Parliamentary Presiding Officers' Determination—1993 No. 2.
- Remuneration Tribunal Act—Determination—1993 No. 1.
- Safety Rehabilitation and Compensation Act—Direction 1993 No. 1.
- States Grants (Petroleum Products) Act—Amendment of schemes—No. 93/01.
- Superannuation Act 1976*—
- Declaration—Statutory Rules 1993 No. 87.
  - Determination under section 248, 18 May 1993.
- University of Canberra Act—Statute No. 22.
- Wildlife Protection (Regulation of Exports and Imports) Act—Declaration under subsection 9(1), 28 April 1993.
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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Jones, Mr Moore, Mr Peacock and Mr Snowdon.

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**L. M. BARLIN**

Clerk of the House of Representatives