

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 9

THURSDAY, 27 MAY 1993

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 PETITIONS

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Anderson and Mrs Moylan, from 378 and 12 petitioners, respectively, praying that no change be made to the design or colour of the Australian national flag and that it continue to represent a true manifestation of the nation's history.

Mr Beale and Mr Nugent, from 153 and 441 petitioners, respectively, praying that the lifting of the arms embargo against the Bosnian Government and the bombing of military targets in Serbian held territories be supported.

Mr Beale, from 76 petitioners, praying that the need for dementia specific hostels and their funding be affirmed and that an independent committee be set up to inquire into the care and cost benefits of such hostels.

Mr Dawkins, from 215 petitioners, praying that the deportation order served against Mr Ah Hin Teoh be withdrawn.

Mr Howard, from 17 petitioners, praying that certain action be taken before 1 January 2001 to reaffirm that Australia is a Christian Commonwealth according to law and its heritage, traditions and customs.

Mr Langmore, from 427 petitioners, praying that stronger representations be made to the Government of the Socialist Republic of Vietnam concerning allegations of religious intolerance and the intervention and oppression of religious organisations, especially the United Vietnamese Buddhist Congregation.

Mr Mack, from 98 petitioners, praying that tax credits or rebates be provided to encourage private health care funding where it can be afforded.

Mr Mack, from 30 petitioners, praying that the use of genetic engineering and cloning of human beings, animals, plant life, microbes and foods be prohibited.

Mr Nehl, from 27 petitioners, praying that any increase in charges for postage of magazines and newspapers by Australia Post be prevented.

Mr Somlyay, from 227 residents of Queensland, praying that the Beall family of Noosa, Qld, be permitted residency status.

Petitions received.

3 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the matter of privilege raised yesterday by Mr Tuckey following comments by Mr Dawkins (Treasurer) during question time relating to a report of the Auditor-General on Government debt.

The Speaker stated that the information available to him did not indicate that a matter of privilege or contempt existed and, as no *prima facie* case had been made out, he was not willing to give precedence to a motion in relation to the matter.

4 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the matter of privilege raised yesterday by Mr Johns (Parliamentary Secretary to the Treasurer) concerning the alleged actions of Mr Tuckey when entering the House to vote in a division.

The Speaker stated that after having made inquiries with regard to the matter, he did not believe that any issue of privilege or contempt was involved; however, he would not tolerate any mistreatment of the staff of the Parliament in carrying out their duties.

Mr Tuckey addressed the House on the matter.

5 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER

Mrs Sullivan presented the following report:

Australian Parliamentary Delegation to the South Pacific, 24 July-11 August 1989—Report.

Mrs Sullivan made a statement in connection with the report.

6 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER

Mr Price presented the following report:

Australian Parliamentary Delegation to the 1992 ASEAN Inter-Parliamentary Organisation Conference (AIPO) Jakarta, Indonesia, incorporating bilateral visits to Papua New Guinea, Indonesia and Thailand, 15 September-3 October 1992—Report.

Mr Price made a statement in connection with the report.

7 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Ms Crawford (Chairman) presented the following report and related papers:

Employment, Education and Training—Standing Committee—The literacy challenge: Strategies for early intervention for literacy and learning for Australian children—

Report, incorporating a dissenting report, December 1992.

Minutes of proceedings.

Ordered—That the report be printed.

Ms Crawford, Mr Charles and Mr Sawford made statements in connection with the report.

The time allotted for making statements on the report having expired—

Ms Crawford moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Thursday.

8 ENVIRONMENT, RECREATION AND THE ARTS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Langmore (Chairman) presented the following report and related papers:

Environment, Recreation and the Arts—Standing Committee—Biodiversity:
The role of protected areas—

Report, 15 January 1993.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Langmore, Mr Miles, Mr Newell, Mr Truss and Mrs Gallus made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Langmore moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Thursday.

9 EAST TIMOR

Mr Gibson, pursuant to notice, moved—That this House:

- (1) congratulates the UN Commission on Human Rights for adopting a resolution highly critical of the human rights situation in the Indonesian-occupied territory of East Timor;
- (2) congratulates the Australian Government for supporting the resolution;
- (3) calls upon the Australian Government to persuade the Indonesian Government to comply with paragraph 9 of the resolution by enabling the UN special rapporteurs on torture and on extrajudicial, summary or arbitrary executions and the UN working group on arbitrary detention and on enforced or involuntary disappearances to discharge their mandates in accordance with the terms of the resolution; and
- (4) welcomes the resumption of talks under the auspices of the Secretary-General of the UN to arrive at a just, comprehensive and internationally acceptable solution to the question of East Timor.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Thursday.

10 HUMAN RIGHTS IN VIETNAM

Mr Filing, pursuant to notice, moved—That this House:

- (1) notes the visit of Mr Vo Van Kiet, Prime Minister of the Socialist Republic of Vietnam to Australia, and deplores his Government's record of substantial human rights abuses; and

- (2) calls on the Government to:
- (a) immediately and unconditionally release all political prisoners and prisoners of conscience, including the Venerable Thich Huyen Quang;
 - (b) introduce basic human rights to Vietnam, including freedom of assembly, religious worship and speech, a free press and free and open elections;
 - (c) provide for the creation of a pluralist free enterprise economy; and
 - (d) demonstrate to the Parliament of Australia how and where aid monies provided to Vietnam by Australia are spent and how that aid encourages the cultivation of a more democratic and free society in Vietnam.

Debate ensued.

Paper: Mr Evans, by leave, presented the following paper:

Viet Nam—Arrests of political prisoners, 1990-1991.

Debate continued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Thursday.

11 COUNTERFEIT AUSTRALIAN CLOTHING

Mr McArthur, pursuant to notice, moved—That this House:

- (1) notes the increasing vulnerability of Australian clothing manufacturers to counterfeiting and the negative effect that this is having on investment, employment and future prospects of this part of the textiles, clothing and footwear sector;
- (2) notes the amendments to the *Trade Marks Act 1955* made last year providing for increased penalties for counterfeiters; and
- (3) calls upon the Government, Australian Federal Police and State police forces to consider suitable methods to reduce the damage to the clothing industry's intellectual property that counterfeiting is causing.

Debate ensued.

It being 12.30 p.m., the debate was interrupted in accordance with standing order 104A, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Staples was granted leave to continue his speech when the debate is resumed.

12 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Paper: Mr Holding, by leave, presented the following paper:

Australia's post-war immigration program—Copy of letter from H. J. Grant, 22 April 1992, concerning the ABC television program "Admission Impossible".

Debate continued.

It being approximately 1.45 p.m., the debate was interrupted in accordance with standing order 106.

Question—That grievances be noted—put and passed.

13 MEMBERS' STATEMENTS

Members' statements were made.

14 PAPER

The Speaker presented the following paper:

House of Representatives—Schedule showing the allocation of departments or departmental programs and an authority to the various general purpose standing committees and the Joint Standing Committee on Foreign Affairs, Defence and Trade.

15 PAPER—STATEMENT BY SPEAKER

The Speaker presented the following paper:

Advisory Committee on the proposed creation of a Department of Parliamentary Information and Reporting Services—Report to the Presiding Officers, 26 March 1993—

and made a statement in connection with the paper.

16 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 38 of 1992-93—Project audit—Information technology acquisitions: Attorney-General's Department, Department of the Arts and Administrative Services, Comcare Australia and Department of Finance.

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

- (1) this House authorises the publication of the Auditor-General's audit report No. 38 of 1992-93; and
- (2) the report be printed.

Question—put and passed.

17 PAPERS:

The following papers were presented:

Australian Pacific Economic Cooperation Committee—6th report to the Australian Government, 1992.

Certain Aspects of the Operation and Interpretation of the Family Law Act—Joint Select Committee—Report—*Family Law Act 1975*: Aspects of its operation and interpretation, November 1992—Comments by the Family Law Council, January 1993.

Corporations Legislation Amendment Act 1991—National Companies and Securities Commission—14th report (final), for period 1 July 1991 to 31 July 1992.

Department of Defence—Schedule of special purpose flights for period 1 July to 31 December 1992.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Australian Airlines Limited—Report for 1991-92.

Foreign Affairs, Defence and Trade—Joint Committee—Report—A review of Australia's efforts to promote and protect human rights, December 1992—

Government response.

Statement by Senator Evans, Minister for Foreign Affairs, 27 May 1993.

Law Reform Commission Act—Law Reform Commission—Report No. 64 (interim)—Personal property securities.

National Health and Medical Research Council—Report—114th session, Canberra, November 1992.

Natural Resources Management (Financial Assistance) Act—Soil Conservation Advisory Committee—Final report, for period 1 July to 24 December 1992.

Royal Australian Air Force—Summaries of inquiries—Accidents involving—

No. 10 Squadron P/3C A9-754 at the Cocos Islands on 26 April 1991, May 1993.

No. 75 Squadron F/A Hornet A21-41 at Tindal on 5 June 1991, May 1993.

Telecommunications Act 1991—Australian Telecommunications Authority (AUSTEL)—Competitive safeguards and carrier performance—Report for period ending 30 November 1992.

18 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Law Reform Commission Act—Law Reform Commission—Report No. 64 (interim)—Personal property securities.

Certain Aspects of the Operation and Interpretation of the Family Law Act—Joint Select Committee—Report—*Family Law Act 1975: Aspects of its operation and interpretation*, November 1992—Comments by the Family Law Council, January 1993.

Foreign Affairs, Defence and Trade—Joint Committee—Report—A review of Australia's efforts to promote and protect human rights, December 1992—

Government response.

Statement by Senator Evans, Minister for Foreign Affairs, 27 May 1993.

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

19 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Howard moved—That so much of the standing and sessional orders be suspended as would prevent the allocation forthwith of a period not less than 45 minutes for questions of both the Prime Minister and other Ministers of this House.

Debate ensued.

Question—put.

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

AYES, 61

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

NOES, 72

Mr Adams	Mr Dodd	Mr Horne	Mr O'Keefe
Mr Baldwin	Mr Duffy	Mr Howe	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 Knott	Mr Simmons
Mr Brown	Mr Gear	Mr Langmore	Mrs S. J. Smith
Mr Campbell	Mr Gibson	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gorman	Mr Lee	Mr Snow
Mr Cleeland	Mr Grace*	Mr Lindsay	Mr Staples
Ms Crawford	Mr Griffin	Ms McHugh	Mr Swan
Mr Crean	Mr Griffiths	Mr McLeay*	Mr Tanner
Mrs Crosio	Mr Haviland	Mr Melham	Dr Theophanous
Mr Cunningham	Ms Henzell	Mr A. A. Morris	Mr Walker
Mr Dawkins	Mr Holding	Mr Newell	Mr Willis
Ms Deahm	Mr Hollis	Mr O'Connor	Mr Woods

* Tellers

And so it was negatived.

20 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BUDGET CRISIS

The House was informed that Dr Hewson (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Budget crisis caused by the Government's irresponsible economic policy and election promises which it can't keep".

The proposed discussion having received the necessary support—

Dr Hewson rising to address the House—

Mr Beazley (Leader of the House) moved—That the business of the day be called on.

Question—put.

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

AYES, 72

Mr Adams	Mr Dodd	Mr Horne	Mr O'Keefe
Mr Baldwin	Mr Duffy	Mr Howe	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 Breerton	Mr Fitzgibbon	Mr Knott	Mr Simmons
Mr Brown	Mr Gear	Mr Langmore	Mrs S. J. Smith
Mr Campbell	Mr Gibson	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gorman	Mr Lee	Mr Snow
Mr Cleeland	Mr Grace*	Mr Lindsay	Mr Staples
Ms Crawford	Mr Griffin	Ms McHugh	Mr Swan
Mr Crean	Mr Griffiths	Mr McLeay*	Mr Tanner
Mrs Crosio	Mr Haviland	Mr Melham	Dr Theophanous
Mr Cunningham	Ms Henzell	Mr A. A. Morris	Mr Walker
Mr Dawkins	Mr Holding	Mr Newell	Mr Willis
Ms Deahm	Mr Hollis	Mr O'Connor	Mr Woods

NOES, 60

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

* Tellers

And so it was resolved in the affirmative.

21 MESSAGES FROM THE SENATE

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

26 May 1993—Message—

No. 31—Great Barrier Reef Marine Park (Environmental Management Charge—Excise) 1993 (*without requests*).

No. 32—Great Barrier Reef Marine Park (Environmental Management Charge—General) 1993 (*without requests*).

No. 33—Great Barrier Reef Marine Park Amendment 1993.

22 SPECIAL ADJOURNMENT

Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 17 August 1993, at 2 p.m., unless otherwise called together by the Speaker or, in the event of the Speaker being unavailable, by the Deputy Speaker and Chairman of Committees.

Question—put and passed.

23 LEAVE OF ABSENCE TO ALL MEMBERS

Mr Beazley (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

24 PUBLIC ACCOUNTS—JOINT COMMITTEE—FINANCE MINUTES

Mr L. J. Scott (Chairman), by leave, presented the following papers:

Public Accounts—Joint Committee—Finance minute on—

Report 315—Social responsibilities of Commonwealth statutory authorities and Government business enterprises and supplement.

Report 317—A champagne appetite but only a beer income: Defence's Supply Systems Redevelopment Project.

Report 318—Public sector research and development: Volume 1 of a report on research and development.

Report 319—Review of the Independent Auditor: Watching the watchdog.

Report 320—Review of six performance audits.

25 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—PROPOSED AMENDMENT OF RESOLUTION OF POWERS AND PROCEEDINGS

Mr Beazley (Leader of the House), pursuant to notice, moved—

(1) That the resolution relating to the powers and proceedings of the Parliamentary Joint Committee on Corporations and Securities be amended by omitting paragraph (o) and substituting the following paragraphs:

“(o) That the committee or any subcommittee have power to consider and make use of the evidence and records of the committee appointed during the previous Parliament.

(p) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.”.

(2) That a message be sent to the Senate acquainting it of this resolution and requesting its concurrence.

Question—put and passed.

26 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE

Mr Beazley (Leader of the House), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, leave be granted to the Parliamentary Standing Committee on Public Works to meet during sittings of the House.

Question—put and passed.

27 INDUSTRY, SCIENCE AND TECHNOLOGY—STANDING COMMITTEE—PUBLICATION, PRINTING AND CIRCULATION OF PROPOSED REPORT

Mr Beazley (Leader of the House), pursuant to notice, moved—

(1) That, if the House is not sitting when the Standing Committee on Industry, Science and Technology has completed its report on the Export Market

Development Grants Scheme, the committee may send the report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker and Chairman of Committees, and, in that event:

- (a) the publication of the report is authorised by this resolution; and
 - (b) the Speaker or the Deputy Speaker and Chairman of Committees, as the case may be, is authorised to give directions for the printing and circulation of the report.
- (2) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Question—put and passed.

28 TELEVISION OF THE HOUSE OF REPRESENTATIVES—STANDING COMMITTEE—EXTENSION OF TIME FOR COMPLETION OF REVIEW

Mr Beazley (Leader of the House), pursuant to notice, moved—That the time for completion of the review by the Standing Committee on the Televising of the House of Representatives of the arrangements relating to the live television broadcast and rebroadcast of proceedings and excerpts of proceedings of this House be extended until the end of the 1993 Budget sittings.

Question—put and passed.

29 POSTPONEMENT OF NOTICE

Ordered—That notice No. 5, government business, be postponed until a later hour this day.

30 HOUSING DEVELOPMENT, PALMERSTON, NT—APPROVAL OF WORK

Mrs Crosio (Parliamentary Secretary to the Minister for the Arts and Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Housing development at Palmerston, NT.

Question—put and passed.

31 HOUSING DEVELOPMENT, FLINDERS VIEW NEAR IPSWICH, QLD—APPROVAL OF WORK

Mrs Crosio (Parliamentary Secretary to the Minister for the Arts and Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Housing development at Flinders View near Ipswich, Qld.

Question—put and passed.

32 HMAS WATERHEN FACILITIES MODERNISATION, WAVERTON, NSW—APPROVAL OF WORK

Mrs Crosio (Parliamentary Secretary to the Minister for the Arts and Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry

out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: HMAS *Waterhen* facilities modernisation at Waverton, NSW.

Question—put and passed.

33 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL 1993

The following message from the Senate was reported:

Message No. 36

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 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, 26 May 1993

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

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Clause 40, page 19, line 26, after “substituted”, insert “save in respect of returns of income lodged before 26 May 1993 and for which the taxpayer has not subsequently sought any amendment of their assessment in this respect”.

On the motion of Mr Gear (Assistant Treasurer), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Jenkins reported accordingly.

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

34 SUPERANNUATION INDUSTRY (SUPERVISION) BILL 1993

Mr Johns (Parliamentary Secretary to the Treasurer), pursuant to notice, 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 Johns moved—That the Bill be now read a second time.

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

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

35 OCCUPATIONAL SUPERANNUATION STANDARDS AMENDMENT BILL 1993

Mr Johns (Parliamentary Secretary to the Treasurer) presented a Bill for an Act to amend the *Occupational Superannuation Standards Act 1987*, 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 Sharp), and the resumption of the debate made an order of the day for the next sitting.

36 SUPERANNUATION (RESOLUTION OF COMPLAINTS) BILL 1993

Mr Johns (Parliamentary Secretary to the Treasurer), pursuant to notice, 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 Johns moved—That the Bill be now read a second time.

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

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

37 SUPERANNUATION (FINANCIAL ASSISTANCE FUNDING) LEVY BILL 1993

Mr Johns (Parliamentary Secretary to 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 Johns moved—That the Bill be now read a second time.

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

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

38 SUPERANNUATION (ROLLED-OVER BENEFITS) LEVY BILL 1993

Mr Johns (Parliamentary Secretary to 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 Johns moved—That the Bill be now read a second time.

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

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

39 SUPERANNUATION SUPERVISORY LEVY AMENDMENT BILL 1993

Mr Johns (Parliamentary Secretary to the Treasurer) presented a Bill for an Act to amend the *Superannuation Supervisory Levy Act 1991*, 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 Sharp), and the resumption of the debate made an order of the day for the next sitting.

40 SUPERANNUATION INDUSTRY (SUPERVISION) CONSEQUENTIAL AMENDMENTS BILL 1993

Mr Johns (Parliamentary Secretary to the Treasurer) 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 1993*, and for other 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 Sharp), and the resumption of the debate made an order of the day for the next sitting.

41 MIGRATION REGULATIONS—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Ruddock presented the following report and related papers:

Migration Regulations—Joint Standing Committee—Conditional migrant entry: The health rules—

Report, December 1992.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Ruddock, by leave, made a statement in connection with the report.

42 PUBLICATIONS COMMITTEE—1ST REPORT

Mr Fitzgibbon (Chairman) presented the following report:

PUBLICATIONS COMMITTEE 1ST REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered petitions and documents presented to the Parliament since 17 December 1992, recommends that the following be printed:

Aboriginal and Torres Strait Islander Commission Act—

Aboriginal and Torres Strait Islander Commercial Development Corporation—Report for 1991-92.

Aboriginal and Torres Strait Islander Commission—Report for 1991-92.

Aboriginal Land Commissioner—Reports to the Minister for Aboriginal and Torres Strait Islander Affairs and to the Administrator of the Northern Territory, relating to—

Harts Range Land Claim (Report No. 44).

North-West Simpson Desert Land Claim (Report No. 41).

Tanami Downs Land Claim (Report No. 42).

- Yurrkuru (Brookes Soak) Land Claim (Report No. 43).
- Aboriginal Land Rights (Northern Territory) Act—
- Aboriginals Benefit Trust Account—Report for 1991-92.
 - Aboriginal Land Commissioner—Report for 1991-92.
 - Anindilyakwa Land Council—1st report, for 1991-92.
 - Central Land Council—Report for 1991-92.
 - Northern Land Council—Report for 1991-92.
 - Tiwi Land Council—13th report, for 1991-92.
- Advance Australia Logo Protection Act—Advance Australia Foundation—Report for 1991-92.
- Anti-Dumping Authority Act—Anti-Dumping Authority—Report for 1991-92.
- Audit Act—Auditor-General—Audit report No. 31 of 1992-93—Audit of the Australian Wheat Board, 1991-92.
- Australian Airlines Limited—Report for 1991-92.
- Australian Horticultural Corporation Act—Australian Dried Fruits Board—1st report, for 1991-92.
- Australian Land Transport Development Act—Australian Land Transport Development Program—Review of Operations 1989-91 (Volume 1).
- Australian National Maritime Museum Act—Australian National Maritime Museum—Report for 1991-92.
- Australian Science and Technology Council—Report—Bridging the Gap: The social sciences, humanities, science and technology in economic development, May 1993.
- Australian Securities Commission Act—Companies and Securities Advisory Committee—Report for 1991-92.
- Australian Sports Commission Act—Australian Sports Commission—Report for 1991-92.
- Automotive Industry Authority Act—Automotive Industry Authority—Report on the state of the automotive industry for 1992.
- Christmas Island Act—Local Government (Transition) (Amendment) Ordinance—Christmas Island Services Corporation—Report for 1991-92.
- Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report—General revenue grant relativities—1993—
- Volume I—Main report.
 - Volume II—Methods, assessments and analysis.
 - Volume III—Appendixes.
- Complaints (Australian Federal Police) Act—Federal Police Disciplinary Tribunal—Report for 1991-92.
- Copyright Act—Collecting Society (Audio-Visual Copyright Society Ltd)—Report for 1991-92.
- Family Law Act—Australian Institute of Family Studies—Report for 1991-92.
- Fisheries Act—Western Australian Fisheries Joint Authority—Report for 1991.
- Hazardous Waste (Regulation of Exports and Imports) Act—Report for 1991-92.

Housing Loans Insurance Act—Housing Loans Insurance Corporation—28th report, for 1991-92.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report—The call for recognition: A report on the situation of Australian South Sea Islanders.

Industry Commission Act—Industry Commission—Reports—

No. 29—Horticulture, 18 February 1993.

No. 30—Taxation and financial policy impacts on urban settlement, 7 April 1993—

Volume I—Report.

Volume II—Appendices.

Law Reform Commission Act—Law Reform Commission—Report No. 63—Children's evidence: Closed circuit TV.

National Parks and Wildlife Conservation Act—Australian National Parks and Wildlife Service—Report for 1991-92.

Nuclear Non-Proliferation (Safeguards) Act—Australian Safeguards Office—Report for 1991-92.

Ozone Protection Act—Report for 1991-92.

Primary Industries and Energy Research and Development Act—

Chicken Meat Research and Development Council—Report for 1991-92.

Egg Industry Research and Development Council—Report for 1991-92.

Fisheries Research and Development Corporation, Fisheries Research and Development Corporation Selection Committee and Fishing Industry Research and Development Council—Report for 1991-92.

Grains Research and Development Corporation—Report for 1991-92, including the 1991-92 report of the Grains Research and Development Corporation Selection Committee.

Honeybee Research and Development Council—Report for 1991-92.

Sugar Research and Development Corporation—Report for 1991-92.

Royal Australian Air Force Veterans' Residences Act—Royal Australian Air Force Veterans' Residences Trust—Report for 1991-92.

Rural Industries Research Act—Dried Fruits Research and Development Council—Report for 1991-92.

States Grants (Schools Assistance) Act 1988—Report on financial assistance granted to each State in respect of 1991.

Australian Tourist Commission Act—Australian Tourist Commission—Report for 1991-92—Erratum.

Veterans' Entitlements Act and Public Service Act—Reports of the Repatriation Commission and the Department of Veterans' Affairs for 1991-92—Volume 2—Repatriation hospitals—Corrigendum.

ERIC FITZGIBBON
Chairman

27 May 1993

Mr Fitzgibbon, by leave, moved—That the report be agreed to.

Question—put and passed.

43 MESSAGE FROM THE SENATE—CHARTER OF THE UNITED NATIONS AMENDMENT BILL 1993

Message No. 12, dated 18 May 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Charter of the United Nations Act 1945’*”.

Bill read a first time.

Mr Bilney (Minister representing the Minister for Foreign Affairs) moved—That the Bill be now read a second time.

Paper: Mr Bilney 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 Bilney, the Bill was read a third time.

44 MESSAGE FROM THE SENATE—INSOLVENCY (TAX PRIORITIES) LEGISLATION AMENDMENT BILL 1993

Message No. 34, dated 26 May 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the law about collecting and recovering income tax, to change the Corporations Law, to amend some other Acts, and for related purposes*”.

Bill read a first time.

Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

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

Debate, by leave, ensued.

Paper: Mr Williams, by leave, presented the following paper:

Insolvency (Tax Priorities) Legislation Amendment Bill 1993—Copy of letter from P. G. Levy, Secretary-General, Law Council of Australia, to the Hon. John Dawkins, MP, Treasurer, 26 May 1993.

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 Gear, the Bill was read a third time.

45 MESSAGES FROM THE SENATE

Messages from the Senate were reported:

- (a) transmitting a resolution agreed to by the Senate concerning representation of women in parliaments and suggesting that the Joint Standing Committee on Electoral Matters inquire into this matter—Message No. 45, dated 27 May 1993.
- (b) returning the following Bills without amendment:
 - 27 May 1993—Message—
 - No. 43—Appropriation (No. 5) 1992-93 (*without requests*).

No. 42—Appropriation (No. 6) 1992-93.

No. 44—Appropriation (Parliamentary Departments) (No. 2) 1992-93.

No. 40—Supply (No. 1) 1993-94 (*without requests*).

No. 39—Supply (No. 2) 1993-94.

No. 41—Supply (Parliamentary Departments) 1993-94.

- (c) acquainting the House that the Senate concurs with the amendments made by the House to the resolution of appointment of the Joint Standing Committee on the National Capital and External Territories—Message No. 37, dated 27 May 1993.
- (d) acquainting the House of the appointment of the following Senators to be members of the Joint Standing Committee on the National Capital and External Territories:
 Senators Coates, Colston, Macdonald, Reid and Sowada—Message No. 29, dated 20 May 1993.
 Senator Foreman—Message No. 30, dated 25 May 1993.
- (e) acquainting the House of the following resolution agreed to by the Senate:
 That, pursuant to paragraph 55(1)(e) of the *National Crime Authority Act 1984*, the following matter be referred to the Parliamentary Joint Committee on the National Crime Authority:
 The relationship between the National Crime Authority and James McCartney Anderson, and whether the Authority has properly performed its statutory functions in respect of James McCartney Anderson—Message No. 38, dated 26 May 1993.

46 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE

The House was informed of the following nominations of Members to be members of the Joint Standing Committee on the National Capital and External Territories:

Mr Chynoweth, Mr Langmore and Mr McLeay had been nominated by the Government Whip; Mr Halverson had been nominated by the Opposition Whip; and Mr Sharp had been nominated by the National Party Whip.

47 MESSAGE FROM THE SENATE—ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 1993

Message No. 6, dated 18 May 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Administrative Appeals Tribunal Act 1975’, and for related purposes*”.

Bill read a first time.

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

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

Debate, 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 Duncan, the Bill was read a third time.

48 MEMBERS' INTERESTS COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Grace (Chairman) presented the following report:

Committee of Members' Interests—Report on the operations of the committee for 1992, 27 May 1993.

Mr Grace, by leave, made a statement in connection with the report.

49 MURRAY-DARLING BASIN BILL 1993

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.

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

50 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 2) 1993

The following message from the Senate was reported:

Message No. 35

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, 26 May 1993

Constitutional significance of Senate amendment No. 2—Statement by Speaker

The Speaker made the following statement:

It is again my duty to advise the House that an amendment of the Senate needs to be considered in light of the requirements of the Constitution.

As I understand it, by its second “amendment” to this Bill, the Senate would have the *Sales Tax Assessment Act 1992* amended in such a way that would, effectively, increase certain liabilities for the payment of sales tax (although some offsets will be allowed).

The third paragraph 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 history of the consideration on this provision, as between the Houses, contains many references to proposals concerning Commonwealth expenditure. It can however be argued that the phrase “charge or burden on the people” may also be read as encompassing measures relating to taxation.

The second paragraph of section 53 prohibits the Senate from amending proposed laws imposing taxation. Still the Senate is not prevented from amending laws which merely relate to taxation—that is bills which in themselves do not actually impose taxation.

The issue for the House, when faced with a Senate “amendment” to a bill relating to taxation (such as the present Bill), is to consider whether it regards the amendment as increasing any “proposed charge or burden on the people”.

On the information available to me, and having regard to the opinions of eminent counsel on the constitutional provision, it would seem that the effect of the second of the Senate amendments to this Bill should be seen as increasing a charge or burden on the people. The House may regard this as infringing the limitations imposed on the Senate by the Constitution.

Again it is for the House to consider what action it may wish to take on this matter.

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

- (1) the House endorses the statement of the Speaker in relation to the constitutional questions raised by Message No. 35 transmitted by the Senate in relation to the Taxation Laws Amendment Bill (No. 2) 1993;
- (2) the House, having regard to the fact that the public interest demands the early enactment of the legislation, refrains from the determination of its constitutional rights in respect of Senate message No. 35;
- (3) should the House concur in the amendments transmitted in Senate message No. 35, the Speaker’s statement and parts (1) and (2) of this resolution be incorporated in the message returning the Bill to the Senate; and
- (4) the amendments be taken into consideration, in committee of the whole House, forthwith.

Debate ensued.

Question—put and passed.

—————
In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—After Division 4, page 34, insert the following Division:

“Division 4A — Development allowance

Subdivision not to apply to certain other property

“19A. Section 82AF of the Principal Act is amended by inserting in subparagraph (2)(a)(i) ‘, other than panel vans or utility trucks designed to carry loads of 1 tonne or more’ after ‘vehicles’.

Assets to which Part applies

“19B. Section 160A of the Principal Act is amended by omitting ‘mentioned in’ and substituting ‘covered by’.

Application

“19C.(1) The amendment made by section 19A applies to expenditure incurred by a taxpayer:

- (a) in respect of the acquisition of a unit of property under a contract entered into after 26 February 1992; or
- (b) in respect of the construction of a unit of property where the construction commenced after 26 February 1992.

“(2) The amendment made by section 19B applies in relation to assets acquired after 26 May 1993. For that purpose, subparagraph 82AF(2)(a)(i) of the Principal Act is taken always to have been as amended by section 19A.”.

No. 2—After Part 5, page 54, add the following Part:

**“PART 6—AMENDMENT OF THE SALES TAX ASSESSMENT ACT
1992**

“Division 1—Principal Act

Principal Act

“65. In this Part, ‘**Principal Act**’ means the *Sales Tax Assessment Act 1992*.

*“Division 2—Amendments relating
to contents of containers*

Taxable dealing with goods that are the contents of a container

“66. Section 35 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

‘(4) This section does not apply if the container is a shipping container covered by exemption Item 60.’.

Schedule 1

“67. Schedule 1 to the Principal Act is amended:

- (a) by omitting all the words in column [3] of Table 3 in relation to CR7 and substituting:

‘Claimant is the taxpayer for an assessable dealing with goods (“**the output goods**”) that is not taxable (for any reason except section 29). Claimant has borne tax on other goods (“**the input goods**”) that have a sufficient link (as defined by section 52) with the output goods. The input goods are not covered by exemption Item 27(3).’;

- (b) by inserting after credit ground CR8 in Table 3 the following credit ground:

CR8A	Ensuring no double tax in respect of containers	Claimant is the taxpayer for an assessable dealing (other than one that is not taxable because of section 29) with goods that are the contents of a container. Container is not covered by exemption Item 27(3). Claimant has borne tax on the container.	the tax borne on the container	time of the assessable dealing
-------------	---	---	--------------------------------	--------------------------------

Application

“68.(1) The amendment made by section 66 applies to taxable dealings with goods taking place after 26 May 1993.

“68.(2) The amendments made by section 67 apply to assessable dealings with goods taking place after 26 May 1993.”.

On the motion of Mr Gear (Assistant Treasurer), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.

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

51 MURRAY-DARLING BASIN BILL 1993

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.

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

52 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 10.52 p.m., adjourned until Tuesday, 17 August 1993, at 2 p.m., in accordance with the resolution agreed to this day.

PAPERS

The following papers were deemed to have been presented on 27 May 1993:

Acts Interpretation Act—Statement relating to failure to furnish periodic report within specified period—Nuclear Safety Bureau—Report for 1991-92.

Australian Nuclear Science and Technology Organisation Act—Report No. NSB.QRM 21.

Defence Act—

Defence Force Remuneration Tribunal—Determinations—1993 Nos. 3, 4.

Determinations under section 58B—1993 Nos. 12, 13.

Higher Education Funding Act—Determinations—Nos. T1/93, T2/93, T3/93, T4/93, T5/93, T6/93, T7/93, T8/93, T9/93, T10/93, T11/93, T12/93, T13/93, T14/93, T15/93, T16/93, T17/93, T18/93, T19/93.

Public Service Act—Determinations—1993 Nos. 123, 124, 125, 126, 127, 128, LES 11, LES 12.

Superannuation Benefits (Supervisory Mechanisms) Act—Determination—1993 No. 2.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Free, Mr Jones, Mr Keating, Mr Kerr, Mr Moore, Mr P. F. Morris, Mr Nugent, Mr Peacock, Mr Snowdon and Mr Tickner.

L. M. BARLIN

Clerk of the House of Representatives