

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 30

TUESDAY, 26 OCTOBER 1993

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

**2 MINISTERIAL ARRANGEMENTS**

Mr Howe (Acting Prime Minister) informed the House that during the absence of Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), Mr Beazley (Minister for Employment, Education and Training) would answer questions on his behalf.

**3 QUESTIONS**

Questions without notice being asked—

*Papers:* Mr Tuckey, in accordance with standing order 321, having called for documents quoted from by Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs)—

Mr Tickner laid upon the Table the following papers:

Native title—Land claims—Copies of—

Letter from Mr Tuckey to Cr Gavin Mahoney, Mayor, City of Footscray, 15 October 1993.

Extract of newspaper article published in the *Financial Review*, 11 July 1991.

Federal Court of Australia—Writ No. Wag 112 of 1993 between Francis Djaigween and others and the State of Western Australia and others, 13 September 1993.

Questions without notice continued.

**4 PAPER**

Mr Lee (Minister for Resources), during a personal explanation, presented the following paper:

Native title proposed—legislation—Transcript of a radio 4CA, Cairns, interview with Mr Reith, 15 October 1993.

**5 PAPERS**

The following papers were presented:

Australian National Maritime Museum Act—Australian National Maritime Museum—Strategic plan—1991-93—Revised July 1993.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—

Australian Film, Television and Radio School—Report for 1992-93.

Film Australia Pty Limited—Report for 1992-93.

**6 PAPER—MOTION TO TAKE NOTE OF PAPER**

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

Australian National Maritime Museum Act—Australian National Maritime Museum—Strategic plan—1991-93—Revised July 1993.

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

**7 PAPERS**

Mr Lee (Minister for Resources), by indulgence, added to an answer given during question time and presented the following papers:

Native title—Proposed legislation—

Australian Mining Industry Council—

Mining issues, June 1993—Mabo.

Original checklist of claims on Mabo, June 1993.

Impact of the Commonwealth native title legislation on the mining industry.

**8 STANDING COMMITTEES—MEMBERSHIP**

The House was informed of the nominations by the Opposition Whip of Members to be members of the following standing committees:

*Environment, Recreation and the Arts:*

Mr Cameron in place of Mr Miles.

*Employment, Education and Training:*

Mr Wakelin in place of Mr Miles.

**9 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:

22 October 1993—Message—

No. 57—Customs Tariff Amendment 1993.

No. 58—Commonwealth Banks Amendment 1993.

**10 MESSAGES FROM THE SENATE**

Messages from the Senate, dated 22 October 1993 a.m., were reported:

- (a) returning the Customs Tariff (Deficit Reduction) Bill 1993 and acquainting the House that the Senate does not press its requests for amendments Nos. 1,

2, 3 and 4 which the House has not made, and has agreed to the Bill—Message No. 99.

- (b) returning the Excise Tariff (Deficit Reduction) Bill 1993 and acquainting the House that the Senate does not press its requests for amendments Nos. 1, 3, 4, 5 and 6, which the House has not made, and has agreed to the Bill as amended by the House in accordance with the Senate's request for amendment No. 2—Message No. 100.

**11 MESSAGE FROM THE SENATE—ELECTORAL MATTERS—JOINT STANDING COMMITTEE—PROPOSED AMENDMENT OF RESOLUTION OF APPOINTMENT**

The following message from the Senate was reported:

Message No. 98

Mr Speaker,

The Senate transmits to the House of Representatives the following resolution which was agreed to by the Senate this day:

That paragraph (2) of the resolution of appointment of the Joint Standing Committee on Electoral Matters, agreed to on 18 May 1993, be varied to increase:

- (a) the composition of the committee from 10 to 11 members; and  
(b) the number of Senators to be nominated by the Leader of the Opposition in the Senate from 1 to 2.

The Senate requests the concurrence of the House of Representatives in this resolution.

KERRY SIBRAA  
President

The Senate,  
Canberra, 21 October 1993

Ordered—That consideration of the message be made an order of the day for the next sitting.

**12 POSTPONEMENT OF BUSINESS**

Ordered—That business intervening before order of the day No. 15, government business, be postponed until a later hour this day.

**13 TAXATION (DEFICIT REDUCTION) BILL (NO. 1) 1993—SENATE'S REQUESTS**

The House, according to order, resolved itself into a committee of the whole to consider the amendments requested by the Senate.

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*In the committee*

**SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS**

No. 1—Part 2, Division 2, line 7 (page 2) to line 28 (page 3), omit the Division.

No. 2—Part 3, Division 2, line 7 (page 5) to line 11 (page 7), omit the Division.

No. 3—Part 3, Division 3, page 7, lines 12 to 28, omit the Division.

No. 4—Clause 35, page 13, paragraph (a), lines 36 to 38, omit the paragraph, substitute the following paragraph:

“(a) by omitting paragraph (a) of the definition of ‘eligible assessable income’ and substituting the following paragraph:

‘(a) section 26AC, in respect of:

- (i) unused annual leave, or unused annual leave and a bonus, loading or other additional payment relating to that leave, that accrued to the taxpayer in respect of service before 18 August 1993; or
- (ii) bona fide redundancy amounts, early retirement scheme amounts and invalidity amounts, paid on or after 18 August 1993;’.”

No. 5—Clause 35, page 14, paragraph (c), insert the following definition:

“‘**annual leave**’ has the same meaning as in section 26AC;”.

No. 6—Clause 37, page 15, after proposed subparagraph (a)(i) of the definition of “eligible assessable income”, insert the following subparagraph:

“(ia) unused annual leave, or unused annual leave and a bonus, loading or other additional payment relating to that leave, that accrued to the taxpayer in respect of service before 18 August 1993; or”.

No. 7—Clause 38, page 16, line 3, omit “phase out”, substitute “provide for”.

No. 8—Clause 39, page 16, lines 5 to 8, omit the clause, substitute the following clause:

#### **Interpretation**

“**39.** Section 6 of the Principal Act is amended by inserting the following definitions in subsection (1):

‘“**recognised small credit union**” has the meaning given by section 6H;

“**recognised medium credit union**” has the meaning given by section 6H;

“**recognised large credit union**” has the meaning given by section 6H;’.”.

No. 9—Clause 40, page 16, lines 9 to 39, omit the clause, substitute the following clause:

#### **Insertion of new section**

“**40.** After section 6G of the Principal Act the following section is inserted:

#### **Recognised small credit unions, recognised medium credit unions and recognised large credit unions**

##### *Recognised small credit union in relation to a year of income*

‘6H.(1) For the purposes of this Act, a credit union is a recognised small credit union in relation to a year of income if:

(a) both:

(i) the year of income is the 1994-95 year of income; and

(ii) either:

(A) the credit union is not a designated credit union; or

(B) the credit union’s notional taxable income of the year of income is less than \$50,000; or

- (b) both:
- (i) the year of income is the 1995-96 year of income or a later year of income; and
  - (ii) the credit union's notional taxable income of the year of income is less than \$50,000.

*Recognised medium credit union in relation to a year of income*

'(2) For the purposes of this Act, a credit union is a recognised medium credit union in relation to a year of income if:

- (a) the year of income is the 1994-95 year of income or a later year of income; and
- (b) the credit union is not a recognised small credit union in relation to the year of income; and
- (c) the credit union's notional taxable income of the year of income is less than \$150,000.

*Recognised large credit union in relation to a year of income*

'(3) For the purposes of this Act, a credit union is a recognised large credit union in relation to a year of income if:

- (a) the year of income is the 1994-95 year of income or a later year of income; and
- (b) the credit union is neither:
  - (i) a recognised small credit union in relation to the year of income; nor
  - (ii) a recognised medium credit union in relation to the year of income.

*Designated credit union*

'(4) For the purposes of this section, a credit union is a designated credit union if:

- (a) it was in existence on 1 July 1993; and
- (b) assuming that its accounts for the last accounting period that ended before 1 July 1993 had been prepared in accordance with generally accepted accounting principles—the amount that would have been shown in those accounts as the gross value of its assets as at the end of that accounting period is more than \$30 million.

*Notional taxable income*

'(5) For the purposes of this section, the notional taxable income of a credit union of a year of income is the sum of the following amounts (worked out on the assumption that subsections 23G(2A) and 117(3) had not been enacted):

- (a) the credit union's taxable income of the year of income;
- (b) so much of the total income derived during the year of income by the credit union as is exempt from income tax because of subsection 23G(2).

*Definitions*

'(6) In this section:

**“accounts”**, in relation to a credit union, means accounts prepared for the purposes of reporting annually to the shareholders in the credit union;

**“accounting period”**, in relation to a credit union, means a period at the end of which the balance of its accounts is struck;

“**credit union**” has the same meaning as in section 23G, but does not include:

- (a) a life assurance company within the meaning of Division 8 of Part III; or
- (b) a registered organization within the meaning of Division 8A of Part III.’”.

No. 10—Clause 41, page 17, lines 1 to 8, omit the clause, substitute the following clause:

**Exemption of interest received by credit unions**

“**41.** Section 23G of the Principal Act is amended by inserting after subsection (2) the following subsection:

‘(2A) Subsection (2) does not apply to a credit union in relation to a year of income if:

- (a) the credit union is a recognised medium credit union in relation to the year of income; or
- (b) the credit union is a recognised large credit union in relation to the year of income.’”.

No. 11—Clause 42, page 17, lines 9 to 16, omit the clause, substitute the following clause:

**Co-operative companies**

“**42.** Section 117 of the Principal Act is amended by inserting after subsection (2) the following subsection:

‘(3) Subsection (2) does not apply to a credit union in relation to a year of income if:

- (a) the credit union is a recognised medium credit union in relation to the year of income; or
- (b) the credit union is a recognised large credit union in relation to the year of income.’”.

No. 12—Clause 46, page 17, line 34, omit “a special transitional rate”, substitute “special rates”.

No. 13—Clause 47, page 18, lines 1 to 10, omit the clause, substitute the following clause:

**Rates of tax payable by companies**

“**47.(1)** Section 23 of the Principal Act is amended by adding at the end the following subsection:

‘(6) The amount of tax payable by a company that is a recognised medium credit union in relation to a year of income must not exceed 49.5% of the amount by which the taxable income exceeds \$50,000 less any rebate or credit to which the company is entitled.’.

“(2) The amendment made by subsection (1) applies to assessments in respect of income of the 1994-95 year of income and of all later years of income.

“(3) In the application of subsection 23(6) of the Principal Act as amended by this Act for the 1994-95 year of income, the 1995-96 year of income or the 1996-97 year of income, the reference in the subsection to 49.5% is to be read as a reference to 30%.

“(4) In the application of subsection 23(2) of the Principal Act as amended by this Act to a recognised large credit union for the 1994-95 year of income, the 1995-96 year of income or the 1996-97 year of income, the reference in the subsection to 33% is to be read as a reference to 20%.”

Mr Gear (Assistant Treasurer) moved—That the requested amendments be made.

Mr Downer addressing the committee—

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

Question—That the question be now put—put.

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

AYES, 68

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

NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

And the question—That the requested amendments be made—was put accordingly, and passed.

Resolution to be reported.

The House resumed; Mr Jenkins reported accordingly.

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

14 TAXATION (DEFICIT REDUCTION) BILL (NO. 3) 1993—SENATE'S AMENDMENTS

The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 1, subclause (1), lines 7 to 11, omit the subclause, substitute the following subclause:

“(1) This Act (other than Divisions 3 and 4 of Part 2) commences on the day on which it receives the Royal Assent.”.

No. 2—Clause 2, page 2, subclause (2), lines 1 to 3, omit the subclause, substitute the following subclause:

“(2) Division 3 of Part 2 commences on 1 July 1994.”.

No. 3—Clause 2, page 2, subclause (4), lines 8 to 15, omit the subclause.

Mr Gear (Assistant Treasurer) moved—That the amendments be agreed to.

Mr Downer addressing the committee—

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

Question—That the question be now put—put.

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

AYES, 68

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



## NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

And the question—That the amendments be agreed to—was put accordingly, and passed.

Resolution to be reported.

The House resumed; Mr Jenkins reported accordingly.

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

#### 15 SUSPENSION OF STANDING AND SESSIONAL ORDERS—BILLS—LIMITATION OF DEBATE

Mr Beazley (Leader of the House), pursuant to notice, moved—That, in relation to the proceedings on the following Bills, so much of the standing and sessional orders be suspended as would prevent the Leader of the House making one declaration of urgency and moving one motion for the allotment of time in respect of all the Bills:

- Taxation Laws Amendment Bill (No. 3) 1993;
- Income Tax (Franking Deficit) Amendment Bill 1993;
- Migration Laws Amendment Bill 1993;
- Forest Industries Research Levy Bill 1993;
- Forest Industries Research Export Charge Bill 1993;
- Forest Industries Research Import Charge Bill 1993;
- Australian Land Transport Development Amendment Bill 1993;
- CSL Sale Bill 1993;
- Aviation Fuel Revenues (Special Appropriation) Amendment Bill 1993;
- Departure Tax Amendment Bill 1993;
- Financial Corporations (Transfer of Assets and Liabilities) Bill 1993;
- Australian Wine and Brandy Corporation Amendment Bill 1993;
- Domestic Meat Premises Charge Bill 1993; and
- Export Inspection Charges Laws Amendment Bill 1993.

Question—put.

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

AYES, 69

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

NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

16 **DECLARATION OF BILLS AS URGENT BILLS—LIMITATION OF DEBATE**

Mr Beazley (Leader of the House) declared that the Taxation Laws Amendment Bill (No. 3) 1993, Income Tax (Franking Deficit) Amendment Bill 1993, Migration Laws Amendment Bill 1993, Forest Industries Research Levy Bill 1993, Forest Industries Research Export Charge Bill 1993, Forest Industries Research Import Charge Bill 1993, Australian Land Transport Development Amendment Bill 1993, CSL Sale Bill 1993, Aviation Fuel Revenues (Special Appropriation) Amendment Bill 1993, Departure Tax Amendment Bill 1993, Financial Corporations (Transfer of Assets and Liabilities) Bill 1993, Australian Wine and Brandy Corporation Amendment Bill 1993, Domestic Meat Premises Charge Bill 1993 and Export Inspection Charges Laws Amendment Bill 1993 were urgent Bills.

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

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

## AYES, 69

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

## NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

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

- (1) Taxation Laws Amendment Bill (No. 3) 1993—
  - (a) For the second reading, until 6.15 p.m. this day,
  - (b) For the committee stage, until 6.20 p.m. this day, and
  - (c) For the remaining stages, until 6.25 p.m. this day.
- (2) Income Tax (Franking Deficit) Amendment Bill 1993—For the remaining stages, until 6.30 p.m. this day.
- (3) Migration Laws Amendment Bill 1993—For the remaining stages, until 9 p.m. this day.
- (4) Forest Industries Research Levy Bill 1993—For the remaining stages, until 11.20 p.m. this day.
- (5) Forest Industries Research Export Charge Bill 1993—For the remaining stages, until 11.25 p.m. this day.
- (6) Forest Industries Research Import Charge Bill 1993—For the remaining stages, until 11.30 p.m. this day.

- (7) Australian Land Transport Development Amendment Bill 1993—For the remaining stages, until 11.45 a.m. on Wednesday, 27 October.
- (8) CSL Sale Bill 1993—For the remaining stages, until 4.30 p.m. on Wednesday, 27 October.
- (9) Aviation Fuel Revenues (Special Appropriation) Amendment Bill 1993—For the remaining stages, until 6 p.m. on Wednesday, 27 October.
- (10) Departure Tax Amendment Bill 1993—For the remaining stages, until 7.30 p.m. on Wednesday, 27 October.
- (11) Financial Corporations (Transfer of Assets and Liabilities) Bill 1993—For the remaining stages, until 5.30 p.m. on Thursday, 28 October.
- (12) Australian Wine and Brandy Corporation Amendment Bill 1993—For the remaining stages, until 6.30 p.m. on Thursday, 28 October.
- (13) Domestic Meat Premises Charge Bill 1993—For the remaining stages, until 10.25 p.m. on Thursday, 28 October.
- (14) Export Inspection Charges Laws Amendment Bill 1993—For the remaining stages, until 10.30 p.m. on Thursday, 28 October.

Question—put.

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

AYES, 69

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

NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

17 **TAXATION LAWS AMENDMENT BILL (NO. 3) 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 by Mr Rocher who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Government for its inefficient handling of the changes relating to the taxation of offshore petroleum exploration activities; and
- (2) calls on the Government to ensure that companies which have lodged returns in accord with the existing provisions relating to offshore petroleum exploration activities are not penalised retrospectively”.

Debate continued.

Amendment negatived.

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

The House resolved itself into a committee of the whole.

*In the committee*

Bill, by leave, taken as a whole.

Mr Rocher moved the following amendment: Clause 18, page 5, omit the clause, substitute the following clause:

**Application of amendments**

“18. The amendments made by this Division apply in relation to expenditure incurred after 7.30 p.m., by standard time in the Australian Capital Territory, on 21 August 1990 which has not been claimed as a deduction in a return furnished to the Commissioner prior to 5 August 1993.”.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Deputy Chairman, Mr L. J. Scott, in the Chair)—

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

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Mr Adams	Mr Duncan	Mr Jenkins	Mr Quick
Mr Baldwin	Mrs Easson	Mr Johns	Mr Sawford
Mr Beazley	Mr Elliott	Mrs Kelly	Mr Sciacca
Mr Beddall	Ms Fatin	Mr Kerr	Mrs S. J. Smith
Mr Bevis	Mr Ferguson	Mr Knott	Mr S. F. Smith
Dr Blewett	Mr Fitzgibbon	Mr Lavarch	Mr Snow
Mr Brereton	Mr Free	Mr Lee	Mr Snowdon
Mr Brown	Mr Gear	Mr Lindsay	Mr Staples
Mr Campbell	Mr Gibson	Ms McHugh	Mr Swan
Mr Cleary	Mr Gorman	Mr McLeay*	Mr Tanner
Mr Cleeland	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	Mr Woods
Ms Deahm	Mr Horne	Mr O'Keefe	
Mr Dodd	Mr Howe	Mr Price	
Mr Duffy	Mr Humphreys	Mr Punch	

\* Tellers

And so it was negatived.

Mr Gear (Assistant Treasurer), by leave, moved the following amendments together:

*New clauses—*

After clause 113, page 51, insert the following heading and new clauses:

***“Division 9A—Amendments relating to tax concessions for grape growing***

**Object of Division**

“113A. The object of this Division is to allow deductions for capital expenditure incurred in establishing grape vines for use in a business of primary production.

**Insertion of new section**

“113B. After section 75A of the Principal Act the following section is inserted:

**Deduction for capital expenditure incurred in establishing grape vines**

*Deduction for qualifying expenditure*

‘75AA.(1) If:

- (a) there is an amount of qualifying expenditure in respect of the establishment of a grape vine; and
- (b) at any time during a year of income, a taxpayer was the owner of the vine and used it in a business of primary production for the purpose of gaining or producing assessable income;

the amount worked out using the formula set out in subsection (2) is allowable as a deduction to the taxpayer for the year of income.

*Subsection (1) formula*

'(2) The formula mentioned in subsection (1) is:

$$0.25 \frac{\text{Qualifying days in year of income}}{\text{Days in year of income}} \quad \text{Qualifying expenditure}$$

where:

**"Qualifying days in year of income"** means the number of whole days in the year of income when the taxpayer owned the vine and used it in a business of primary production for the purpose of gaining or producing assessable income;

**"Days in year of income"** means the number of days in the year of income;

**"Qualifying expenditure"** means the amount of qualifying expenditure.

*4-year limit for write-off*

'(3) For the purposes of determining the amount of the deduction allowable to a taxpayer under subsection (1) in respect of an amount of qualifying expenditure in respect of the establishment of a grape vine, the taxpayer is taken not to have used the vine for the purpose of gaining or producing assessable income at any time after the end of the period of 4 years beginning on the day on which the vine was established.

*Qualifying expenditure*

'(4) If:

- (a) a person has incurred expenditure of a capital nature wholly or partly in respect of the establishment of a grape vine in Australia for use in a business of primary production; and
- (b) the expenditure was incurred on or after 1 July 1993;

then, for the purposes of this section, so much of the amount of the expenditure as is attributable to the establishment of the vine is taken to be an amount of qualifying expenditure in respect of the establishment of the vine.

*Exclusion of expenditure incurred in draining or clearing land*

'(5) A reference in this section to capital expenditure in respect of the establishment of a grape vine does not include a reference to expenditure incurred in:

- (a) draining swamp or low-lying land; or
- (b) clearing land.

*Destruction of grape vine*

'(6) If:

- (a) there is an amount of qualifying expenditure in respect of the establishment of a grape vine; and
- (b) during a year of income, the vine is destroyed; and
- (c) immediately before the destruction, a taxpayer owned the vine and used it in a business of primary production for the purpose of gaining or producing assessable income;

then:

- (d) if an amount (the “**recoverable amount**”) was or is received or receivable by the taxpayer (under a policy of insurance or otherwise) in respect of the destruction—so much of the amount worked out using the formula set out in subsection (7) as exceeds the recoverable amount is allowable as a deduction to the taxpayer for the year of income; or
- (e) in any other case—the amount worked out using the formula set out in subsection (7) is allowable as a deduction to the taxpayer for the year of income.

*Subsection (6) formula*

‘(7) The formula mentioned in subsection (6) is:

$$\text{Qualifying expenditure} \quad \text{—} \quad \text{Notional deductions}$$

where:

“**Qualifying expenditure**” means the amount of the qualifying expenditure in respect of the establishment of the grape vine;

“**Notional deductions**” means the deduction, or the total of the deductions, that would have been allowable to the taxpayer under subsection (1) in respect of the qualifying expenditure if it were assumed, that at all times during the period:

- (a) beginning at the time when the vine was established; and
- (b) ending at the time when the vine was destroyed;

the taxpayer had owned the vine and had used it in a business of primary production for the purpose of gaining or producing assessable income.

*Recoupment of expenditure*

‘(8) This section does not apply, and is taken never to have applied, to expenditure incurred by a person if:

- (a) the person, whether before or after the commencement of this subsection, receives, or becomes entitled to receive, a recoupment of, or grant in respect of, the expenditure; and
- (b) the amount of the recoupment or the grant is not, and will not be, included in the person’s assessable income of any year of income.

*Dissection of recoupment*

‘(9) For the purposes of subsection (8), if a person receives, or becomes entitled to receive, an amount that constitutes to an unspecified extent a recoupment of, or a grant in respect of, expenditure, then so much of that amount as is reasonable is taken to be a recoupment of, or grant in respect of, that expenditure, as the case requires.

*Amendment of assessments*

‘(10) Section 170 does not prevent the amendment of an assessment at any time for the purpose of giving effect to subsection (8) or (9).

*Crown leases—lessees deemed to own vines*

‘(11) For the purposes of this section, if:

- (a) a taxpayer is the lessee of land under a Crown lease (within the meaning of section 54AA); and
- (b) a grape vine is affixed to the land; and
- (c) the taxpayer, or a prior holder of the Crown lease, planted the grape vine; and



(d) apart from this section, the taxpayer is not the owner of the vine; the taxpayer is taken to be the owner of the grape vine instead of any other person.

*'Person' includes a partnership or trustee*

'(12) A reference in this section to a person includes a reference to a partnership or a person in the capacity of a trustee.'".

*New Part—*

After clause 131, page 57, insert the following new Part:

**"PART 7A—AMENDMENT OF THE SALES TAX ASSESSMENT  
ACT 1992**

**Principal Act**

"131A. In this Part, '**Principal Act**' means the *Sales Tax Assessment Act 1992*<sup>6A</sup>.

**Amending Acts cannot impose penalties etc. earlier than 28 days after Royal Assent**

"131B. Section 129 of the Principal Act is amended by inserting after subsection (2) the following subsection:

'(2A) This section does not relieve a person from liability to a sales tax penalty to the extent to which the liability would have existed if the sales tax amending Act had not been enacted.'

**Application**

"131C. The amendment made by this Part applies in relation to sales tax amending Acts that receive the Royal Assent after 26 October 1993."

*Amendment—*

Clause 132, page 57, line 21, add at the end "or by certain bodies that provide child care or coordinate the provision of family day care."

*New clauses—*

After clause 133, page 57, insert the following new clauses:

**Interpretation**

"133A. Section 3 of the Principal Act is amended by inserting in subsection (2) the following definition:

"**exempt child care body**" has the meaning given by section 3B;'

"133B. After section 3A of the Principal Act the following section is inserted in Part 2:

**Meaning of 'exempt child care body'**

'3B.(1) Subject to subsection (2), a body is an exempt child care body if:

- (a) the body is established and maintained principally for the purpose of providing any one or more of the following kinds of child care:
  - (i) long-day care;
  - (ii) outside school hours care;
  - (iii) school vacation care;
  - (iv) occasional care; and
- (b) the body is:
  - (i) eligible to receive funding from the Commonwealth, a State or a Territory in connection with that child care; or

- (ii) approved in writing for the purposes of this subsection by the Minister for Family Services.

‘(2) Subsection (1) does not apply to a body operated from a place that is owned or leased by one or more employers if the provision of the child care is principally for children of:

- (a) any of the employers; or
- (b) employees of any of the employers.

‘(3) A body is also an exempt child care body if:

- (a) the body is established and maintained principally for the purpose of organising, supporting and monitoring the provision of family day care; and
- (b) the body is:
  - (i) eligible to receive funding from the Commonwealth, a State or a Territory in connection with that organising, supporting and monitoring; or
  - (ii) approved in writing for the purposes of this subsection by the Minister for Family Services.

‘(4) An approval by the Minister for Family Services under subsection (1) or (3) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.’”.

*Amendments—*

Clause 134—

Page 57, before paragraph (a), insert the following paragraph:

“(aa) by inserting after Item 144 of the Table of Contents the following Item:

‘144A. Exempt child care bodies’;”.

Page 57, after paragraph (a), insert the following paragraph:

“(ab) by inserting after Item 144 the following Item:

**‘Item 144A: [Exempt child care bodies]**

Goods for use by an exempt child care body if the goods are for use by the body mainly:

- (a) if the body is covered by subsection 3B(1)—in providing one or more of the kinds of child care covered by that subsection; or
- (b) if the body is covered by subsection 3B(3)—in organising, supporting and monitoring the provision of family day care.’;”.

*Paper:* Mr Gear presented a supplementary explanatory memorandum to the Bill.

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Mr Gear, the House adopted the report, and the Bill was read a third time.

**18 INCOME TAX (FRANKING DEFICIT) AMENDMENT 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Gear (Assistant Treasurer), the Bill was read a third time.

**19 MIGRATION LAWS AMENDMENT 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.

*Limitation of debate:* At 9 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

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

**20 FOREST INDUSTRIES RESEARCH LEVY 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.

*Limitation of debate:* At 11.20 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

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

**21 FOREST INDUSTRIES RESEARCH EXPORT CHARGE 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.

*Limitation of debate:* At 11.25 p.m., the Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

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

**22 FOREST INDUSTRIES RESEARCH IMPORT CHARGE 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.

*Limitation of debate:* At 11.30 p.m., the Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

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

**23 ADJOURNMENT**

Mr Lee (Minister for Resources) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11.52 p.m., adjourned until tomorrow at 10 a.m.

**PAPERS**

The following papers were deemed to have been presented on 26 October 1993: Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amending series 8, October 1993.

Christmas Island Act—Christmas Island Casino Control Ordinance—Amendments to the Christmas Island Casino Agreement, 21 October 1993.

Public Service Act—Parliamentary Presiding Officers' Determination—1993 No. 5.

States Grants (TAFE Assistance) Act—Determination—No. TAFE 29/93.

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Bilney, Mr Chynoweth, Ms Crawford, Mr Dobie, Mr Holding, Mr Hollis, Mr Jones, Mr Keating, Mr Kerin, Mr Langmore, Mr Simmons and Mr Somlyay.

**L. M. BARLIN**

Clerk of the House of Representatives